



UNIVERSITY OF RICHMOND

Policy Manual

Policy #:	GOV-3108	Policy Title:	Interim Policy on Prohibiting and Responding to Sex Discrimination - Students
Effective:	08/22/2024	Responsible Office:	Compliance, Title IX and Non-Discrimination
Date Approved:	08/22/2024	Approval:	Vice President and General Counsel
Replaces Policy Dated:		Responsible University Official:	Vice President and General Counsel Director of Compliance and Title IX Coordinator

PURPOSE:

This policy is designed to foster compliance with [Title IX of the Education Amendments of 1972](#) (Title IX), other applicable laws, and the University of Richmond's prohibition against Sex Discrimination (as defined in this policy). This policy sets forth the University's grievance procedures for the prompt and equitable resolution of Complaints of Sex Discrimination, including the requirements for reporting information that may reasonably constitute Sex Discrimination, and the University's process for responding to reports and Complaints alleging Sex Discrimination.

As a recipient of federal funds, the University of Richmond complies with Title IX. Title IX provides: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

This policy and related University policies and procedures are not contracts and do not confer contractual rights upon any individual. The University has the right to amend or modify this policy and related University policies and procedures from time to time, without prior notice. Additionally, this policy and related University policies and procedures are not intended to replicate or supersede local, state, or federal criminal or civil laws. University policies differ from the criminal and civil justice system and a finding of responsibility for conduct prohibited by this policy shall not be construed as a finding that any criminal or civil statute has been violated.

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SCOPE:

This policy applies to the University of Richmond and its Education Program or Activity (as defined herein). This policy applies to University students, staff, and faculty and to other individuals participating in or attempting to participate in the University's Education Program or Activity (as defined below).

This policy sets forth the process for handling complaints of Sex Discrimination, other than sexual harassment and sexual misconduct. For information on the University's procedures for responding to sexual harassment and sexual misconduct see the University's [Policy on Prohibiting and Responding to Sexual Misconduct – Students](#) and the related policies listed below.

Academic Freedom. This policy is not intended to and shall not be used to limit or restrict, in any manner, academic freedom, including, but not limited to, the curricular or pedagogical choices of faculty members. Members of the University community are expected to promote academic freedom, including the freedom to discuss all relevant matters in the classroom; to explore all avenues of scholarship, research, and creative expression; and to speak or write as a public citizen without institutional restraint or discipline. Members of the University community are also expected to foster intellectual honesty and freedom of inquiry and to respect those with differing views.

If a report or complaint relates to an academic issue, including, but not limited to, the selection of course materials, the content of a course, the content of a class discussion, grade disputes, or course assignments and projects, the dean of the appropriate school shall evaluate the report or complaint and conduct any follow-up that may be warranted.

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POLICY STATEMENT:

GOV-3108.1 – Policy

The University of Richmond prohibits discrimination against applicants, students, faculty, or staff on the basis of race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity, gender expression, disability, status as a veteran or any classification protected by local, state, or federal law.¹

This prohibition includes all Sex Discrimination occurring in any Education Program or Activity operated by the University in the United States, in compliance with Title IX and its implementing regulations. This

¹ The statement set forth in this paragraph may not be altered or amended without the approval of the University of Richmond Board of Trustees.

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prohibition includes discrimination in violation of this policy in the admission² or retention of students and employment.

As described in this policy, the University shall make reasonable efforts to investigate and appropriately address reports of Sex Discrimination. When the University has knowledge of conduct that may reasonably constitute Sex Discrimination, the University will take prompt and effective steps reasonably calculated to end such Sex Discrimination, eliminate any hostile environment or its effects, and prevent its recurrence.

For questions about this policy, including the application of Title IX and its implementing regulations, please contact the University's Director of Compliance and Title IX Coordinator, Kristine Henderson, Fountain Hall, Suite 101, (804) 289- 8186, khender3@richmond.edu. Further information about the application of Title IX and its implementing regulations is available from the Assistant Secretary for Civil Rights, U.S. Department of Education, Office of Civil Rights, 400 Maryland Avenue, SW, Washington, DC, 20202-1100; 800-421-3481; OCR@ed.gov; or <http://www.ed.gov/ocr>.

GOV-3108.2 – Definitions

Complainant: A student, including an admitted student who has not yet enrolled, a faculty or staff member, or any other individual who is alleged to have been subjected to conduct that could constitute Sex Discrimination or Retaliation and who was participating in or attempting to participate in the University's Education Program or Activity at the time of the alleged Sex Discrimination or Retaliation.

Complaint: A written request to the University that objectively can be understood as a request to investigate and make a determination about alleged Sex Discrimination or Retaliation under this policy and Title IX.

Confidential Resource: For purposes of this policy, a Confidential Resource is a University employee: (a) whose communications are privileged and confidential under federal or state law and who received information in the scope of their duties to which the privilege applies; (b) designated by the University to provide services to persons relating to Sex Discrimination who receives information while providing such services; or (c) who is conducting an Institutional Review Board- approved human subject research study about Sex Discrimination. A list and contact information for the University's Confidential Resources is available [here](#).

