

Queens University of Charlotte

Sexual Harassment Policy and Procedures

2026-2027

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Purpose

Queens University of Charlotte (the University) strives to provide a safe environment for the campus community and support the institution's educational mission. The University does not tolerate acts of sexual harassment, including sexual assault, domestic violence, dating violence, sex-based stalking, sexual exploitation, complicity, or retaliation. All members of our community are expected to conduct themselves in a manner that reflects personal integrity and respect for others. The University recognizes the serious and negative impacts sexual harassment, in all its forms, has on individuals and the University community. To that end, the University endeavors to eliminate and prevent sexual harassment and address its effects. This policy outlines how the University responds to reports of sexual harassment herein.

Consistent with Queen's Notice of Non-Discrimination, the University prohibits all forms of sexual harassment and related retaliation committed against employees, enrolled students, or third parties, including contractors, vendors, visitors, guests, and others. Sexual harassment under this policy encompasses harassment based on sex, and includes:

- Pregnancy and related conditions
- Sex characteristics

Jurisdiction and Scope

This policy applies to the University's education programs and activities (defined as including locations, events, or circumstances in which the University exercises substantial control over both the person accused of a policy violation and the context in which the conduct occurred), to circumstances where the University has disciplinary authority, and to misconduct occurring within any building owned or controlled by a university-recognized student organization.

This policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to the University's education program or activities. This may include off-campus and/or online conduct when the conduct may limit or deny access to the University's program or activities. The University may, in its discretion, also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial University interest.

A substantial University interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
2. Any situation in which it is determined that the Respondent poses an imminent and serious threat to the health or safety of any student, employee, or other individual.
3. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
4. Any situation that substantially interferes with the University's educational interests or mission.

Nothing in this policy is intended to create a contract between the University and any student, employee, independent contractor, vendor, visitor, or other individual or entity. The University reserves its right to amend this policy at any time for any reason. The procedures set forth in this policy reflect the University's desire to respond to Reports in good faith and in a manner that promotes fairness, impartiality, and prompt resolution for all Parties. The University recognizes that each case is unique and that circumstances may arise that require it to reserve flexibility in responding to the particular

circumstances. Where legally permissible, and where it is deemed impractical or impossible to follow the procedures provided in this policy, or for some other reason the University deems it preferable to utilize a different process, the University reserves the right to modify the procedure or to take other administrative action as it deems appropriate in the circumstances.

In instances where a complaint is made against an individual who is not a student or employee of the University, the University reserves discretion to use a process or procedures other than those outlined in this policy.

Title IX Coordinator

At Queens University, the Title IX Coordinator is ultimately responsible for ensuring the University's compliance with Title IX and overseeing the University's education, prevention, training, and response to sexual harassment and related misconduct in the community. The Title IX Coordinator is responsible for monitoring the University's compliance with Title IX; ensuring appropriate education and training; coordinating the University's investigation, response, and resolution of all reports under this policy; and ensuring appropriate actions to eliminate sexual harassment, prevent its recurrence, and remedy its effects. The Title IX Coordinator is also charged with responding to other forms of sexual and gender-based misconduct that fall outside the definition of Title IX sexual harassment. The Title IX Coordinator does not act alone. The Title IX Coordinator may appoint a designee to fulfill the functions of the Title IX Coordinator under this policy.

When this policy references actions of the Title IX Coordinator, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator's designee.

The University's Title IX Coordinator is:

Amber Slack, Ed.D.

Phone: 704-301-5098

Email: slacka@queens.edu

Location: Morrison 216

Definitions

Complainant refers to an individual who is alleged to have experienced or been subjected to Prohibited Conduct that could violate this policy.

Respondent refers to an individual who has been reported to be the perpetrator of conduct that may constitute Prohibited Conduct under this policy.

A **report** is an account of conduct prohibited by this policy that has allegedly occurred that has been provided to the University by the Complainant, a third party, or an anonymous source.

A **formal complaint** is a document filed by a Complainant or signed by the Title IX Coordinator alleging a violation of this policy and requesting that the University investigate the allegation of a policy violation. A formal complaint begins with the formal resolution process as set forth below.

Pregnancy or Related Conditions means: (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation;

or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Consent is clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent is active, not passive. Silence, in and of itself, or the absence of resistance or a “no” cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in sexual activity. There is no consent when force, coercion, intimidation, or threats are used. There also cannot be consent when an individual is incapacitated, or if one is below the legal age (16 years of age in North Carolina) to grant consent. Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity, nor can previous relationships or previous consent imply consent to any future sexual acts. Consent can be withdrawn at any time. Consent is considered in context. Explicit and contemporaneous consent by all parties is required in advance for any behaviors that fall under bondage and discipline, dominance and submission, and sadism and masochism (BDSM). If consent is established for these behaviors, the evaluation of consent will be considered within the context of compliance with established boundaries or other mechanisms to revoke consent (i.e., safe words).

Coercion or Force includes conduct, intimidation, and expressed or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that are used in order to compel someone to engage in sexual contact.

Any sexual contact occurring after a person has engaged in coercion or force will be presumed non-consensual, even if the particular sexual contact that occurs is different from the form of sexual contact in which the individual was attempting to engage, and even if the other individual uses words or actions that would otherwise appear to convey consent.

Examples of coercion or force include causing the deliberate incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to disclose an individual’s sexual orientation, gender identity, gender expression, or other personally sensitive information if the other party does not engage in the sexual contact.

Incapacitation is the physical and/or mental inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol. With respect to incapacitation due to the influence of alcohol or other drugs, incapacitation requires more than being under the influence of alcohol or other drugs; a person is not incapacitated just because they have been drinking or using other drugs. Where alcohol and other drugs are involved, incapacitation is determined based on the facts and circumstances of the particular situation, looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation; whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent; and whether such condition was known or reasonably should have been known to the Respondent or a reasonable, sober person in the Respondent’s position. Use of drugs or alcohol by the Respondent is not a defense to any violation of this policy.

Reporting Incidents of Sexual Harassment

A report can be made by any person who has experienced sexual harassment, who has been affected by sexual harassment, or who has knowledge of sexual harassment happening to or affecting someone in our community. After making a report, an individual may choose to (1) pursue resolution under the Sexual Harassment Policy; or (2) if applicable, pursue an informal resolution involving the Respondent; or (3) choose to end involvement in the resolution process. Additional information about reporting and our team members can be found on the [Title IX website](#). The University encourages the reporting of sexual harassment.

