

PROCEDURES for Policy on Sexual Misconduct

Effective Date: September 14, 2022

I. Policy # 01.001.3

II. Introduction

The University's Sexual Misconduct Policy prohibits Sexual Misconduct. Sexual Misconduct is any form of sexually based behavior by students, faculty, staff, administrators, affiliates, visitors, guests, and agents, representatives and employees of contractors or vendors, which has the effect of denying someone participation in or the benefits of any University program or activity.

These procedures, as amended from time to time, have been established to ensure compliance with the above policy with respect to Sexual Harassment prohibited by Title IX of the Education Amendments of 1972 and to Sexual Misconduct alleged to have been perpetrated by parties other than students, faculty or staff. Other procedures will apply to other forms of Sexual Misconduct not covered by Title IX; such as Sexual Harassment as defined by Title VII and Sexual Misconduct covered by the Student Handbook.

Questions regarding these procedures should be directed to the Title IX Coordinator.

III. Reporting Sexual Misconduct

Any person may trigger the University's response obligations by reporting sexual misconduct to the Title IX Coordinator, to a Deputy Title IX Coordinator, or Official with Authority.

The Title IX Coordinator is Assistant Vice President for Enterprise Risk Management Kara Larsen:

Carlotti Administration Building, Room 114
75 Lower College Road
Kingston, RI 02881
401-874-5593
tixc@etal.uri.edu

The following are Deputy Title IX Coordinators:

- Dorca Paulino-Smalley, Director Office of Equal Opportunity, 201 Carlotti Administration Building, 75 Lower College Road
401-874-4929
dorca_paulino@uri.edu
- Keith Labelle, Deputy Title IX Coordinator for Education, Outreach & Training, Tootell 125G, 3 Keaney Road
401-874-5222
klabelle@uri.edu
- Kacey Light, Chief NCAA Compliance Officer
NCAA Compliance Office, 3 Keaney Road, Suite One
401-874-5457
klight@uri.edu

- Matt Bodah, Vice Provost
Office of the Provost, Green Hall
401-874-2497
mbodah@uri.edu
- Kathleen Shannon, Assistant to the VPR for Strategic Initiatives
Division of Research and Economic Development
401-874-2408
kshannon11@uri.edu
- Danielle Dennis, Interim Dean College of Education and Professional Studies, Providence Campus
401-277-5489
danielle_dennis@uri.edu
- David Smith, Associate Dean Academic Affairs, Graduate School of Oceanography, Narragansett Bay Campus
401-874-6172
dcsmith@uri.edu

The following are Officials with Authority:

- President – 401-874-4209
- Provost and Vice President for Academic Affairs– 401-874-4410
- Vice President for Administration & Finance – 401-874-2433
- Vice President for Research & Economic Development – 401-874-4576
- Vice President for Student Affairs – 401-874-2427
- Assistant Vice President, Human Resource Administration – 401-874-5270
- Dean, Admissions – 401-874-7100
- Dean, Graduate School of Oceanography – 401-874-6222
- Dean, University Libraries – 401-874-4602
- Dean, Graduate School – 401-874-9480
- Dean, College of Business – 401-874-4348
- Dean, College of Environment & Life Sciences – 401-874-2957
- Dean, College of Pharmacy – 401-874-5003
- Dean, College of Health Sciences – 401-874-9330
- Dean, University College for Academic Success – 401-874-5505
- Dean, College of Arts & Sciences – 401-874-4104
- Dean, College of Education and Professional Studies – 401-874-5489
- Dean, College of Nursing – 401-874-5324
- Dean, College of Engineering – 401-874-2186

The person who reports does not need to be the Complainant (*i.e.*, the person alleged to be the victim); a report may be made by “any person” who believes that Sexual Misconduct may have occurred and requires a response by the University.

The Complainant retains control over whether, and when, they want the University to respond to the Sexual Misconduct experienced by the Complainant.