Education Program or Activity: The phrase "Education Program or Activity" means all of the operations of the University. For purposes of this policy, conduct that occurs under the University's Education Program or Activity includes but is not limited to conduct that occurs in a building owned or controlled by a recognized student organization and conduct that is subject to the University's Standards of Student Conduct. The University will address conduct that creates or may create a hostile environment under its Education Program or Activity even when some of the conduct alleged to be contributing to the hostile environment occurs outside the University's Education Program or Activity or outside the United States.

Hostile Environment: A "Hostile Environment" means unwelcome conduct based on sex that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's

² Undergraduate admission policies and practices that are permissible under Title IX are not precluded by this policy.

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Education Program or Activity.

Respondent: A person who is alleged to have engaged in conduct that could constitute Sex Discrimination or Retaliation.

Retaliation: The term “Retaliation” means intimidation, threats, coercion, or discrimination against any individual by the University, a University student, faculty, or staff member, or anyone else authorized by the University to provide aid, benefit, or service under the University’s Education Program or Activity, for the purpose of interfering with any right or privilege secured by Title IX or this policy.

Sex Discrimination: Sex Discrimination is discrimination in the University’s Education Program or Activity in the United States based on an individual’s sex, sexual orientation, gender, gender identity, sex stereotypes, sex characteristics, or pregnancy and related conditions.

Supportive Measures: Supportive Measures are non-disciplinary, non-punitive individualized measures offered as appropriate and as reasonably available to a Complainant, Respondent, or witness, without fee or charge, designed to: (1) restore or preserve the individual’s access to the University’s Education Program or Activity or to protect the safety of the individuals or the campus community, without unreasonably burdening the other party; or (2) provide support during an investigation, formal resolution process, or alternative resolution process under this policy.

Title IX Coordinator: The term “Title IX Coordinator” refers to the University’s Title IX Coordinator, its Deputy Title IX Coordinators, and/or any designees appointed by the Title IX Coordinator or Deputy Title IX Coordinator(s).

GOV-3108.3 – Reporting Concerns about Sex Discrimination

- A. **Reporting Sex Discrimination.** The University strongly encourages all students, faculty, and staff to promptly report potential Sex Discrimination.
- B. **How to Report.** Information that may reasonably constitute Sex Discrimination should be reported as follows:
- *Students:* For matters involving students either as the subject of the alleged Sex Discrimination or as the person alleged to be discriminating, contact Tracy Cassalia, Deputy Title IX Coordinator for Students, at (804) 289-8464, tcassali@richmond.edu. Reports can also be made using the [online reporting form](#). For matters involving a student and a faculty or staff member as either the subject of or the person engaging in alleged Sex Discrimination, contact Tracy Cassalia, as noted above, and she will coordinate with the Chief Human Resources Officer and Deputy Title IX Coordinator for Employees.
 - *Faculty and Staff:* For matters involving faculty or staff as the subject of the alleged Sex Discrimination or as the person alleged to be discriminating, contact Geraldine Sullivan Chief Human Resources Officer and Deputy Title IX Coordinator for Employees and at (804) 289-8166, geraldine.sullivan@richmond.edu.

Information may also be provided to:

Kristine Henderson, Director of Compliance and Title IX Coordinator at (804) 289-8186, khender3@richmond.edu.

While the University encourages people to report concerns regarding alleged Sex Discrimination directly to the individuals listed above, reports may also be made via the University’s Ethics and

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Compliance Helpline. The Ethics and Compliance Helpline can be reached at (804) 287-1800 or by submitting an [online report](#).

GOV-3108.4 – The Role of the Title IX Coordinators

The University's Title IX Coordinators are responsible for ensuring the University's compliance with this policy and Title IX. This policy sets forth the obligations of the appropriate Title IX Coordinator upon receipt of information that may reasonably constitute Sex Discrimination or a Complaint.

For more information on the role of Title IX Coordinators at the University, see the University's [Title IX Coordinators Policy](#).

GOV-3108.5 – Initial Process for Addressing Notice or a Complaint of Sex Discrimination

A. Complaints of Sex Discrimination

1. Who May Make a Complaint of Sex Discrimination. A Complaint of Sex Discrimination may be made by any of the following individuals:
 - A Complainant;
 - A parent, legal guardian, or authorized legal representative with the legal right to act on behalf of a Complainant;
 - The Title IX Coordinator, pursuant to subsection 3108.5(A)(2), below;
 - Any student, prospective student, staff or faculty member of the University; and
 - Any individual who is or is attempting to participate in the University's Education Program or Activity at the time of the alleged discrimination.
2. Complaints Initiated by the Title IX Coordinator. When the Title IX Coordinator is notified of conduct that reasonably may constitute Sex Discrimination within the scope of this policy, the Title IX Coordinator shall, except as set forth herein, determine whether to initiate a complaint of Sex Discrimination. The Title IX Coordinator shall make such a determination only if: (i) no Complaint has been initiated pursuant to this policy; or (ii) some or all of the allegations in a Complaint have been withdrawn; and (iii) an alternative resolution process has either not been commenced or has terminated.