Any person may report conduct that they believe may violate this policy to the Title IX Coordinator at any time (including during non-business hours) by telephone, mail, email, or in person (during regular office hours) directly to the Title IX Coordinator.

Online Reporting

Any individual can make an online report of conduct they believe may violate this policy using the University's [Harassment and Discrimination Reporting Form](#).

Although reports can be made anonymously, the University's ability to investigate and respond to an anonymous report may be limited. If an incident involves alleged misconduct by the Title IX Coordinator, or other Title IX Staff, reports should be made directly to the Associate Vice President for Human Resources at 336-278-5795.

Concerns about the application of Title IX and its implementing regulations also may be referred to the U.S. Department of Education Office for Civil Rights (OCR):

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1475
Telephone: (202) 452-6020
Email: OCR.DC@ed.gov
Website: <https://www.ed.gov/about/ed-offices/ocr>

Law Enforcement Reporting Options

Conduct that violates this policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred or violate other civil laws. Complainants have the right to notify (or decline to notify) law enforcement, although the University encourages Complainants who believe they have been subjected to a crime of sexual violence, particularly Sexual Assault, Dating Violence, Domestic Violence, Stalking, or Sexual Exploitation, to report to local law enforcement as soon as possible.

The University is available to assist Complainants in notifying law enforcement. If a member of the University community reports an incident of sexual or interpersonal misconduct to University Campus Police and Public Safety, the department can contact the Charlotte Mecklenburg Police Department (or other department). Reporting to law enforcement carries no obligation for the Complainant to initiate a Complaint or investigation as part of the University's grievance process. For more information on how to report a sexual misconduct violation to law enforcement, visit [Campus Police & Public Safety website](#).

In contrast to the University, law enforcement has unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Emergency Protective Orders as part of the criminal or civil process.

Individuals have the right to decline to report to law enforcement, including the choice to file a report at a later time. They may also choose to pursue a Complaint through a grievance process provided by this policy, regardless of whether they file a criminal report with law enforcement.

Responsible Employees

All employees who are not Confidential Employees (as listed below) are strongly encouraged to report information about an allegation of sexual harassment to the Title IX Coordinator to further assist the Title IX Office in providing resources to those affected by sexual harassment in our community.

All University employees listed below (which may include those who are staff, faculty, or student employees) who are not Confidential Employees are considered “Responsible Employees.” The following list is not comprehensive.

- All members of [Senior Staff](#)
- Academic deans and department chairs
- Directors and coordinators of academic and campus programs
- Advisors of student organizations
- Supervisors of student employees and professional employees
- Staff in the office of Dean of Students
- Staff in the Office of Human Resources
- Staff in Campus Police and Public Safety
- Residence Life staff (including student staff; resident assistants and apartment managers)
- Staff in the Office of Community Standards & Support
- [Athletics Department](#) staff including coaching staff
- JBIP or Study Abroad program leaders
- Roadmap Instructors
- Student Employees are only Responsible Employees when they are working in their role, not when in their role as students in classrooms, experiential learning, and social settings.

Any employee with questions about their reporting obligations should contact the Title IX Coordinator.

Responsible Employees must also promptly share all details of Prohibited Conduct that they observe or have knowledge of, even if not reported to them by a Complainant or third party. Responsible Employees are encouraged to report the information directly to the Title IX Coordinator and should not attempt to investigate or gather any additional details about the alleged incident, at the moment or subsequently, beyond the information shared with them. Responsible Employees and all community members are encouraged to use the University’s [Online Reporting Form](#).

Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs” or other public forums in which students may disclose incidents of sexual harassment or related conduct; collectively, “Public Awareness Events”), or (2) during a student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (“IRB Research”).

Failure of a Responsible Employee to report an incident of which they become aware is a violation of university policy and can be grounds for disciplinary action, up to and including termination. Employees who fail to fulfill their Responsible Employee obligations under this policy will be referred to the Office of Human Resources. Student employees who fail to fulfill their Responsible Employee obligations will be referred to their employment supervisor.

Complainants and others should be aware that any information they share with Responsible Employees is not confidential and must be reported under this policy. Complainants and others cannot report information “off the record” to Responsible Employees, and Responsible Employees cannot honor requests to not report potentially prohibited behavior.

Confidential Employees

Confidential Employees are employees (such as a qualified mental health or sexual assault counselors, domestic violence counselors, medical professional, ordained clergy, or attorneys who are not university employees, for example) who can receive confidential communications which, by law, cannot be disclosed to another person without the consent of the individual who provided the information, except in very limited circumstances such as allegations of the abuse or neglect of a minor or the imminent threat to the life of any person. The employee’s confidential status applies only with respect to information received while functioning within the scope of their duties to which a privilege or confidentiality applies.

The University has designated individuals who have the ability to have confidential communications as “Confidential Employees,” as defined below. When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) cannot be compelled to reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information.

Generally, confidential information may be disclosed when the individual gives written consent for its disclosure. The following staff are Confidential Employees:

- Student Health Services staff when acting in their role as a medical provider
- Counseling Services staff when acting in their role as a mental health counselor
- Safeline responders, when serving in the role as a Safeline responder
- Staff in the [Spiritual Life department](#) who are ordained and acting in their role as a clergy-counselor within their respective faith tradition

Confidential Resources (On & Off-Campus)

University Resources

The University has trained staff with whom an individual may discuss an alleged violation of this policy without the information being reported to the Title IX Coordinator and who can provide an immediate confidential response in a crisis.

- [Counseling Services](#), Watkins Hall - 1st Floor, 704-337-2556
- [Health & Wellness Services](#), 2322 Wellesley Avenue, 704-337-2220
- Members of the [staff in Spiritual Life](#) who are ordained and acting in their role as a clergy-counselor within their respective faith tradition.

Community Resources (Mecklenburg County and National)

- Safe Alliance – 601 East Fifth Street, Suite 400, Charlotte, NC 28202
<https://www.safealliance.org/>
- Greater Charlotte HOPE line – 601 East Fifth Street, Suite 400, Charlotte, NC 28202
<https://www.safealliance.org/programs/greater-charlotte-hope-line/>
- Rape, Abuse and Incest National Network (RAINN) National Sexual Assault Hotline – 601 East Fifth Street, Suite 400, Charlotte, NC 28202
<https://rainn.org/>
- National Sexual Assault Hotline at 1-800-656-4673

Student Conduct Amnesty Related to Sexual Harassment

Students involved in the reporting, investigation, and/or adjudication process for incidents of alleged Prohibited Conduct will not face Code of Conduct charges related to individual alcohol or drug use or possession in connection with any reported incident. Educational and supportive options will be explored, but no conduct proceedings or conduct record will result.

