

Title IX Policy

I. Introduction

- A. Loyola University New Orleans complies with Title IX of the Education Amendments of 1972, which prohibits discrimination based on gender in the University's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of gender discrimination. As outlined below, Loyola University New Orleans has a designated Title IX Coordinator to coordinate compliance with and respond to inquiries concerning Title IX. The University will take prompt and effective steps to end any sexual or gender-based harassment and discrimination, as well as to eliminate any hostile environment. As further defined herein, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. The University will take prompt and effective steps to prevent the recurrence of the prohibited conduct, and remedy any effects on the victim or others as appropriate. The purpose of the policy is to define the conduct prohibited, describe the process for reporting violations of the policy, outline the process used to investigate and adjudicate alleged violations of the policy, and identify some of the resources available to University students who are involved in an incident that may violate this policy.

II. Definitions

- A. Definitions used in this policy will have those meanings defined herein and if not defined herein will be construed according to their plain and ordinary meaning.
- B. **Complainant** - an individual who is alleged to be the victim of conduct that could constitute sexual harassment, sexual assault, stalking, and/or dating and domestic violence.
1. Loyola University New Orleans will treat a person as a Complainant any time the school has notice that the person is alleged to be the victim of conduct that could constitute sexual harassment, sexual assault, stalking, and/or dating and domestic violence (regardless of whether the person themselves reported, or a third party reported the sexual harassment, sexual assault, stalking, and/or dating and domestic violence), and irrespective of whether the Complainant ever chooses to file a Formal Complaint. There is no time limit or statute of limitations on a Complainant's decision to file a Formal Complaint. When a Title IX Coordinator signs a formal complaint, such action is not taken on behalf of a Complainant, and the Title IX Coordinator does not become a party.
- C. **Respondent** - an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, sexual assault, stalking, and/or dating and domestic violence.
1. **Presumption of Non-Responsibility**
- a. From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.
- D. **Formal Complaint** - a document filed by a Complainant (or their parent(s)/guardian(s) if the Complainant is still legally considered a minor in

Louisiana) or signed by the Title IX Coordinator alleging sexual harassment, sexual assault, stalking, and/or dating and domestic violence against a Respondent and requesting that the school investigate the allegation of sexual harassment, sexual assault, stalking, and/or dating and domestic violence.

1. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the school with which the Formal Complaint is filed.
2. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.
3. The phrase “document filed by a Complainant” specifically means a document or electronic submission (such as by electronic mail or through Maxient, an online portal provided for this purpose by Loyola University New Orleans) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.
4. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party during a grievance process.

- E. ***Supportive Measures***- non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the Complainant and Respondent, before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve access to the recipient’s education program or activity, without unreasonably burdening the other party; protect the safety of all parties and the recipient’s educational environment; and deter sexual harassment, sexual assault, stalking, and/or dating and domestic violence. Supportive measures may include but are not limited to counseling, course related adjustments, modifications of work or class schedules, campus escort services, increased security and monitoring of certain areas of campus, and mutual restrictions on contact between the parties (e.g. mutual no contact orders). The purpose of supportive measures is equal access to education.
- F. ***Retaliation*** - is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- G. ***Education Programs and Activities*** - refers to all the operations of the University, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the University. It also includes off-campus locations, events, or circumstances over which the University exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building

owned or controlled by a student organization that is officially recognized by the University.