If the Title IX Coordinator decides to initiate a Complaint under this subsection, the Title IX Coordinator will notify the Complainant in advance and will use reasonable efforts to address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures.

B. Initial Response

1. Outreach to the Complainant. Upon receipt of a Complaint or notice of conduct that reasonably may constitute Sex Discrimination within the scope of this policy, the Title IX Coordinator will contact the Complainant in writing and offer to meet with the Complainant. When the Title IX Coordinator meets with the Complainant, they provide the following information:
 - The Complainant's rights under this policy and related University policies, including the Standards of Student Conduct;

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- The University's obligation to treat both the Complainant and the Respondent equitably;
 - That the Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the formal resolution process;
 - The University's obligation to investigate promptly a Complaint of Sex Discrimination under this policy;
 - The Complainant's right to participate or decline to participate in any investigation;
 - That the University prohibits Retaliation as described in this policy;
 - The availability and type of Supportive Measures;
 - The options for filing a Complaint; and
 - The options for formal and alternative resolution of the Complaint under this policy.
2. Outreach to the Respondent. Following receipt of a Complaint, the Title IX Coordinator will contact the Respondent in writing and offer to meet with the Respondent. When the Title IX Coordinator meets with the Respondent, they provide the following information:
- The Respondent's rights under this policy and related University policies, including the Standards of Student Conduct;
 - The University's obligation to treat both the Complainant and the Respondent equitably;
 - That the Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the formal resolution process;
 - The University's obligation to investigate promptly a Complaint of Sex Discrimination under this policy;
 - The Respondent's right to participate or decline to participate in any investigation;
 - That the University prohibits Retaliation as described in this policy;
 - The availability and type of Supportive Measures; and
 - The options for formal and alternative resolution of the Complaint under this policy.
3. Written Notice of Allegations, Procedures and Rights. Upon initiation of a Complaint, the Title IX Coordinator shall provide written notice to the Complainant and Respondent, if their identities are known, that sets forth the information listed below. This written notice shall be provided with sufficient time for the Complainant and Respondent to prepare for an interview. If additional allegations of Sex Discrimination arise in the course of an investigation, that are not included in the original Complaint, or a consolidated Complaint under this policy, the Title IX Coordinator shall update this notice. The content of the written notice shall include:
- a. A description of the conduct alleged in the notice or Complaint to constitute Sex Discrimination;
 - b. The identities of the Complainant and Respondent, to the extent known;
 - c. The date(s) and location(s) of the conduct alleged to constitute Sex Discrimination, to the extent known;

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- d. Other sufficient information known at the time that would allow the Complainant and Respondent to respond to the allegations;
- e. A copy of or link to this policy and all related University policies setting forth the process for investigation and formal and alternative resolution of the allegations or Complaint;
- f. A statement that Retaliation is prohibited under this policy and related University policies; and
- g. A statement that the Complainant and Respondent are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence as provided in this policy.

C. Supportive Measures. The Title IX Coordinator, or their designee, shall offer and coordinate Supportive Measures for Complainants and, where appropriate, Respondents and witnesses upon receipt of information about conduct that may reasonably constitute Sex Discrimination.

1. Types of Supportive Measures. The type of Supportive Measures offered and coordinated may vary based upon the circumstances of a specific matter and the reasonable availability of the supportive measures. Further information regarding Supportive Measures can be found [here](#).
2. Purpose / No Unreasonable Burden. Supportive Measures shall be designed to: (i) protect the safety of a Complainant, Respondent, witness, or the campus community; or (ii) provide support to a Complainant, Respondent, or witness during an investigation, formal resolution process, or an alternative resolution process. Supportive Measures are not used for punitive or disciplinary reasons. Supportive Measures should not unreasonably burden either the Complainant or the Respondent.
3. Modification, Termination, or Continuation of Supportive Measures.
 - a. The Title IX Coordinator may modify Supportive Measures during or after an investigation, formal resolution process, or alternative resolution process, consistent with subsection 2, above.
 - b. The Title IX Coordinator may continue some or all Supportive Measures after conclusion of an investigation, formal resolution process, or alternative resolution process as the Title IX Coordinator deems reasonably appropriate.
 - c. Confidentiality of Supportive Measures. The University will maintain the confidentiality of the Supportive Measures provided to a Complainant, Respondent, or witness unless the disclosure is necessary to implement the Supportive Measure(s), to restore or preserve the Complainant's or Respondent's access to the University's Education Program or Activity, or one or more of the exceptions to the confidentiality requirement set forth in this policy apply. The Title IX Coordinator may consult with the Office of Disability Services to ensure that any Supportive Measure offered is implemented in a manner consistent with applicable disability laws and regulations.
 - d. Exceptions to the Confidentiality Requirement. The University may disclose information about Supportive Measures provided to a Complainant or Respondent in the following circumstances:
 - i. When the Complainant or Respondent, as applicable, has consented to such disclosure;
 - ii. When reasonably necessary to carry out the purposes of this policy;
 - iii. When such disclosure is required by federal law or regulation or by a federal grant or funding agreement, consistent with Title IX, is required by state or local law, or when permitted under FERPA or its implementing regulations.