Privacy of Information and the Right Not to Pursue

The University is committed to protecting the privacy of all individuals involved in the reporting, investigation, and resolution of a report of a violation of this policy. All employees who are involved in the University's response to reports of such misconduct receive specific training and guidance about safeguarding private information in accordance with applicable law. Privacy refers to the discretion that will be exercised by the University in the course of any processes under this policy. Information related to a report of Prohibited Conduct will be handled discreetly and shared with a limited group of university officials who need to know to assist in the assessment, response, investigation, or resolution of the report or complaint and related issues. All University proceedings under this policy are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act (as amended by VAWA), Title IX, state and local law, and university policy.

Supportive Measures and Interim Actions

Supportive Measures

Supportive Measures are individualized services to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures that are designed to protect the safety of the parties or the University's educational environment, or measures intended to provide support during the grievance or informal resolution process. At any time after a report of (any type of) conduct prohibited by the policy has been received, the University will arrange for reasonable and appropriate Supportive Measures aimed at protecting the well-being and safety of the parties. Supportive Measures are offered as appropriate, as reasonably available, and without fee or charge. Generally, information about Supportive Measures is only shared with the Party to whom it applies and as is necessary to effectively implement the Supportive Measure(s).

Supportive Measures are available regardless of whether a report proceeds with the grievance process. Supportive Measures may be requested by a Party, or they may be initiated by the Title IX Coordinator.

Appropriate supportive measures will vary depending upon the circumstances and based on a party's confidentiality preferences. The range of potential supportive measures that the University may take includes:

- Assistance with connection to [Counseling Services](#), the [Spiritual Life team](#), and medical assistance through [Health Services](#).
- Assistance with connection to the [Employee Assistance Program](#).
- Assistance with connection to emergency rape crisis treatment and emergency medical services.
- Assistance with changing living arrangements.
- Assistance with contacting community resources such as [Safe Alliance](#) other support services.
- Assistance in seeking assistance and/or charges from local law enforcement.
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass orders.
- Timely warnings.
- Class schedule modifications, withdrawals, or leaves of absence.
- Increased security and monitoring of certain areas of the campus.
- Assistance in addressing academic concerns and making reasonable academic adjustments.
- Assistance in addressing workplace concerns and making reasonable workplace adjustments.
- Creation of and assistance with implementation of an individualized safety plan.
- University No Contact Order – An issued University No Contact Order prohibits contact between the listed parties, directly or through third parties, regardless of medium, until further directed.
- Any other actions deemed appropriate by the Title IX Coordinator.

Supportive Measures can extend throughout the grievance process and potentially beyond, as deemed necessary by the University.

Interim Actions/Emergency Removal

The University, through the Title IX Coordinator and in consultation with the President, Provost for Academic Affairs, Vice President for Student Affairs, or persons functioning under their authority, may impose an Interim Administrative Action when a Respondent:

- is deemed to threaten the health, safety, or well-being of the Complainant or others, including the broader University community;
- threatens or impairs the effective functioning of the University;
- When a determination is made that such action may be appropriate for the University to avoid a deliberately indifferent response.

Interim Administrative Actions may include, but are not limited to, interim suspension/emergency removal from the University, removal from university housing, suspension of privileges, restriction of access when on-campus, and other similar measures. When a Respondent is an employee of the University, they may be placed on Administrative Leave.

Any interim action taken by the University does not constitute judgment or determine any pending allegations against the Respondent and are not punitive. Respondents may appeal an Interim Administrative Action by requesting a prompt meeting (within 3 calendar days) with the Provost (for students) or the Assistant Vice President for Human Resources (for employees), to review the behavior that forms the basis for the Interim Administrative Action and challenge the decision. This meeting may resolve the Interim Administrative Action but does not serve as a substitute for the procedures outlined within this policy.

Prohibited Conduct under Title IX Sexual Harassment

Title IX Sexual Harassment includes conduct on the basis of sex, or that is sexual in nature, that satisfies one or more of the following:

Quid Pro Quo Sexual Harassment occurs when:

1. an employee of the recipient (University),
2. conditions the provision of aid, benefit, or service of the recipient (University),
3. on an individual's participation in unwelcome sexual conduct.

Such conduct could include, but is not limited to, sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal, nonverbal, or conduct or communication of a sexual nature.

Title IX Hostile Environment Sexual Harassment occurs when there is unwelcome conduct determined by a reasonable person to be so *severe, and pervasive, and objectively offensive*, that it effectively denies a Complainant equal access to the University's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the totality of the circumstances.

For the purposes of the definition of Title IX Hostile Environment Harassment, *reasonable person* means a reasonable person in the position of the Complainant, considering the ages, abilities, identities, and relative positions of authority of the individuals involved in an incident.

Sexual Assault (Rape) is defined as any sexual act directed against a Complainant that is:

- a. without their consent; or
- b. instances in which the Complainant is incapable of giving consent.

A **Sexual Act**, as defined in this policy, is specifically defined by federal regulations to include one or more of the following:

1. Penetration, regardless of how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person,
 - a. without their consent,
 - b. including instances where they are incapable of giving consent because of age (the statutory age of consent in North Carolina is 16) or because of temporary or permanent mental or physical incapacity.
2. Oral or anal sexual contact with a Complainant,
 - a. forcibly, and/or
 - b. against their will (non-consensually), or
 - c. not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. The use of an object or instrument to penetrate,
 - a. however slightly,
 - b. of the genital or anal opening of the body of the Complainant,
 - c. forcibly, and/or against their will (non-consensually), or
 - d. not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Non-Consensual Sexual Contact (not involving penetration) is defined as:

- a. The intentional touching of clothed or unclothed body parts of the Complainant (buttocks, genital area, groin, inner thigh, breasts),
- b. for the purpose of sexual gratification, sexual degradation, or sexual humiliation,
- c. forcibly, and/or
- d. against their will (non-consensually), or
- e. not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Dating Violence is defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of domestic violence.

Domestic Violence is defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of North Carolina, or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of North Carolina.

To categorize an incident as Domestic Violence under this policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Sex-Based Stalking is defined as engaging in a course of conduct,

- a. on the basis of sex,
- b. directed at the Complainant, that;
- c. would cause a reasonable person to fear for the person's safety, or the safety of others; or
- d. suffer substantial emotional distress.