III. Applicability and Prohibition

- A. This policy applies to Sexual Harassment (including sexual assault, dating and domestic violence, and stalking) that occurs within the University's Education Programs and Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the University community — regardless of gender, sexual orientation, or gender identity. This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the University's Education Programs and Activities; such Sexual Misconduct may be prohibited by the [Student Code of Conduct](#) if committed by a student, the [Faculty Handbook](#) if committed by a faculty member, or the [Human Resources Manual](#) or other University Policies and standards if committed by a staff member. Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the University's Education Programs and Activities, such as a study abroad program. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the [Student Code of Conduct](#) if committed by a student, the [Faculty Handbook](#) if committed by a faculty member, or the [Human Resources Manual](#) or other University Policies and standards if committed by a staff member.
- B. Members of the University community shall not engage in sexual discrimination, including dating and domestic violence, stalking, sexual assault, and/or sexual harassment (all of which are discussed in more detail below) against employees, students, or third parties. Persons who do so are subject to disciplinary action, up to and including dismissal for students; faculty and staff who violate this policy are also subject to disciplinary action up to and including termination of employment. The University also prohibits sexual discrimination, including dating and domestic violence, stalking, sexual assault, and sexual harassment by third parties towards members of the University community. The University prohibits retaliation, including retaliatory harassment, against individuals who report discrimination, dating and domestic violence, stalking, sexual assault, and/or sexual harassment or who participate in the University's investigation and handling of such reports. This policy and the procedures for addressing complaints apply to all forms of gender and sex discrimination, including sexual and gender-based harassment, sexual assault, stalking, and dating and domestic violence, against students and employees occurring in all of the University's programs and activities, except those outside of the United States, including when:
1. The conduct occurs on campus;
 2. The conduct occurs off-campus, in the United States, and in the context of University employment, education, or research programs or activities, including but not limited to University-sponsored internships, graduate/professional programs, intercollegiate athletics, or other affiliated programs.

3. If the conduct occurs off-campus outside the context of a University program or activity but in the United States, the University will consider the effects of the off campus conduct in order to evaluate whether it has continuing adverse effects on campus or in any University program or activity, including the creation of a hostile environment on campus or in an off-campus education program or activity.
- C. Retaliation
1. Title IX and the University prohibit retaliation (including retaliatory harassment) against anyone for inquiring about suspected breaches of University policy, registering a complaint pursuant to its policies, assisting another in making a complaint, or participating in an investigation under its policies. Retaliation is a serious violation that can subject the parties to strong responsive action, including sanctions, independent of the merits of the policy violation allegation. Retaliation is prohibited even if the University finds that no violation of the policy occurred. Retaliation is defined as intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Anyone experiencing any conduct that he or she believes to be retaliatory (or retaliatory harassment) should immediately report it to the Title IX Coordinator using the contact information below.

IV. Title IX Coordinator

- A. Loyola University New Orleans has a designated Title IX Coordinator to coordinate compliance with and response to inquiries concerning Title IX. A report of a violation of this policy should be made to:
 1. Dr. Diana Ward - Title IX Coordinator; 205 Danna Student Center; 504-864-7151; dmward@Loyno.edu
- B. In addition, Loyola University New Orleans has a designated Title IX Deputy Coordinator to support response to inquiries concerning Title IX. A report of a violation of this policy may also be made to:
 1. Rachel Dirmann – Director of Human Resources; 504-864-7768; rdirmann@loyno.edu
- C. Any person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting: the [U.S. Department of Education's website](#) or calling 1-800-421-3481.
- D. To the extent a violation of this policy may also violate a criminal law, impacted individuals are encouraged to report their complaint to local law enforcement.
 1. Any person making a complaint under this policy may pursue a complaint with the University and police simultaneously. The police and the University independently investigate complaints of sexual harassment, sexual assault, stalking, and dating and domestic violence. The police investigate to determine whether there has been a violation of criminal laws. The University investigates to determine whether there has been a violation of University policy. The investigations proceed concurrently,

and the outcome of one investigation does not determine the outcome of the other investigation. Occasionally, the University may need to briefly suspend the fact-finding aspect of its investigation at the request of law enforcement while the police are in the process of gathering evidence. The University will maintain regular contact with law enforcement to determine when it may begin its investigation. The University will promptly resume its investigation as soon as notified by the police department that it has completed its evidence gathering process, or sooner if the University determines that the evidence gathering process will be lengthy or delayed. The University will not delay its investigation until the ultimate outcome of the criminal investigation. Even if the University investigation is briefly suspended, the University will nevertheless communicate with the Complainant (the person filing the complaint or who was allegedly the victim of sexual harassment, sexual assault, stalking, and/or dating and domestic violence) regarding their rights, procedural options, and the implementation of appropriate supportive measures to assist and protect the safety of the Complainant and the campus community and to prevent retaliation.