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D. Emergency Interim Suspension and Administrative Leave.

1. Emergency Interim Suspension of a Student Respondent. The University may suspend a student Respondent on an emergency, interim basis if after an individualized safety and risk analysis, the Sexual Misconduct Review Subcommittee determines that an imminent and serious threat to physical health or safety of a Complainant, any student, any faculty or staff member, or other individual arising from the allegations of Sex Discrimination justifies the emergency interim suspension. The Title IX Coordinator will provide the Respondent with written notice of the emergency interim suspension and an opportunity to appeal the suspension immediately following decision by submitting a written appeal to the Vice President for Student Development (the “Appellate Officer”).
 - a. The Respondent must file such an appeal within five (5) business days after imposition of the emergency interim suspension. The appeal must be in writing and must be emailed to the Appellate Officer.
 - b. The Appellate Officer will respond promptly to such an appeal and shall render a decision in writing within five (5) business days unless there is good cause for an extension of such timeframe.
2. Administrative Leave. The University may place an employee Respondent on administrative leave from employment responsibilities during the pendency of an investigation, formal resolution process, or alternative resolutions process, consistent with other applicable University policies and handbooks.

E. Consolidation of Complaints. When the allegations of Sex Discrimination arise out of the same facts or circumstances, the Title IX Coordinator may consolidate two or more Complaints of Sex Discrimination: (1) against the same Respondent(s); (2) against multiple Respondents; or (3) when the Complaint and Respondent initiate Complaints against each other.

F. Dismissal of a Complaint

1. Basis for Dismissal of a Complaint. The Title IX Coordinator may dismiss a Complaint at any time prior to a final determination under a formal resolution process or an agreement under an alternative resolution process for any of the following reasons:
 - a. The Title IX Coordinator is unable to identify the Respondent after taking reasonable steps to do so;
 - b. The Respondent is not participating in the University’s Education Programs or Activity;
 - c. The Respondent is not employed by the University;
 - d. The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator does not initiate a Complaint under this policy, and the Title IX Coordinator determines that without the withdrawn allegations, the conduct described in the remaining allegations, if any, would not constitute Sex Discrimination under this policy even if proven;
 - e. The Title IX Coordinator determines that the conduct alleged in the Complaint, even if proven, would not constitute Sex Discrimination under this policy, provided that the Title IX Coordinator has made reasonable efforts to clarify the allegations with the Complainant; or
 - f. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the allegations in the Complaint.

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2. Time Frame for Decision. The Title IX Coordinator shall make a decision as to whether to dismiss the Complaint within thirty (30) days of receipt of information indicating a potential basis for dismissal as set forth in Section 3108.5(F)(1) of this policy. This time frame may be extended on a reasonable, case-by-case basis for good cause. The Title IX Coordinator will notify the Complainant and Respondent, in writing, of the extension and the reason for the extension.
3. Notice to Complainant and Respondent. The Title IX Coordinator shall promptly notify the Complainant, in writing, of the dismissal of a Complaint and the basis for such dismissal. If the dismissal occurs after the Respondent has been notified of the Complaint, the Title IX Coordinator shall notify the Respondent, in writing, of the dismissal of a Complaint and the basis for such dismissal at the same time that the Complainant is notified. Such notice shall include the rights of the Complainant and Respondent to file an appeal of the dismissal and the basis for such appeal as set forth in this policy.
4. Supportive Measures and Steps to Prevent Discrimination and Eliminate Hostile Environment. If the Title IX Coordinator dismissed a Complaint, the Title IX Coordinator shall:
 - a. Offer appropriate Supportive Measures to the Complainant;
 - b. Offer appropriate Supportive Measures to the Respondent if the dismissal occurs after the Respondent has been notified of the Complaint; and
 - c. Take other prompt and effective steps reasonably calculated to end any Sex Discrimination, eliminate any hostile environment or its effects, and prevent its recurrence.
5. Appeal of Decision to Dismiss Complaint. A Complainant has a right to appeal the dismissal of a Complaint on the grounds set forth in this policy. If the dismissal occurs after the Respondent has been notified of the Complaint, then the Respondent also has a right to appeal the dismissal of the Complaint on the grounds set forth in this policy.
 1. *Grounds for Appeal.* The grounds for an appeal are as follows:
 - i. A procedural irregularity that would change the outcome of the decision to dismiss the Complaint;
 - ii. The appealing party has identified and proffered new evidence that was not reasonably available at the time the Complaint was initiated or the decision to dismiss was made that would change the outcome of the decision to dismiss the Complaint; or
 - iii. The Title IX Coordinator or the investigator had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome of the decision to dismiss the Complaint.
 2. *Process for Appeal.*
 - i. The Complainant or the Respondent may file an appeal with the Vice President for Student Development, or their designee, (the “Appellate Officer”) within five (5) business days of being notified of the Title IX Coordinator’s decision to dismiss the Complaint.
 - ii. The appeal must be in writing and must be emailed to the Appellate Officer. The appeal must state the grounds for the appeal and may include a statement in support of the party’s appeal or a statement challenging the decision to dismiss the Complaint.