Sex-Based Stalking can include, but is not limited to:

- a. Repeated, unwanted, intrusive, or frightening communications by phone, mail, text, email, and/or social media or related applications;
- b. Repeatedly leaving or sending unwanted items or gifts;
- c. Following or lying in wait for a person at places such as the person's residence hall, school activities, work, or recreational places;
- d. Making direct or indirect threats to harm a person or a person's relatives, friends, or pets;
- e. Damaging or threatening to damage a person's property;
- f. Excessive posting of information or spreading rumors about a person on the internet, in a public place, or by word of mouth; or
- g. Unreasonably obtaining personal information about a person for no legitimate purposes.

For the purposes of this definition, course of conduct means two or more acts, including, but not limited to acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Prohibited Conduct under Non-Title IX Sexual Harassment

Non-Title IX Sexual Harassment includes conduct that does not meet the definition of Title IX Sexual Harassment but otherwise constitutes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, electronic, or physical conduct of a sexual nature when:

Non-Title IX Sexual Harassment includes conduct on the basis of sex, or that is sexual in nature, that satisfies one or more of the following:

Quid Pro Quo Sexual Harassment occurs when:

1. an employee of the recipient (University),
2. conditions the provision of an aid, benefit, or service of the recipient (University),
3. on an individual's participation in unwelcome sexual conduct.

Such conduct could include, but is not limited to, sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal, nonverbal, or conduct or communication of a sexual nature.

Hostile Environment Sexual Harassment occurs when there is unwelcome conduct determined by a reasonable person, to be so *severe, and pervasive, or objectively offensive*, that it effectively denies a Complainant equal access to the University's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the totality of the circumstances.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct is, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

The determination of whether an environment is “hostile” must be based on the totality of the circumstances. These circumstances include, but are not limited to, the following:

- a. The frequency of the conduct
- b. The nature and severity of the conduct
- c. Whether the conduct was physically threatening
- d. Whether the conduct was humiliating
- e. The effect of the conduct on the alleged Complainant’s mental or emotional state
- f. Whether the conduct was directed at more than one person
- g. Whether the conduct arose in the context of other discriminatory conduct
- h. Whether the conduct unreasonably interfered with the Complainant’s educational or work performance

Sexual Assault is defined as any sexual act from the list below that is directed against a Complainant that is:

- a. without their consent; or
- b. instances in which the Complainant is incapable of giving consent.

A **Sexual Act**, as defined in this policy, is specifically defined by federal regulations to include one or more of the following:

1. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person,
 - a. without their consent,
 - b. including instances where they are incapable of giving consent because of age (the statutory age of consent in North Carolina is 16) or because of temporary or permanent mental or physical incapacity.
2. Oral or anal sexual contact with a Complainant,
 - a. forcibly, and/or
 - b. against their will (non-consensually), or
 - c. not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. The use of an object or instrument to penetrate,
 - a. however slightly,
 - b. of the genital or anal opening of the body of the Complainant,
 - c. forcibly, and/or against their will (non-consensually), or
 - d. not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Non-Consensual Sexual Contact (not involving penetration) is defined as:

- a. Touching the private body parts of the Complainant (buttocks, groin, breasts),
- b. for the purpose of sexual gratification,
- c. forcibly, and/or
- d. against their will (non-consensually), or
- e. not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Dating Violence is defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of domestic violence.

Domestic Violence is defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of North Carolina, or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of North Carolina.

To categorize an incident as Domestic Violence under this policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Sex-Based* Stalking is defined as engaging in a course of conduct,

- a. on the basis of sex,
- b. directed at the Complainant, that;
- c. would cause a reasonable person to fear for the person's safety, or the safety of others; or
- d. suffer substantial emotional distress.

Sex-Based Stalking* can include, but is not limited to:

- a. Repeated, unwanted, intrusive, or frightening communications by phone, mail, text, email, and/or social media or related applications;
- b. Repeatedly leaving or sending unwanted items or gifts;
- c. Following or lying in wait for a person at places such as the person's residence hall, school activities, work, or recreational places;
- d. Making direct or indirect threats to harm a person or a person's relatives, friends, or pets;
- e. Damaging or threatening to damage a person's property;
- f. Excessive posting of information or spreading rumors about a person on the internet, in a public place, or by word of mouth; or
- g. Unreasonably obtaining personal information about a person for no legitimate purposes.

For the purposes of this definition, course of conduct means two or more acts, including, but not limited to acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Retaliation means any adverse action, or any action likely to deter a reasonable person from engaging in protected activity, taken against a person for making a good faith report of Prohibited Conduct, participating in any proceeding under this policy, and/or acting in good faith to oppose conduct that constitutes a violation of this policy. Retaliation includes threatening, intimidating, harassing, coercing, or discriminating against an individual because the person made a report or complaint, assisted, participated in, or refused to participate in any manner in an investigation, proceeding, and/or hearing. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct or the exercise of rights protected under this or other University policy.

Any reports of retaliation related to this policy should be made to the Title IX Coordinator and will be adjudicated by through the Sexual Harassment Policy.

Sexual Exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples include, but are not limited to:

- a. Invasion of sexual privacy;
- b. Prostituting another person;
- c. Non-consensual digital, video or audio recording of nudity or sexual activity or using Artificial Intelligence or technology to simulate others' nudity or sexual activity without their consent;
- d. Altering the manner of consensual sexual activity without consent;
- e. Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity or such simulations;
- f. Engaging in voyeurism;
- g. Knowingly exposing someone to or transmitting an STI, STD, HIV, or other infectious disease or virus to another person through engaging in sexual activity;
- h. Intentionally or recklessly exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals in non-consensual circumstances;

Formal Resolution Procedures

The University will use the procedures outlined below to investigate and adjudicate, in a prompt and equitable process, formal complaints of Title IX Sexual Harassment. Different procedures apply depending on the particular circumstances of a case, including whether Title IX or Non-Title IX Sexual Harassment is alleged. The Formal Resolution Procedures are used when Informal Resolution is either not elected or is unsuccessful. The Formal Resolution Procedures are as follows.