V. Prohibited Conduct-Sexual Harassment

A. *Sexual Harassment*

1. Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature by an employee, by another student, or by a third party that satisfies one or more of the following:
 - a. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
 - b. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity (i.e. hostile environment); or
 - i. In determining whether a hostile environment exists, the University will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The University will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment. The University encourages members of the University Community to report any and all instances of Sexual

Harassment, even if they are unsure whether the conduct rises to the level of a policy violation. Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- (a) Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- (b) Unwelcome kissing, hugging, or massaging
- (c) Sexual innuendos, jokes, or humor
- (d) Displaying sexual graffiti, pictures, videos, or posters
- (e) Using sexually explicit profanity
- (f) Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- (g) E-mail and Internet use that violates this policy
- (h) Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- (i) Sending sexually explicit emails, text messages, or social media posts
- (j) Commenting on a person's dress in a sexual manner
- (k) Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- (l) Insulting demeaning, or degrading another person based on gender or gender stereotypes

c. Sexual assault, dating violence and domestic violence, or stalking.

i. ***Sexual Assault***

- (a) The term "sexual assault" means any nonconsensual sexual act including when the victim lacks capacity to consent.
- (b) Sexual assault also includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.
 - (1) ***Rape*** is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.
 - (2) ***Sodomy*** is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her

temporary or permanent mental or physical incapacity.

- (3) ***Sexual Assault with an Object*** is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
 - (4) ***Fondling*** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - (5) ***Incest*** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Louisiana law.
 - (6) ***Statutory Rape*** is sexual intercourse with a person who is under the statutory age of consent as defined by Louisiana law.
- (c) The definition for sexual assault applies regardless of whether the alleged assailant is a stranger or an acquaintance.
- (d) For purposes of this policy, ***consent*** to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Silence alone, without actions evidencing permission, does not demonstrate consent. While consent may be expressed by words or by actions, it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions may lead to confusion and potential for misunderstandings, which may lead to a violation of this policy. It is the responsibility of the initiator of any sexual activity

to obtain their partner's consent. Consent must be knowing and voluntary. To give consent in Louisiana, a person must be at least 17 years old. Assent does not constitute consent if obtained through "coercion" or from an individual whom the Respondent knows or reasonably should know is "incapacitated." An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain consent if that individual is the one who initiates sexual activity. Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of consent has been expressed, the sexual activity must cease immediately. Consent is automatically withdrawn by a person who is no longer capable of giving consent. A current or previous consensual dating or sexual relationship between the parties does not itself imply Consent or preclude a finding of responsibility for misconduct.

(e) **Coercion** for purposes of this policy is the use of express or implied threats, intimidation, or physical force which places an individual in reasonable fear of immediate harm or physical injury.

(f) An individual is considered to be **incapacitated** for purposes of this policy if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Someone who is drunk or intoxicated is not necessarily incapacitated. Individuals who are asleep, unresponsive or unconscious are incapacitated. Among the factors the University will use to assess whether someone is incapacitated for purposes of this policy are: inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. The existence of any one of these factors will support a finding of incapacitation for purposes of this policy.

ii. Domestic and Dating Violence

(a) **Domestic Violence** is violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse

or intimate partner, by a person similarly situated to a spouse of the victim, or by any other person against an adult or youth victim who is protected from that person's acts under Louisiana law. The term "***dating violence***" means violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

(1) "Domestic and Dating Violence" encompasses abusive behavior, including threats, verbal and/or emotional abuse, and physical assault, between persons in an intimate and/or dating relationship. Examples of domestic and dating violence include, but are not limited to, intimidation, threats, and physical harm. Preventing a partner from making contact with others among the partner's family, friends, or peer group also falls within this definition. This includes behavior toward another person when the intimate and/or sexual relationship has ended.

iii. Stalking

(a) The term "***stalking***" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

(1) A course of conduct means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. Stalking includes, but is not limited to, the intentional and repeated uninvited presence of the alleged perpetrator at another's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a

result of verbal or behaviorally implied threats of death, bodily injury, or sexual assault.