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- iii. The Title IX Coordinator will notify the parties, in writing, when an appeal is filed and, if the Respondent has not previously been notified of the Complaint, the Title IX Coordinator will notify the Respondent of the allegations in the Complaint.
- iv. The Appellate Officer will respond promptly to such an appeal and shall render a decision in writing within thirty (30) days of receipt of the appeal. This time frame may be extended on a reasonable, case-by-case basis for good cause. The Appellate Officer will notify the Complainant and Respondent, in writing, of the extension and the reason for the extension.
- v. The Appellate Officer will provide the Complainant and the Respondent with a copy of the decision at the same time.

GOV-3108.6 – Investigation, Formal and Alternative Resolution Process for Complaints of Sex Discrimination

A. Overall Requirements

1. **Prompt and Equitable Process.** This policy is intended and shall be implemented in a manner that provides a prompt and equitable resolution process for Complaints of Sex Discrimination. This policy shall be applied in a manner that treats Complainants and Respondents equitably.
2. **Conflicts of Interest.** The Title IX Coordinator, the investigator, and the decision-maker involved in the University’s investigation, formal resolution process, or alternative resolution process shall not have a conflict of interest or a bias for or against complainants or respondents generally or the Complainant or Respondent involved in the Complaint under investigation or adjudication.
3. **Presumption.** In implementing this policy and any investigation, formal resolution process or alternative resolution process, there shall be a presumption that the Respondent is not responsible for the alleged Sex Discrimination until a determination is made at the end of a formal resolution process or Respondent voluntarily acknowledges their responsibility as part of an alternative resolution process.
4. **Privacy.** The Title IX Coordinator, the investigator, the Appellate Officer and others involved in the investigation, formal resolution process, and alternative resolution process will take reasonable steps to protect the privacy of the Complainant, the Respondent and any witnesses during the process. The commitment to privacy, however, shall not be implemented in a manner that restricts the ability of the Complainant and Respondent to obtain and present evidence, including by speaking to witnesses, consulting with family members, Confidential Resources, or advisors, or otherwise preparing for an investigation, formal resolution process, or alternative resolution process.
5. **Objective Evaluation.** The investigator and the decision-maker in a formal resolution process under this policy shall objectively evaluate all evidence that is relevant and not impermissible (as defined below), including both inculpatory and exculpatory evidence. The investigator or the decision-maker may engage in credibility assessments but shall not make credibility determinations based on an individual’s status as a Complainant, Respondent, or witness.
 - a. ***Relevant Evidence, Testimony and Questions.*** Evidence, testimony, and questions are considered to be relevant when they are related to the allegations of Sex Discrimination set forth in a Complaint or otherwise under investigation or subject to adjudication in a formal resolution process. Questions are relevant when they seek evidence that may aid in showing whether the alleged Sex-Discrimination occurred. Evidence is relevant when it may aid a decision-maker in

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determining whether the alleged Sex Discrimination occurred.

- b. *Impermissible Evidence, Testimony, and Questions.* The investigator and the decision-maker in a formal resolution process shall exclude and shall not consider evidence, testimony and questions that are impermissible under this policy, regardless of whether they are relevant. The following evidence, testimony and questions are impermissible:
 - i. Evidence or testimony or questions that seek to elicit information that is protected under a privilege as recognized by federal or state law, unless the person to whom the privilege is owed has voluntarily waived that privilege;
 - ii. Evidence or testimony or questions that seek to elicit information that was shared with a Confidential Resource, unless the person to whom the privilege is owed has voluntarily waived that confidentiality;
 - iii. Evidence or testimony or questions that seek to elicit information regarding records made or maintained by a physician, psychologist or other health care professional in connection with the provision of treatment, unless the person to whom the privilege is owed has voluntarily waived that confidentiality; or
 - iv. Evidence or testimony or questions that seek to elicit information regarding the Complainant's sexual interests or prior sexual conduct, unless: (a) evidence of prior sexual conduct is offered to provide that someone other than the Respondent committed the alleged conduct; or (b) the evidence, testimony or questions relate to specific incidents of the Complainant's sexual conduct with the Respondent that is offered to provide consent to the alleged Sex Discrimination. However, the fact of prior consensual sexual conduct between the Complainant and Respondent does not, but itself, demonstrate or imply the Complainant's consent to the alleged conduct at issue or preclude a determination of responsibility.