General Provisions

Basic Rights of Parties

Both the Complainant and Respondent are afforded rights within this policy, including:

- The right to participate or to decline to participate in the process.
- Information about applicable support and resources.
- Equitable procedures that provide both parties with a prompt and impartial process conducted by officials who receive annual training on conduct prohibited by the policy.
- Written statement of the allegations and the specific Prohibited Conduct alleged to have been violated.
- Written notice of the date, time, and place of investigative interviews prior to the interview(s).
- Equal opportunity to access and provide evidence to the Investigator.
- Reasonable accommodation(s) as determined by the Office of Academic Accommodations and Accessibility (for students) and the Office of Human Resources (for employees).
- To be accompanied to any process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
- The opportunity to receive and respond to the information related to the charge(s).
- Equal opportunity to identify relevant witnesses and other evidence and to suggest possible topics to be covered with witnesses during the formal process
- Written, final outcome of the formal process, including level of responsibility for each Prohibited Conduct violation, outcomes (if applicable), and information on the appeals process.
- The right to notification, in writing, of the resolution, including the outcome of any appeal.

Standard of Evidence and Presumption

Preponderance of Evidence is the standard of proof by which decisions will be made regarding violations of this policy. Responsibility decisions will be made using the preponderance of the evidence standard. To be found responsible, there must be sufficient evidence to conclude it is more likely than not that the respondent violated the policy. Respondents are presumed not responsible until a determination has been made, and Complainants are presumed to be reporting in good faith.

Obligation to Provide Truthful Information

All University community members are expected to provide truthful information in any proceeding under this policy. Submitting or providing deliberately false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of conduct prohibited by this policy is also prohibited and subject to disciplinary sanctions.

False information provided by students is a violation of the Code of Conduct and will be referred to the Office of Community Standards & Support. False information provided by employees will be forwarded to the Office of Human Resources and addressed via the Employee Handbook.

Right to An Advisor of Choice

Both the Complainant and Respondent have the right to be accompanied to meetings by an advisor of their choice, who may be, but is not required to be, an attorney. Generally, the advisor selected by the Complainant or Respondent should be free of conflicts of interest in the process. If a member of the University community, the advisor should be free of conflicts in their position in the community. Parties must notify the Title IX Coordinator, in writing, of their advisor of choice.

A Party's advisor must observe the following protocols:

- The purpose of the advisor is to support a party in the Resolution Process.
- During the investigation phase of the process or in any other meeting, advisors may confer with their advisee, but may not speak on behalf of their advisee, advocate for their advisee, or otherwise actively participate in the process.
- The advisor may accompany their advisee to all meetings relating to the process, including the Alternative Resolution Process, if applicable.
- While advisors may assist their advisee in drafting written communications to the University, they may not directly or indirectly communicate with the Title IX Coordinator, the Investigator, any Hearing Officer/Decision Maker, witnesses (other than their own advisee), or the Appeal Board.
- Advisors may not interrupt or otherwise unduly delay the process. If an advisor is not reasonably available to participate in the process, the University reserves the right to move forward with its process to ensure its prompt completion.
- With the permission of their advisee, advisors will be provided access to the same investigation materials and permissible evidence that are available to their advisee. This information frequently includes student records and other confidential and highly sensitive information. Advisors' access to such information is conditioned upon their agreement to maintain the confidentiality of these records, except when disclosure is legally authorized.
- Advisors may only discuss information disclosed through the investigation process with their advisee. For example, if a party's advisor is an attorney, the attorney may not share any information obtained during the investigation process with other attorneys or staff associated with the attorney.
- Violations of confidentiality or other forms of interference with the process by the advisor may result in disqualification of the advisor, in addition to other available actions.
- The University reserves the right to disclose information about the identity of one party's advisor to the other party in the process.

Formal Complaint

The filing of the Formal Complaint typically begins the formal or informal resolution process. Upon receiving a Formal Complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply. In some cases, the University may proceed with the formal resolution process even if the Complainant chooses not to file one or move forward with a Formal Complaint. If the University decides that it has an obligation to move proceed with its process, the Title IX Coordinator will sign the formal complaint, and the University will notify the Complainant before proceeding.

Regardless of a request that an investigation not be pursued, the University may still provide supportive measures and resources to a Complainant and Respondent (if the Respondent is aware of the allegations). The University will not only take steps to prevent retaliation but will take strong responsive action if retaliation occurs, even if a Formal Complaint is not pursued.

Complainants can withdraw their formal complaint at any time during the process up until a determination regarding responsibility has been made.

Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of Non-Title IX or Title IX Sexual Harassment Prohibited Conduct, the Title IX Coordinator engages in an initial assessment. The steps in an initial assessment include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- Notify the Complainant of the right to an Advisor of their choice.
- The Title IX Coordinator works with the Complainant to discuss Supportive Measures, Alternative Resolution, and Formal Resolution. A Complainant may choose to engage Supportive Measures only and seek Formal or Alternative Resolution at a later date.

Consolidation of Formal Complaints

The University reserves the right to consolidate formal complaints into one formal resolution process as to allegations of Prohibited Conduct against more than one Respondent, by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances.

Mandatory and Discretionary Dismissal of Title IX Sexual Harassment Formal Complaints

The University, through the Title IX Coordinator, can dismiss the Formal Complaint for one of the following:

- **Mandatory Dismissal** – The University shall dismiss a Formal Complaint, or any allegations therein, when the alleged conduct:
 - Does not constitute sexual harassment under Title IX;
 - Did not occur in the University’s education program or activity;
 - Did not occur against a person in the United States; or
 - The Complainant was not participating in or attempting to participate in a university education program or activity at the time the Formal Complaint was filed.
- **Discretionary Dismissal** – The University may dismiss the Formal Complaint, or any allegations therein, when:
 - Complainant withdraws the Formal Complaint in writing to the Title IX Coordinator;
 - Respondent is no longer enrolled or employed by the University; or
 - Circumstances prevent the University from gathering sufficient evidence to reach a determination.

Once the University has determined that a Formal Complaint will be dismissed, a written notice of dismissal is sent to the Complainant, Respondent, and their advisors, detailing the reason for dismissal and, if applicable, any other policies that may be pursued. If a Formal Complaint is dismissed pursuant to the Title IX Harassment procedures, it may still be pursued through the Non-Title IX Procedures or any

other University policy, as applicable. The Complainant and Respondent have the right to appeal any dismissal of Title IX Prohibited Conduct procedures.

In the University's discretion, these procedures may also be used to address other conduct arising out of the same circumstances as the alleged sexually harassing or retaliatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed, as applicable, through the procedures elaborated in the respective student and employee manuals.

For detailed information on the Appeal process, please see the Appeals section.

Students

Reports of sex and/or gender-based discrimination allegedly perpetrated by faculty that allege behavior outside the scope of the definition of Title IX or Non-Title IX Sexual Harassment will be addressed through the Student Code of Conduct.