The following are confidential resources available to a Complainant:

- Violence Prevention and Advocacy Services (VPAS): 401-874-9131
The offices are located in the Potter Building
- Counseling Center: 401-874-2288
The offices are located in Roosevelt Hall, Room 217

- Health Services: 401-874-2246
The Health Services clinic is located in the Potter Building
- Psychological Consultation Center: 401-874-4261
The Center is located in the Chafee Building
- URI Chaplains Association: 401-874-2740
The offices are located at 6 Fraternity Circle

Victims of sexual offenses may also file a criminal complaint with law enforcement.

- University of Rhode Island Police Department: 401-874-2121 (Emergency);
401-874-4910 (Non-Emergency)
The Police Department is located at 85 Briar Lane
- Local Law Enforcement: 911

Victims of sexual offenses may also seek help from off-campus organizations that have trained professionals able to provide assistance to victims of Sexual Violence. These organizations are not associated with the University and therefore disclosure will not trigger a University investigation into the incident. Victims may contact the following organizations for assistance:

- Day One: 1-800-994-4100 (24/7 support)
- State Victim of Crimes Helpline: 1-800-494-8100
- Women's Resource Center of South County: 401-782-3990
- South County Hospital ER: 401-782-8010
- Women & Infants Hospital: 401-274-1100
- Rhode Island Coalition Against Domestic Violence: 401-467-9940

IV. Response to a Report of Sexual Misconduct

- A. Upon receiving a report of Sexual Misconduct, the Title IX Coordinator or a designated Deputy Title IX Coordinator will conduct a preliminary assessment to determine:
- Whether the conduct, as reported, falls or could fall within the scope of the Policy; and
 - Whether the conduct, as reported, constitutes or could constitute Sexual Harassment under Title IX.

As part of the preliminary assessment, the Title IX Coordinator or designated Deputy may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

If the Title IX Coordinator or designated Deputy determines that the conduct reported could not fall within the scope of the Policy, and/or could not constitute Sexual Harassment under Title IX, even if investigated, the Title IX Coordinator or designated Deputy will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA").

The University will investigate reports of Sexual Misconduct against students that do not meet the definition of Sexual Harassment under Title IX in accordance with procedures described in the Student Handbook.

Reports of Sexual Misconduct involving employees that do not meet the definition of Sexual Harassment under Title IX will be investigated in accordance with procedures established by the Human Resource Administration and the Office of Equal Opportunity.

If the Title IX Coordinator or designated Deputy determines that the conduct reported could fall within the scope of the Policy, the Title IX Coordinator or designated Deputy will proceed to contact the Complainant to discuss supportive measures, as set forth in Part B of this Section. The Title IX Coordinator or designated Deputy will consider the Complainant's wishes regarding supportive measures and will inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint. The Title IX Coordinator or designated Deputy will also explain the process of filing a formal complaint and provide options for filing complaints with the local and State police and provide information about resources that are available on campus and in the community.

B. Supportive measures

1. Supportive measures are available to both the Complainant and Respondent and will be offered regardless of whether a formal complaint is filed.
2. Services are individualized, i.e., tailored to the unique circumstances of the party and are measures designed to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the education environment, or deter Sexual Misconduct.

The University will determine the reasonableness, necessity, and scope of any supportive measures, which may include:

- No Contact Order: A Reporting Party or Responding Party may request, or the University may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communications and contact restrictions generally preclude in-person, telephone, electronic, or third party communications.
- Academic, Employment or Residence Modifications: A Reporting Party or Responding Party may request an academic or employment accommodation or a change in residence after a report of Sexual Misconduct. An individual who requests assistance in changing their academic or living situation after an incident of Sexual Misconduct will receive appropriate and reasonably available accommodations. These may include:
 - Change of residence hall room;
 - Change in work assignment or schedule;
 - Providing an escort to facilitate safe movement between classes and activities;
 - Academic accommodations, including a change in class schedule, taking an incomplete, dropping a course without penalty, providing an academic tutor, extending deadlines for assignments, rescheduling exams and assignments, providing alternative course completion options, or allowing a voluntary leave of absence; or
 - Providing medical services available through the University clinic.
- Emotional Support: Counseling and emotional support is available to any student through the Counseling Center free of charge. The University will also assist in providing a referral to off campus agencies.
- Interim Separation: Where the report of Sexual Misconduct poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the University may place an individual or organization on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual or organization may

be denied access to campus. When interim suspension or leave is imposed, the University will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

3. Supportive measures will not be punitive, disciplinary, or unreasonably burdensome against any party.
4. If the Respondent is a student, the University may remove the Respondent from an education program or activity on an emergency basis, with or without a pending grievance process, but the Respondent will be given notice and an opportunity to challenge the removal.
5. The University will attempt to keep the supportive measures confidential unless doing so will impair the University's ability to provide them.