B. Investigation of Complaints of Sex Discrimination

1. Assignment of Investigator. Upon receipt of a Complaint, and provided that the Complainant and Respondent have not agreed to an alternative resolution process, the Title IX Coordinator shall conduct the investigation or will engage a qualified and trained designee to conduct the investigation. The investigation will be conducted in a prompt, objective, and thorough manner.
2. Burden of Gathering Evidence. The University shall have the burden to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination occurred. Neither the Complainant nor the Respondent have such a burden.
3. Opportunity to Present Witnesses and Evidence. The investigator shall provide the Complainant and the Respondent with an equal opportunity to notify the investigator of fact witnesses and to provide inculpatory and exculpatory information to the investigator that is relevant and not impermissible under this policy. The investigator shall contact the fact witnesses identified by the Complainant and Respondent and shall interview all relevant witnesses who agree to participate in the investigation.
4. Written Investigative Report. The investigator shall review all evidence gathered during the investigation and shall determine what evidence is relevant and what evidence is impermissible, regardless of its relevance. The investigative report shall not include evidence that is either irrelevant or impermissible. The written report shall include, as appendices, all relevant and permissible evidence and transcripts of interviews with the Complainant, Respondent and witnesses,

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which may be redacted to exclude statements that are irrelevant or impermissible under this policy.

5. Access and Response to the Investigative Report and Evidence.

- a. *Access to Preliminary Report.* The Title IX Coordinator shall provide both the Complainant and the Respondent with access to the preliminary investigative report and its appendices containing relevant and permissible information. If the Complaint is directed at a University program, policy, or practice and not a specific Respondent, the Title IX Coordinator shall provide the appropriate University official(s) with access to the preliminary investigative report.
- b. *Response to Investigative Report.* The Complainant and Respondent will have ten (10) days from the date that access was provided to submit a written response to the investigative report and evidence in the appendices which the investigator will consider prior to completion of the final report. If the Complaint is directed at a University program, policy, or practice and not a specific Respondent, the appropriate University official(s) will have ten (10) days from the date that access was provided to submit a written response to the investigative report and evidence in the appendices which the investigator will consider prior to completion of the final report. This time frame may be extended by the Title IX Coordinator on a reasonable, case-by-case basis for good cause. The Title IX Coordinator will notify the Complainant and Respondent, in writing, of the extension and the reason for the extension.
- c. *Access to Final Report.* The Title IX Coordinator shall provide both the Complainant and the Respondent with access to the final investigative report and its appendices containing relevant and permissible information.

6. Time Frame for Investigation. The time frame for the investigation will generally be 30 to 120 days, depending upon the complexity of the investigation. This time frame may be extended on a reasonable, case-by-case basis for good cause. The Title IX Coordinator will notify the Complainant and Respondent, in writing, of the extension and the reason for the extension.

C. **Assessment and Coordination of Remedies by Title IX Coordinator**

1. Complaints Against the University. If Complaint is directed at a University program, policy, or practice and not a specific Respondent, and the Complainant and appropriate University officials have not elected to pursue alternative resolution of the Complaint, as described in Section 3108.6(D) of this policy, the Title IX Coordinator shall take the actions described below.
 - a. *Determination by Title IX Coordinator.*
 - i. After reviewing the final investigative report, the parties' responses to the preliminary investigative report and any supplemental investigative report the Title IX Coordinator shall determine, based on a preponderance of the evidence standard of proof, whether the alleged Sex Discrimination occurred.
 - ii. The Title IX Coordinator shall consider only evidence and testimony that is relevant and not impermissible, consistent with this policy.
 - iii. The Title IX Coordinator shall make such a determination within 30-90 days of receipt of the final or supplemental investigative report, if any.
 - b. *Notice of Determination/Remedies*
 - i. The Title IX Coordinator will provide the Complainant and the appropriate University official(s) with written notice of the Title IX Coordinator's determination as to whether Sex

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- Discrimination occurred. That notice shall include the rationale for such decision and the right of the Complainant to file an appeal of the dismissal and the basis for such appeal as set forth in this policy.
- ii. The Title IX Coordinator shall notify the Complainant and the appropriate University official(s), in writing, of any remedies that will be implemented to restore or continue Complainant's equal access to the University's Education Program or Activity or to remedy any hostile environment.
 - iii. The Title IX Coordinator shall coordinate with appropriate University officials to take reasonably prompt and effective steps to ensure that Sex Discrimination does not recur in the program, policy, or practice at issue in the Complaint and that any hostile environment is remedied.
- c. *Appeals.* The Complainant and the appropriate University officials each have a right to appeal the determination of the Title IX Coordinator on the grounds set forth in this policy.
- i. Grounds for Appeal. The grounds for an appeal are as follows:
 - a. A procedural irregularity that would change the outcome of the decision regarding the Complaint;
 - b. The appealing party has identified and proffered new evidence that was not reasonably available at the time the Complaint was initiated or the decision was made that would change the outcome of the decision; or
 - c. The Title IX Coordinator or the investigator had a conflict of interest or bias for or against complainants or institutions generally or the individual Complainant or University officials that would change the outcome of the decision.
 - ii. Process for Appeal.
 - a. The Complainant or the appropriate University official may file an appeal with the Vice President for Student Development, or their designee, (the "Appellate Officer") within five (5) business days of being notified of the Title IX Coordinator's decision.
 - b. The appeal must be in writing and must be emailed to the Appellate Officer. The appeal must state the grounds for the appeal and may include a statement in support of the party's appeal or a statement challenging the decision of the Title IX Coordinator.
 - c. The Title IX Coordinator will notify the parties, in writing, when an appeal is filed.
 - d. The Appellate Officer will respond promptly to such an appeal and shall render a decision in writing within thirty (30) days of receipt of the appeal. This time frame may be extended on a reasonable, case-by-case basis for good cause. The Appellate Officer will notify the Complainant and the appropriate University officials, in writing, of the extension and the reason for the extension.
 - e. The Appellate Officer will provide the Complainant and the appropriate University officials with a copy of the decision at the same time.
2. Complaints Against a Respondent. If the Complaint is based on the alleged conduct of a Respondent, and the Complainant and Respondent have not elected to pursue alternative resolution of the Complaint, as described in Section 3108.6(D) of this policy, the Title IX Coordinator shall take the actions described below.