- B. *Offenses that do not fall under or do not rise to the level of Title IX but still constitute a violation of University policy will be investigated using the procedures outlined in the [Student Code of Conduct](#), [Human Resources Manual](#), or [Faculty Handbook](#) respectively; the Code, Manual, or Handbook used will be based on the status of the Respondent (e.g. student, staff member, or faculty member).*

VI. Confidentiality

- A. The goal of this policy is to provide members of the community with a positive working and learning environment that is free from sexual harassment, sexual assault, stalking, and/or dating and domestic violence. Complaints of sexual harassment, sexual assault, stalking, and/or dating and domestic violence will be investigated in a manner that is consistent with this goal. The University cannot grant complete confidentiality in its handling of sexual harassment complaints. The Respondent must be apprised of the Complainant's identity; he or she cannot remain anonymous. Fundamental fairness principles and due process require that a Respondent knows the details of the allegations made against the Respondent, to the extent the details are known, to provide adequate opportunity for the Respondent to respond. However, to the extent possible, the University will keep the complaint and investigation confidential and will make every reasonable effort to handle inquiries, complaints, and related proceedings in a manner that protects the privacy of all parties. Each situation is resolved as discreetly as possible, with information shared only with those who need to know. "Gag orders" will not be placed on any party. The University will not restrict either party's ability to discuss the investigation or gather and present evidence. Because Title IX and the University prohibit retaliation, the University will take proper steps to prevent retaliation and will take strong responsive action if retaliation occurs. If a Complainant requests that an investigation not be pursued, the University will take all reasonable steps to respond to the complaint consistent with the request as long as honoring the request does not prevent the University from responding effectively to the harassment and preventing harassment of others. If a person submits an anonymous report, the scope of University's ability to respond to the alleged misconduct may be limited.

1. Complainants cannot remain anonymous during a formal investigation. A Complainant cannot file a Formal Complaint anonymously because a Formal Complaint is defined as a document or electronic submission (such as an e-mail or Title IX report received through Maxient, Loyola's online reporting system) that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the formal complaint. The Title IX Coordinator or their designee is required to then send written notice of the allegations to both parties, Complainant and Respondent, upon receiving a Formal Complaint. The written notice of allegations to the Respondent must include certain details about the allegations, including the identity of the parties, Complainant(s),

if known. The Respondent must be informed of the identity of the Complainant in order to allow them to fully respond to the allegations against him or her.

2. In cases when a Complainant does not wish to proceed with an investigation, the Title IX Coordinator will determine whether the University has an obligation to proceed with the investigation notwithstanding this request based on concern for the safety or well-being of the broader University community. The University reserves the right to take appropriate action in such circumstances, even in cases when the Complainant is reluctant to proceed. In making this evaluation, the University may consider the following:
 - a. The seriousness of the alleged incident;
 - b. The age of the alleged victim;
 - c. Whether there have been other complaints or reports of policy violations against the accused individual;
 - d. The increased risk that the accused individual will commit additional acts of sexual harassment, sexual assault, stalking, and/or domestic and dating violence, such as:
 - i. Whether there has been other sexual harassment, sexual assault, stalking and/or domestic and dating violence complaints about the same alleged perpetrator;
 - ii. Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - iii. Whether the alleged perpetrator threatened further sexual harassment, sexual assault, stalking and/or domestic and dating violence against the alleged victim or others;
 - iv. Whether the sexual harassment, sexual assault, stalking and/or domestic and dating violence was committed by multiple perpetrators; and/or
 - v. Whether there have been threats to kill or harm the alleged victim;
 - vi. Whether the alleged policy violation was perpetrated with a weapon; and/or
 - vii. Whether the University possesses other means to obtain relevant evidence of the policy violation (e.g., security cameras or physical evidence).