V. Filing a Complaint

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail using the following contact information:

Address: Room 114 Carlotti Administration Building
75 Lower College Road
Kingston, RI 02881
Phone Number: 401-874-5593
Email: tixc@etal.uri.edu

Or online at

<https://web.uri.edu/titleix/report/>

The Title IX Coordinator may, in her discretion, file a formal complaint on the Complainant's behalf.

If a Complainant proceeds with filing a formal complaint, the Title IX Coordinator or designated Deputy will determine whether, at the time the complaint is filed, the Complainant was participating in or attempting to participate in the University's education program or activity; whether the alleged conduct occurred in the United States; and whether the alleged conduct meets the definition of Sexual Harassment under Title IX. If these criteria are met, the Title IX grievance process will be started.

Education program or activity includes all the operations of the University, including locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the alleged sexual harassment occurs, and includes any building owned or controlled by a student organization that is officially recognized by the University.

If the above criteria are not met, the Title IX Coordinator or designated Deputy will refer the allegation to the appropriate alternative process. For complaints involving students, the Title IX Coordinator will refer the allegation to the Office of Student Affairs. For complaints involving employees, the Title IX Coordinator will refer the allegation to the Office of Equal Opportunity.

Upon receipt of a complaint, written notice will be provided to the parties. The notice will include the following information:

- specific details about the alleged incident of Sexual Harassment, including the identities of parties involved, conduct alleged to constitute sexual harassment, date and location
- time to prepare a response to the allegations
- the respondent is presumed not responsible and that a determination of responsibility is

- made at the conclusion of the grievance process
- the parties have the right to an advisor of their choice, who may be an attorney
- the parties may inspect and review evidence
- the parties are not prohibited from discussing the allegations or gathering evidence and they will have an equal opportunity to present relevant evidence that they gather
- the parties will be provided advance written notice when invited or expected to participate in an interview, meeting, or hearing
- time frames for different steps of the grievance process
- the provision in the code of conduct that prohibits making knowingly false statements or knowingly submitting false information during the grievance process
- retaliation prohibited
- option for informal resolution process

The Title IX Coordinator may dismiss a complaint if:

- the Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw it,
- the Respondent is no longer enrolled or employed by the University, or
- specific circumstances prevent the University from gathering evidence sufficient to reach a determination on the Complaint.

The Title IX Coordinator must dismiss the complaint if:

- The conduct alleged in the complaint would not constitute Sexual Harassment under Title IX, even if proved; or
- The conduct alleged in the complaint falls outside the scope of the Policy (i.e., because the alleged conduct did not occur in the University's education programs or activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

The University may consolidate Formal Complaints as to allegations of Sexual Harassment under Title IX against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Only the Title IX Coordinator is authorized to initiate the grievance process against the wishes of a Complainant by signing a formal complaint.

VI. Grievance Process

A. Investigation

1. The University will investigate the allegations made in the complaint using an objective outside investigator. The investigator will gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence.
2. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the University and not with the parties.
3. The parties have equal opportunity to have others present during any investigative interview or meeting, including the opportunity to be accompanied by the advisor of their choice, who may be, but is not required to be, an attorney; The University will not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or interview; however, the

- University may establish restrictions regarding the extent to which the advisor may participate in the proceeding, but such restrictions will apply equally to both parties.
4. The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so.
 5. The parties are not restricted from discussing the allegations under investigation or gathering and presenting relevant evidence to the Investigator.
 6. A party whose participation is invited or expected at an investigative interview or meeting will be provided written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
 7. Both parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
 8. Prior to completion of the investigative report, the University will send to each party, and the party's advisor, if any, at least 10 days prior to any hearing, the evidence for inspection and review in an electronic format or a hard copy. The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not photograph or disseminate the evidence to the public.
 9. The parties will have 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report.
 10. After the period for the parties to provide any written response as specified above has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The Title IX Coordinator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form. The parties and their advisors are provided the report for the purposes of this complaint resolution process and may not disseminate the report to the public.