Faculty and Staff

Reports of sex and/or gender-based discrimination allegedly perpetrated by faculty that allege behavior outside the scope of the definition of Title IX or Non-Title IX Sexual Harassment will be addressed through the Discrimination and Harassment Procedures.

When reports outside the scope of the definition of Sexual Harassment are made involving an individual with multiple roles at the University (i.e., a combination of faculty, staff, or student), the Title IX Coordinator will refer the report to the appropriate office/department and communicate the decision to the appropriate parties.

Notice of Allegation(s) and Investigation

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (the NOIA) to the parties upon commencement of the Formal Resolution process.

The NOIA will include:

- The identity of the parties involved (if known)
- The Prohibited Conduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies implicated
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until a preponderance of the evidence supports a determination of a Prohibited Conduct violation
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity during the review and comment period to inspect and review all directly related and relevant evidence obtained
- A statement about the University's policy on retaliation
- Information about the confidentiality of the process
- Information on the right for each party to have an Advisor of their choice who may, but is not required to, be an attorney
- A statement informing the parties that the University policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process

- The name(s) of the Investigator(s), along with a process to identify to the Title IX Coordinator, in advance of the interview process, any conflict of interest that the Investigator(s) may have
- Information about the importance of preserving any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of any allegation.

Notice will be made in writing and may be simultaneously delivered by email to the parties' Queens-issued email accounts. (Non-students and non-employees may be contacted via email on file with the University.)

Investigation

The University will appoint a trained investigator free from bias or conflict of interest to conduct a prompt, fair, and impartial investigation. Assigned Investigator(s) may be University employees or external professionals. The parties will be afforded the opportunity to raise concerns about the bias or conflict of interest of the Investigator before the investigation begins.

Investigations regarding potential violations of Prohibited Conduct under this policy are expected to be completed in a timely fashion, however, investigations (or other processes under this policy) may take longer in some circumstances, including but not limited to the complexity of the case, the number of parties involved, the availability and cooperation of parties and witnesses, the University calendar, or instances where the University investigation may compromise a law enforcement investigation. Complainants and Respondents will be notified of any extensions of time or changes in timelines throughout the processes in this policy. (Note: The University may delay its investigation to allow evidence collection by law enforcement; however, this policy and the procedures herein are separate and distinct from any criminal investigation or legal proceeding.)

As part of the investigation process, the burden is on the University (and not any party) to conduct an investigation that gathers sufficient evidence to determine whether the Prohibited Conduct occurred. The role of the Investigator is to gather relevant information or evidence, including through interviews of parties and witnesses and the collection of other data and documentation, including information obtained directly from the parties and witnesses or otherwise obtained from public and other resources. In most cases, the Investigator will first seek to interview each party to obtain their account of the facts and circumstances surrounding the complaint. The Investigator may request information from the parties or witnesses about additional witnesses who have not already participated in the process, their location, and how to contact them.

The parties are afforded an equal opportunity to suggest questions to be asked of the other party, to suggest fact witnesses with relevant information, and to provide other inculpatory (evidence that demonstrates responsibility) and exculpatory evidence (evidence that demonstrates non-responsibility) that is relevant to the allegations and not otherwise impermissible. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred.

When expertise on a topic is needed to achieve a fuller understanding of the issues under investigation, the Investigator may consult medical, forensic, technological, or other experts. Relevant information obtained through those efforts will be shared with the parties.

Respondent Withdrawal or Decision Not to Participate in an Investigation

If the Respondent chooses not to participate in any resolution process under this policy, the Respondent will still be informed of any alleged violation of this policy, that an investigation will be conducted, and that the resolution process will continue. The University may also elect to continue with its resolution process even if the Respondent elects to withdraw from the University.

Interviews with Parties and Witnesses

The Investigator, in consultation with the Title IX Coordinator, has discretion to assess the relevancy of any proposed witnesses, evidence, and questions, and determine which interviews to conduct, including the discretion to conduct interviews of individuals not identified by the parties. Interviews will typically take place via videoconferencing.

Witnesses (as distinguished from the parties) who are employees of the University are strongly encouraged to cooperate with and participate in the investigation and resolution procedures. Student witnesses and witnesses from outside the University community are encouraged to cooperate with the University investigations and to share what they know about the alleged conduct.

Interview Recording

The Investigator(s) may elect to record any interview and will make the person being interviewed aware of the recording. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

Impermissible Evidence that Must be Excluded

Certain types of evidence (and questions seeking that evidence) are impermissible and will not be considered by the University.

Such evidence and information will not be accessed or considered (except by the University to determine whether one of the exceptions listed below applies); will not be disclosed; and will not otherwise be used:

- Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in its grievance process; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The existence of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Investigation Reports and Hearing Procedures for Title IX Sexual Harassment

Draft Investigation Reports

The University strives to complete investigations within 90 (ninety) to 120 business days. The Investigator will compile a Draft Investigation Report and the Title IX Coordinator will distribute it to the parties, their advisors (if so desired), and the Hearing Officer in secured electronic format. The Complainant and Respondent will have an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the Hearing Officer does not intend to rely in reaching a determination, for a ten (10) business-day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days. The parties' responses (if any) will be provided to the other party for final review and comment.

Final Investigation Reports

After the review and comment period, the Investigator will complete the Final Investigation report including the parties' final responses (if any). The Title IX Coordinator will provide the Final Investigator Report to the Complainant, Respondent, and Hearing Officer/Decision Maker.

Hearing for Allegations of Title IX Sexual Harassment Prohibited Conduct

A Hearing Officer will conduct a live recorded hearing utilizing video conferencing for each party and the witnesses in accordance with University Hearing Procedures. No party, advisor, or witnesses will be in-person in front of the Hearing Officer. Any party participating in the hearing is required to be present on the video conference via video and audio.

Prior to the hearing, the Hearing Officer will review the Final Investigation Report. During the hearing, the Hearing Officer may ask questions of the parties and witnesses. The Hearing Officer will then permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge credibility. The Hearing Officer may have additional questions for each party prior to deliberation.

Only relevant questions may be asked of a party or witness. Before a party or witness answers a question, the Hearing Officer will determine if the question is relevant and explain the decision to exclude any irrelevant question. The following questions are not relevant:

- Questions about a Complainant's sexual predisposition or prior sexual behavior, unless they are offered to prove that someone other than the Respondent committed the alleged conduct or concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent; and
- Questions that seek the disclosure of information protected under a legally recognized privilege, unless person holding such privilege has waived the privilege.