VII. Violations: Complaint Procedures

- A. Any person may report sex discrimination, including sexual harassment, sexual assault, stalking, and/or dating and domestic violence (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment, sexual assault, stalking, and/or domestic and dating violence), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report (e.g. reporting to LUPD who then submit the report to the Title IX Coordinator). Such a report may be made at any time (including during non-

business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

- B. As discussed above, reports may be made to:
 - 1. Dr. Diana Ward - Title IX Coordinator; 205 Danna Student Center; 504-864-7151; dmward@loyno.edu
- C. All reports describing conduct that is inconsistent with this policy will be promptly and equitably resolved in accordance with University policy, state laws, and federal regulations. For the University to move forward with a formal Title IX investigation, the University must receive a signed Formal Complaint from the Complainant; the signature can be digital. Parents and Guardians may act on behalf of a student who is still legally considered a minor with respect to exercising their Title IX rights. Otherwise, no person may submit a Formal Complaint on the Complainant's behalf. In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the University if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community. Factors the Title IX Coordinator may consider include (but are not limited to): (a) was a weapon involved in the incident; (b) were multiple assailants involved in the incident; (c) is the accused a repeat offender; and (d) does the incident create a risk of occurring again. If the Complainant or the Title IX Coordinator files a Formal Complaint, then the University will commence an investigation. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation. In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.
 - 1. For the sake of clarity, the Title IX Coordinator above is the only person at the University with the authority to institute corrective measures on the University's behalf pursuant to this policy.
- D. All individuals are encouraged to report conduct that may also violate criminal law to both the University and to local law enforcement. These processes are not mutually exclusive. The University strongly encourages individuals affected by sex or gender discrimination, sexual harassment, sexual assault, stalking, and/or dating and domestic violence to talk to someone about what happened and obtain support services. The University also needs to respond appropriately to reports of violations of this policy in order to provide a safe and effective learning environment. The University can most effectively investigate and respond to alleged violations of this policy if the complaint is made as promptly as possible after the alleged violence or misconduct occurs. The University does not, however, limit the time frame for reporting. If the Respondent is not a member of the University community at the time of the report, the University will still seek to meet its legal obligations by providing reasonably available support for a Complainant; the University can also put safety measures into place, e.g. banning the Respondent from campus. The University will assist a Complainant in identifying external reporting options as well.

- E. The University encourages students to report all incidents of sexual harassment, sexual assault, stalking, and/or dating and domestic violence. Therefore, students who in good faith report violations of this policy will not be disciplined by the University for a violation of the University's Drugs and Controlled Substances and/or Alcohol policies that may have occurred in connection with the reported incident.

VIII. Consolidation of Formal Complaints

- A. The University may consolidate Formal Complaints as to allegations of Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and/or Stalking 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, Sexual Assault, Dating and Domestic Violence, and/or Stalking arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

IX. Special Advice for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking

- A. If you believe you are the victim of Sexual Assault, Domestic Violence, and/or Dating Violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. For those who believe that they are victims of Sexual Assault, Domestic Violence, and/or Dating Violence, the University recommends the following:
 1. Get to a safe place as soon as possible.
 2. Try to preserve all physical evidence of the crime—avoid bathing, using the toilet, rinsing one's mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
 3. Do not launder or discard bedding where the assault occurred- preserve for law enforcement.
 4. Preserve all forms of electronic communication that occurred before, during, or after the assault.
 5. Contact law enforcement by calling 911.
 6. Get medical attention - all medical injuries are not immediately apparent. This is also necessary to collect evidence in case the individual decides to press charges. [University Medical Center](#) has evidence collection kits necessary for criminal prosecution should the victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
 7. Contact a trusted person, such as a friend or family member for support.
 8. Talk with a University counselor, University priest or resident minister, or Student Health Services who can help explain options, give information, and provide emotional support.

9. Make a report to the Title IX Coordinator.
 10. Explore this policy and avenues for resolution under Title IX.
- B. It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Harassment investigations.
- C. Once a report of Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking is made, the victim has several options such as, but not limited to:
1. Obtaining Supportive Measures
 2. Contacting parents or a relatives
 3. Seeking legal advice
 4. Seeking personal counseling (always recommended)
 5. Pursuing legal action against the perpetrator
 6. Filing a Formal Complaint with the Title IX Coordinator
 7. Requesting that no further action be taken at the University
- D. The Loyola University Police Department (LUPD) can assist individuals in obtaining a personal protection order (“PPO”).