B. Hearing

1. Hearing Officer

After receipt of the investigation report, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process. The hearing officer may be internal or external to the University depending on the circumstances. The hearing officer will preside over the hearing, determine the relevancy of questions or evidence and rule on objections.

The Title IX Coordinator will call for a hearing panel to hear the evidence and render a determination of responsibility for the allegations at the conclusion of the hearing process.

The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator.

2. Notice of Hearing and Opportunity to Respond to the Investigation Report

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the University's Hearing Procedures.

Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) calendar days from the date of transmittal of the written notice of hearing.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the party has to the University's Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that the University provide an advisor for purposes of conducting cross-examination.

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the complaint constitute Sexual Harassment under Title IX.

3. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of

attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

4. Notices of Attendance

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any University employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The recipient of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The University will not issue a notice of attendance to any witness who is not an employee or a student. It is the responsibility of the parties to procure the attendance of any such witness.

5. Conduct of proceeding

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. Generally, the hearing will be conducted with the hearing officer, the hearing panel, the parties, the advisors, witnesses, and other necessary University personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each party's advisor to cross-examine directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect; and
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the hearing panel, the Title IX Coordinator, and other necessary University personnel as determined by the Title IX Coordinator. Witnesses will be sequestered from one another at the hearing until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them before the conclusion of the investigation.

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this section, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this section are met.

The hearing panel may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

In applying this section, the hearing panel will not draw an inference about the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

The hearing panel will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has voluntarily waived the privilege in writing or affirmatively discloses the information to support an allegation or defense.

6. Written determination

After the hearing is complete, the hearing panel will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing panel will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or because it constitutes impermissible sexual history information. The hearing panel will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Formal Complaint.

After reaching a determination and consulting with the appropriate University officials and Title IX Coordinator, the hearing panel will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment under Title IX made in the complaint;
- A description of the procedural steps taken by the University upon receipt of the formal complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment under Title IX, including a determination regarding responsibility for each separate potential incident;
- The discipline recommended to the appropriate University official depending on whether the Respondent is a student, employee, or third party;
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of the appeal process.

The written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal.

C. Informal resolution

At any time after the parties are provided written notice of the formal complaint, and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the complaint by agreement of the parties.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended. A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

If the parties do not reach a resolution through the informal resolution process, the Complainant may choose to proceed with the formal investigation and adjudication process outlined in these procedures.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the University, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the University. Informal resolution reached pursuant to this section is not subject to appeal. If either party leaves the University and is no longer pursuing or attempting to pursue a University education program or activity, the informal resolution agreement will expire.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) calendar days. If an informal resolution process does not result in a resolution within twenty-one (21) calendar days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

VII. Remedies

The University will provide persons who have experienced Sexual Harassment under Title IX ongoing remedies as reasonably necessary to restore or preserve access to the University's education programs or activities.

Remedies may include the same services offered as supportive measures during the pendency of the grievance process; however, they need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

VIII. Sanctions

Administrators, faculty members, staff, students, contractors, guests, and other members of the University Community who are found responsible for committing Sexual Harassment under Title IX are subject to the full range of discipline including, but not limited to, verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; permanent separation from the institution (i.e., termination or dismissal); physical restriction from University property; cancellation of contracts; and any combination of the same. Disciplinary sanctions for student violations of the Policy are imposed in accordance with the Student Handbook. Disciplinary sanctions for employee violations of the Policy are imposed in accordance with applicable Human Resources policies and collective bargaining agreements.

IX. Appeal

Either party may appeal the determination of an adjudication, or a dismissal of a complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, or hearing officer had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) business days of the date they receive notice of dismissal or written determination. The appeal must be submitted in writing to the University Appeal Board. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

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

If the University Appeal Board confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) business days. The University Appeal Board shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

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

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

No further review beyond the appeal is permitted.

X. Recordkeeping

The University will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in the University's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.

XI. Exceptions

None.