Parties and witnesses are strongly encouraged to participate in the hearing to allow the Hearing Officer the opportunity to fully evaluate and weigh all relevant evidence. If a party or witness chooses not to participate in the hearing or answer relevant questions during cross-examination, the Hearing Officer may still consider statements and evidence provided by that party or witness during the investigation and/or hearing that the Hearing Officer deems relevant and reliable. The Hearing Officer may not draw any

inference about the determination of responsibility solely from the absence of a party or a witness from the hearing, or their refusal to answer any cross-examination or other question.

The Hearing Officer is responsible for making a determination regarding responsibility and, if appropriate, sanctions and remedies. The decision will be communicated simultaneously to the parties through a Notice of Determination, as described more fully below.

The University will maintain either a recording or a transcript of the hearing and, upon request, will make it available to the parties for inspection and review as part of any appeal.

Investigation Reports for Non-Title IX Sexual Harassment

Final Investigation Reports

The University strives to complete investigations within 90 (ninety) to 120 business days. The Investigator will compile a Final Investigation Report that the Title IX Coordinator will distribute it to the parties, their advisors (if so desired), and the Decision Maker in secured electronic format. The Complainant and Respondent will have an opportunity to inspect and review the Final Investigation Report (including exhibits) for a ten (10) business-day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full five (5) days. The parties' responses (if any) will be provided to the other party for final review and comment for five (5) business days. The final responses will be provided to the Complainant, the Respondent, and the appointed Decision Maker charged with making a determination about whether the policy has been violated.

Outcome Procedures for Title IX and Non-Title IX Sexual Harassment

Notice of Determination

After the Hearing Officer/Decision Maker renders a decision, the Title IX Coordinator will concurrently send the parties the written Notice of Determination within twenty (20) business days of the hearing or, if no hearing is held, within twenty (20) business days of the Hearing Officer/Decision Maker receiving the complete investigation file. The Title IX Coordinator may extend this timeframe for good cause.

The Notice of Determination will include the allegations, the procedural steps taken in the matter, the determination of responsibility for each potential Prohibited Conduct violation, rationale, and findings of fact to support the determination, outcomes including any disciplinary sanctions or remedies (if applicable), and procedures for appeal.

Note – Sanctions for faculty will be determined through the process outlined within the Faculty Handbook. Sanctions for staff will be determined through processes outlined within the Employee Handbook.

For detailed information on the Appeal process, please see the Appeals section.

Outcomes for Violations

Factors the Hearing Officer may consider when determining sanctions and responsive actions include, but are not limited to:

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

Sanctions

Following a determination that sexual harassment of any type occurred, the Hearing Officer/Decision Maker will impose remedies and/or sanctions. The University reserves the right to take measures deemed necessary to protect the rights and personal safety of the Complainant and the University's community members. Not all forms of sexual harassment are deemed equally serious offenses and, as a result, different remedies or sanctions may be imposed depending on the severity of the offense and any previous conduct violations. Individuals who are found responsible under this policy may face sanctions as appropriate for students, employees, visitors, or others, including, but not limited to, the following sanctions. Each of these sanctions and other sanctions may be imposed alone or in combination for a Respondent found responsible for Prohibited Conduct, as defined by this policy:

- Required assessment, education, or training;
- Probation;
- Warning;
- Reprimand;
- Loss of privileges;
- Restitution;
- Behavioral contracts;
- Community service hours;
- Campus housing suspension, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at university events;
- Temporary or permanent restricted access to areas of campus, and campus events, activities, organizations, or courses;
- Conditions upon presence on campus or at university events;
- No trespass or no-contact orders;
- Removal or non-renewal of scholarships or honors;
- Suspension from the University, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at university events;

- Expulsion from the University;
- Temporary or permanent revocation of degree;
- Revocation of admission to the University;
- Loss of salary or benefit such as sabbatical, research or travel funding;
- Suspension of promotion and salary increases, with reinstatement requirements that could include behavioral contracts, and required assessment
- Suspension or withdrawal of faculty privileges, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at university events;
- Suspension/Administrative Leave with Pay or Without Pay;
- Transfer or change of job or responsibilities;
- Reassignment or removal from an elected or appointed position;
- Formal censure;
- Revocation of tenure;
- Demotion; and/or
- Termination of employment.

Remedies for the Complainant (and others) are designed to restore or preserve equal access to the University's education program or activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. Remedies, accommodations, and protective measures for the Complainant include implementing or extending supportive/interim measures, including, without limitation, the following examples:

- No Contact Orders
- Prohibiting an individual involved from being on university property
- Prohibiting an individual involved from participating in university-sponsored events
- Changing an individuals on campus residency, dining, or transportation arrangements
- Special parking arrangements
- Changing an individual's student or employee status or job responsibilities
- Changing an individual's work or class schedule
- Providing academic accommodations or providing assistance with academic issues
- Providing work accommodations
- Providing security escorts
- Access to counseling
- Making information about orders for protection and harassment restraining orders available to a Complainant
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

The University will undertake, to the extent possible, additional remedies as dictated by the circumstances, such as increased training to prevent Sexual Harassment; additional written education materials (policies and resources); review campus security relative to monitoring, supervision, or security at locations where reported Sexual Harassment occurred; and/or revisiting other policies and practices.

Appeals

Either the Complainant or the Respondent may appeal a decision to dismiss a Formal Complaint or any allegations therein, as discussed above. The Hearing Officer/Decision Maker's decision regarding responsibility is also appealable. Appeals must be submitted by the party in writing through the online appeal form (provided on the outcome letter) by the designated deadline in the issuance of an appealable decision within five (5) business days. If neither party requests a timely appeal, any outcome imposed will take effect immediately at the end of the five (5) business-day appeal timeline. Any exceptions to the timeline are made at the discretion of the Title IX Coordinator.

Appeal requests are subject to the procedures outlined below. The written appeal must be clear, specific, and contain a detailed statement regarding the grounds for appeal. Appeals are not re-hearings of the case or evidence. The decision will be based solely on the investigation and hearing record, including the written appeal, the Investigation Report(s), any responses to the Investigation materials, and the Notice of Determination and included rationale.

Grounds for Appeal

Only appeals based on the following grounds will be considered by the Appeal Board. Appeal requests that do not allege one of the following grounds will not be considered and will be summarily denied by the Appeal Board:

New Evidence

Discovery of new evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, which substantially affected the outcome. Withholding or not identifying relevant information or declining to participate in the original investigation is not grounds for an appeal based on the discovery of new evidence. If the appeal is based on new evidence the request must outline the following:

- Source of new information and complete explanation of that information;
- Name(s) of who can present this information;
- Reason(s) why this information was not presented at the original investigation and;
- How this new evidence would substantially affect the outcome.