X. Mandatory Reporters – Reporting Obligation

- A. All University employees, except counselors, employees working in Student Health Services, pastors, resident ministers, or advocates and those employees legally regarded as confidential sources, must bring reports of violations of this policy, including sexual and gender-based harassment, sexual assault, stalking, and/or dating and domestic violence that they observe or learn about, immediately to the attention of the Title IX Coordinator. Failure to do so can result in discipline, up to immediate discharge. The employee must report all relevant details about the alleged policy violation, including the name of the alleged victim, the accused, any witnesses, and any other relevant facts, including the date, time, and specific location of the incident. The employee should advise the alleged victim that the details of the incident will be disclosed only to those officials with a legitimate institutional interest in knowing the information. The Title IX Coordinator or appropriate Deputy Title IX Coordinator will explain to the Complainant that the University prohibits retaliation for filing a complaint and will take steps to prevent retaliation and take strong responsive action if any retaliation occurs. The University will take steps to limit the effects of the alleged sexual harassment, sexual assault, stalking, and/or domestic and dating violence and prevent its recurrence when possible. Such steps might include providing increased security or supervision at locations or activities where a pattern of sexual harassment, sexual assault, stalking, and/or dating and domestic violence exists; providing education and training materials for students, student groups, or employees; reviewing applicable sexual harassment, sexual assault, stalking, and/or dating and domestic violence or disciplinary policies; and conducting climate surveys regarding sexual harassment, sexual assault, stalking, and/or dating and domestic violence. Individuals who choose to discuss an incident of relationship violence, sexual harassment, or other sexual misconduct only in a

privileged/confidential or private setting should understand that the University will not be able to conduct an investigation into the particular incident, or pursue disciplinary action against the alleged perpetrator, unless the incident is reported to the University and the University receives a signed complaint directly from the alleged victim or their parents or guardians if the victim is legally still considered a minor, or the Title IX Coordinator signs a Formal Complaint. Counselors, staff in Student Health Services, pastors, resident ministers, and advocates who are able to maintain confidentiality of reports will still assist their clients in receiving support services, regardless of whether a report is made. At the individual's option, this will include coordinating with the University to provide any necessary supportive measures. The University will attempt to balance a Complainant's request not to participate in an investigation with the University's broader obligation to campus safety. If the Title IX Coordinator determines an investigation must proceed against the Complainant's wishes, the safety risks associated with the University contacting or interviewing the accused will be taken into consideration before that occurs, especially in cases where the alleged victim is fearful and does not want the perpetrator contacted, or when the threats and abuse may escalate and put the alleged victim in increased danger due to the investigation process.

XI. Processing Complaints and Reports

- A. All reports of alleged violations of this policy are reviewed by the Title IX Coordinator and/or Deputy Title IX Coordinator. The University will process all complaints and reports of policy violations that occurred in the United States it receives, regardless of whether the conduct which is the basis for the complaint allegedly occurred on campus or off campus. Note – all alleged violations of University policy that occur while a student is studying abroad in a country outside of the United States will be handled through Student Conduct. The Title IX Coordinator may also determine that an investigation is warranted without a complaint if the University has sufficient notice that violations of this policy may have occurred; in these instances, the Title IX Coordinator must sign a Formal Complaint to begin a Title IX investigation. The University is not precluded from investigating an alleged violation of this policy simply because the alleged victim either did not directly bring the complaint or does not want to participate in an investigation of a possible policy violation. The University will take prompt, responsive action to take steps to eliminate, prevent, or address a hostile environment if it determines that one exists.