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- a. Review Investigative Report. The Title IX Coordinator shall review the final investigative report and the parties' response to the preliminary investigative report.
- b. Interim Action. After reviewing the final investigative report and the parties' response to the preliminary investigative report, the Title IX Coordinator shall determine whether any interim actions need to be taken prior to the conclusion of a formal resolution process to restore or continue Complainant's equal access to the University's Education Program or Activity or to remedy a hostile environment. Such interim actions may include but are not limited to imposition of an Emergency Interim Suspension pursuant to Section 3108.5(D) of this policy, implementation additional Supportive Measures or modification of existing Supportive Measures consistent with Section 3108.5(C) of this policy, or other interim actions, other than the imposition of sanctions against the Respondent, designed to restore or continue Complainant's equal access to the University's Education Program or Activity. The fact that the Title IX Coordinator implemented such interim action shall not be used as evidence in a formal resolution process.

D. Alternative Resolution

1. Purpose of Alternative Resolution. Alternative resolution is a voluntary process for resolving a Complaint of Sex Discrimination and is an alternative to the formal resolution process described in this policy. Both the Complainant and the Respondent must agree to participate in an alternative resolution process. The alternative resolution process is designed to eliminate the reoccurrence of the prohibited conduct and provide a remedy that meets the needs of both the Complainant and Respondent while maintaining the safety of the campus community. Alternative resolution provides an opportunity for the Complainant and Respondent to discuss the Complaint and the alleged discriminatory conduct and to communicate their feelings and perceptions regarding the conduct, the impact of the conduct, and their wishes and expectations regarding their conduct in the future.

If a mutually agreeable resolution is reached through the alternative resolution process, the matter will be closed and there will be no formal sanction imposed under the Standards of Student Conduct, unless the Respondent voluntarily agrees to accept a sanction.

2. Role and Discretion of the Title IX Coordinator. The Title IX Coordinator may offer the Complainant and the Respondent the option of pursuing an alternative resolution process at any time prior to a final determination as to whether Sex Discrimination occurred. The Title IX Coordinator is not required to offer the option of alternative resolution and shall use their discretion to determine whether alternative resolution is appropriate under the circumstances. In making this determination, the Title IX Coordinator shall consider, among other factors, whether the alleged conduct would present a future risk of harm to others.
3. Options for Alternative Resolution. The Title IX Coordinator will discuss with the Complainant and Respondent the options for alternative resolution, which may include, among other options, the following:
 - a. A discussion between the Complainant and Respondent facilitated by a University administrator approved by the Title IX Coordinator; or
 - b. Mediation conducted by a neutral, third-party mediator.

The facilitator or mediator assigned to the matter shall not be the same person who conducted or would conduct an investigation or the decision-maker in a formal resolution process.

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4. Notice of Alternative Resolution. If the Complainant and Respondent agree to participate in an alternative resolution process, the Title IX Coordinator shall provide each party with a written notice that contains the following:
 - a. The allegations at issue;
 - b. A description of the alternative resolution process and its requirements;
 - c. A statement that the Complainant and Respondent each have the right, at any time prior to agreeing to a resolution, to withdraw from the alternative resolution process and initiate or continue a formal resolution process;
 - d. A statement that the parties' agreement to a resolution at the conclusion of the alternative resolution process precludes initiating or resuming a Complaint or resolution process arising out of the same allegations;
 - e. The potential terms that may be requested or offered in an alternative resolution agreement, including notice that an alternative resolution agreement is binding only on the parties; and
 - f. That the University will maintain the confidentiality of information shared during the alternative resolution process, to the extent permitted by law, and that such information shall not be used in a subsequent formal resolution process.
 5. Alternative Resolution Agreement. At the conclusion of the alternative resolution process, the agreement of the parties, if any, will be documented in a formal, written resolution agreement that must be approved by the Title IX Coordinator and then signed by the Complainant and Respondent. The alternative resolution agreement is binding only on the Complainant and Respondent.
 6. Termination of the Alternative Resolution Process. The University, the Complainant or the Respondent may, at any time prior to the conclusion of the alternative resolution process, elect to end such proceedings and pursue formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the alternative resolution may not be considered in the subsequent formal resolution process.
- E. Formal Resolution Process.** If the parties elected to forego an alternative resolution process, as described in Section 3108.6(D) if this policy, and if the Complaint has not been dismissed by the Title IX Coordinator pursuant to Section 3108.5(F) of this Policy, the Complaint will be adjudicated through a formal resolution process.
1. Student as the Respondent. If the Respondent is a student at the University, the Complaint will be adjudicated under the process set forth in the University's [Standards of Student Conduct](#).
 2. Staff Member as Respondent. If the Respondent is a staff member of the University, the Complaint will be adjudicated under the process set forth in the University's [Policy on Prohibiting and Responding to Sex Discrimination - Staff and Faculty](#).
 3. Faculty Member as Respondent. If the Respondent is a faculty member of the University, the Complaint will be adjudicated under the process set forth in the University's [Policy on Prohibiting and Responding to Sex Discrimination - Staff and Faculty](#) and the provisions of the [Faculty Handbook](#).
 4. Requirements for All Adjudication Processes. Regardless of the status of the Respondent, the formal resolution process for all Complaints of Sex Discrimination shall meet the requirements set forth in this Section 3108.6(D)(4) and to the extent that there is a conflict between the requirements of this