Procedural Irregularity

If it is believed there was an irregularity in the Formal Resolution Procedures (outlined above) that substantially impacted the outcome (e.g., material deviation from established procedures that substantially affected the outcome of the hearing, etc.), the appeal request must outline the following:

- Citation of specific procedural errors with appropriate reference;
- Reason(s) why procedural error was not mentioned in the original investigation; and
- How the procedural irregularity would substantially affect the outcome.

Conflict of Interest or Bias

If there was an actual conflict of interest or bias exhibited by the Investigator, Title IX Coordinator, or Hearing Officer/Decision Maker for or against Complainants or Respondents generally, or the individual Complainant or Respondent that substantially affected the outcome. The appeal request must outline the following:

- Citation of facts demonstrating the bias or actual conflict of interest exhibited by the Investigator, Title IX Coordinator, or Hearing Officer;
- Reason(s) why the bias or conflict of interest was not mentioned in the original investigation; and
- How the bias or actual conflict of interest substantially affected the original finding or outcome.

Appeal Procedures

Once a request for an Appeal is submitted, the Title IX Coordinator will review the appeal to determine whether the appeal states a permissible ground for appeal (as set forth above), such that the appeal will be considered. If the Title IX Coordinator determines that the appeal states a permissible ground for appeal, the non-appealing party will be notified of the appeal and provided an opportunity to respond within five (5) business days of receipt of the appeal.

The appeal will be decided by an Appeal Board appointed by the Title IX Coordinator. The Appeal Board will be comprised of three members trained in both this policy and appeal process, and the issues related to sexual harassment. The Appeal Board will be:

- Free from conflict of interest or bias and;
- Not involved in the initial investigation in any way including the hearing.

Prior to the Appeal Board review, the Title IX Coordinator will provide both parties with the names of the Appeal Board members to address any concerns of bias or conflict of interest. Should any party be concerned about the bias or conflict of interest of a panel member, that party must raise all objections, in writing, to the Title IX Coordinator. Appeal Board members will only be replaced if the Title IX Coordinator concludes that they have a conflict of interest or bias that may preclude an impartial review of the appeal.

The Appeal Board has the authority to:

- Uphold the original decision;
- Uphold the original decision but change the sanction to be more or less severe based upon a finding that an appealable issue had a substantial impact on the sanction;
- Remand the case to the original or another Hearing Officer; or
- Remand the case to the investigative team.

The Appeal Board will simultaneously issue to both parties a written decision describing the result of the appeal and the rationale for the result within thirty (30) business days after receipt of the appeal files. The decision of the Appeal Board is final.

Alternative Resolution Procedures

When the parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below. The individual facilitating Alternative Resolution must be trained and cannot be the Investigator, Hearing Officer, or Appeal Board.

Alternative Resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent; indirect action by the Title IX Coordinator or other appropriate University officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All

Parties must consent to the use of an Alternative Resolution, and the Parties may, but are not required to, have direct or indirect contact during an Alternative Resolution process.

The Title IX Coordinator may consider the following factors to assess whether an Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the Parties:

- a. The parties' amenability to Alternative Resolution
- b. Likelihood of potential resolution, considering any power dynamics between the Parties
- c. The nature and severity of the alleged misconduct
- d. The parties' motivation to participate
- e. Civility of the parties
- f. Results of a violence risk assessment/ongoing risk analysis
- g. Respondent's disciplinary history
- h. Whether an emergency removal or other interim action is needed
- i. Skill of the alternative resolution facilitator with this type of Complaint
- j. Complaint complexity
- k. Emotional investment/capability of the parties
- l. Rationality of the parties
- m. Goals of the parties
- n. Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX Coordinator has the authority to determine whether an Alternative Resolution is available or successful, to facilitate a resolution that is acceptable to all parties, and/or to accept the parties' proposed resolution, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the Alternative Resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Title IX Office maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the resolution process, referral to the conduct process/human resources for failure to comply, application of the enforcement terms of the agreement).

The results of complaints resolved by Alternative Resolution are not appealable.

It is not necessary to pursue Alternative Resolution first to pursue a Formal Resolution process. Any party participating in Alternative Resolution can withdraw from the Alternative Resolution Process at any time and initiate or resume the Formal Resolution Process. The Alternative Resolution is typically completed within (30) business days after the parties' written consent to participate.

This resolution is not subject to appeal once all parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the formal resolution process will either continue or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

If an Alternative Resolution option is not available or selected, the Title IX Coordinator will initiate or continue an investigation and subsequent formal resolution process to determine whether a Prohibited Conduct violation has occurred.

Additional Policy Provisions

Privacy and Confidentiality

University students, faculty, and staff are responsible for knowing the information, policies, and procedures outlined in this document. Every effort is made by the Title IX Coordinator to preserve the confidentiality of reports.

Privacy means that information related to a complaint will be shared with a limited number of university employees who “need to know” to assist in the assessment, investigation, and resolution of the complaint.

Confidentiality exists in the context of laws that protect the disclosure of certain information shared in relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The University has designated individuals who have the ability to have privileged communications as Confidential Resources.

The Title IX Coordinator reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall under this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Human Resources/Compliance Office, University Police, and the Behavioral Intervention Team. Information will be shared as necessary with Investigators, Hearing Officers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties’ rights and privacy.

The University may contact parents/guardians/emergency contact of students to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Preservation of Evidence

The preservation of evidence is important and often time sensitive. In its initial meeting, the University will inform the Complainant (and Respondent once the Resolution Process is initiated) of the importance of preserving evidence, including through the process of prompt medical examinations and assistance, as well as preserving electronic data, social media postings, messages, and other documentary evidence. The parties will also be informed about the importance of preserving evidence in the written Notice of Investigation and Allegations.

Data and Record Keeping

University must handle records and information created or maintained pursuant to this policy in accordance with applicable state and federal laws and University policies. The University maintains Title IX records for 7 (seven) years.

Changes or Termination of this Policy

The University reserves the right to modify, amend, or terminate this policy at any time. Nothing in this policy shall affect the inherent authority of the University to take such actions as it deems appropriate to further its educational mission or to protect the safety and security of the University students, faculty, and staff. Students, faculty, and staff are encouraged to check online for the most current version of all policies and procedures. If government regulations change in a way that impacts this document, this document will be constructed to comply with government regulations in their most recent form.

This policy is effective as of 8/15/2026.