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section and another University policy, handbook or the Standards of Student Conduct, the terms of this section shall govern.

- a. *Standard of Proof.* The decision-maker shall use the preponderance of evidence standard of proof to determine whether Sex Discrimination occurred.
- b. *Relevant and Not Impermissible Evidence.* The decision-maker shall consider only evidence and testimony that is relevant and not impermissible, as described in this policy.
- c. *Notice of Determination and Right of Appeal.* The decision maker shall notify the Complainant and the Respondent, in writing, of the determination as to whether Sex Discrimination occurred. Such notice shall include the rationale for such decision and the process and grounds for appeal, if available.
- d. *Imposition of Sanctions.* The University shall not impose disciplinary sanctions on a Respondent unless there is a determination following the conclusion of a formal resolution process that the Respondent engaged in Sex Discrimination prohibited by this policy, or the Respondent voluntarily agreed to such sanction as part of an alternative resolution process.
- e. *Role of the Title IX Coordinator.* If the decision-maker determines that Sex Discrimination occurred, the Title IX Coordinator, as appropriate, shall:
 - i. Coordinate the provision and implementation of remedies to the Complainant and any other person that the University identifies as having had equal access to the University's Education Program or Activity limited or denied by the Respondent's conduct;
 - ii. Coordinate, in collaboration with other University officials, the imposition of sanctions against the Respondent; and
 - iii. Take other appropriate, prompt, and effective steps intended to ensure that Sex Discrimination does not continue or occur within the University's Education Program or Activity and that any hostile environment is remedied.

F. Retaliation

1. Retaliation Is Prohibited

The University prohibits Retaliation, in any form, against an individual who reports, in good faith, an actual, potential or suspected violation of this policy. As used in this policy, reporting "in good faith" means the individual making the report has a reasonable basis to believe that there has been or may have been a violation of this policy. Individuals who make frivolous or false reports shall not be deemed to be acting in good faith.

The University also prohibits Retaliation, in any form, against an individual who initiates a Complaint, participated in or refused to participate in an investigation, alternative or formal resolution process, served as a witness in an investigation or hearing, or sought or initiated Supportive Measures under this policy.

2. Response to Alleged Retaliation. The University will respond to information about conduct that reasonably may constitute Retaliation or to a Complaint alleging Retaliation in accordance with the procedures and requirements set forth in this policy.

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RELATED POLICIES:

GOV-3101 Policy Prohibiting Discrimination

GOV-3102 Interim Policy on Prohibiting and Responding to Sexual Harassment/Sexual Misconduct – Students

GOV-3103 Policy Prohibiting and Responding to Discrimination Based on Protected Status - Students

GOV-3104 Interim Policy on Preventing and Responding to Sexual Harassment/Sexual Misconduct - Faculty and Staff

GOV-3107 Interim Policy on Prohibiting and Responding to Sex Discrimination – Faculty and Staff

[Standards of Student Conduct](#)

[Faculty Handbook](#)

POLICY BACKGROUND:

This policy was created in August 2024. Its scope is limited to sex discrimination. The University’s procedures for responding to reports or complaints of sexual harassment/sexual misconduct are set forth in new policies listed under “Related Policies,” above. At the time this policy update was finalized, there were two federal court injunctions temporarily enjoining the implementation and enforcement of Title IX regulations issued by the Department of Education in April 2024. The 2020 version of the Title IX regulations do not include provisions regarding sex discrimination. They are limited to sexual harassment and sexual misconduct. This policy was reviewed to ensure continued compliance with Title IX, Title VII and its implementing regulations, and the Clery Act and its implementing regulations. It was also updated to include certain procedures set forth in the 2024 Title IX regulations that were not in conflict with the 2020 regulations.

POLICY CONTACTS:

Director of Compliance and Title IX Coordinator

Deputy Title IX Coordinator for Students