XII. Preliminary Assessment

- A. Upon receipt of a Title IX report, the Title IX Coordinator will conduct a preliminary assessment to determine:
1. Whether the conduct, as reported, falls or could fall within the scope of this Title IX policy; and
 - a. Examples of conduct that falls outside the scope of this Title IX policy:
 - i. The alleged sexual harassment, sexual assault, stalking, and/or dating and domestic violence did not occur against a person in the United States;

- (a) All alleged violations of University policy that occur while a student is studying abroad or in a country outside of the United States will be handled through Student Conduct.
 - ii. The alleged sexual harassment, sexual assault, stalking, and/or dating and domestic violence did not occur in or prevent a Complainant from accessing their education program or activity.
 - 2. Whether the conduct, as reported, constitutes or could constitute Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and/or Stalking.
- B. If the Title IX Coordinator determines that the conduct reported could not fall within the scope of this Title IX policy, and/or could not constitute Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and/or Stalking, even if investigated, the Title IX Coordinator 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 Title IX Coordinator may refer the report to other University offices, as appropriate.
 - 1. In the event the Title IX Coordinator determines the Formal Complaint should be dismissed, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. A dismissal is presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.
- C. If the Title IX Coordinator determines that the conduct reported could fall within the scope of this Title IX policy, and/or could constitute Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and/or Stalking, if investigated, the Title IX Coordinator will proceed to contact the Complainant to discuss their options.
- D. As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.
- E. If a report is not closed as a result of the preliminary assessment specified and the Complainant’s identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures; to discuss and consider the Complainant’s wishes with respect to such Supportive Measures; to inform the Complainant of the availability of such Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

XIII. Investigation

- A. The investigatory and appeal processes pursuant to this policy apply when the Respondent is a Loyola student, faculty member, or staff member, and the Complainant is participating in or attempting to participate in the education program or activity of Loyola University New Orleans. Violations of University

policy that do not fall under or do not rise to the level of Title IX that involve faculty and staff as the Respondents are handled in a manner consistent with the [Faculty Handbook](#) or the [Human Resources Policies and Procedures Manual](#) respectively; violations of University policy that do not fall under or do not rise to the level of Title IX that involve a student as the Respondents are handled in a manner consistent with the [Student Code of Conduct](#).

- B. An investigation pursuant to this policy will commence as soon as practical following receipt of a Formal Complaint signed by the Complainant, their parents or guardian if the Complainant is still legally considered a minor in Louisiana, or the Title IX Coordinator, generally within two weeks. An investigator and decision maker with appropriate training will be appointed by the Title IX Coordinator and/or appropriate Deputy Title IX Coordinator. In some cases, the Title IX Coordinator may retain an outside investigator and/or decision maker(s). As an alternative to a formal investigation, if both the Complainant and Respondent consent, Mediation may be pursued. Informal resolutions, like mediation, are not available when a student-Complainant alleges sexual harassment, sexual assault, stalking, and/or dating and domestic violence by an employee-Respondent. The Complainant is not required to participate in an investigation, but the University's ability to respond to allegations of sexual harassment, sexual assault, stalking, and/or dating or domestic violence may be limited without the participation of the Complainant. The investigation of alleged policy violations will be conducted in a private manner, except insofar as information needs to be disclosed so that the University may effectively investigate the matter or take corrective action. The University does not allow conflicts of interest, real or reasonably perceived, by those investigating Title IX complaints or making decisions related to Title IX complaints under this policy. A conflict of interest exists when an individual's knowledge of the matter or personal or professional relationships with the Complainant, Respondent, or Witnesses would preclude the individual from being able to investigate or make decisions in the case fairly and impartially. Individuals who wish to challenge an investigator or decision maker because of a conflict of interest may do so by filing a challenge with the Title IX Coordinator within five (5) business days of an investigator and decision maker being appointed. The Title IX Coordinator retains sole discretion to determine whether a conflict exists and to otherwise take appropriate actions to address the issue in a prompt and equitable manner.
- C. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the University and not with the parties. The investigation will culminate in a written investigation report that will be submitted to the decision maker. Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation in a thorough but efficient manner.
- D. **Notice**
1. Initially, the Title IX Coordinator will reach out to the Complainant to discuss supportive measures, consider the Complainant's wishes regarding supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and

explain to the Complainant the process for filing a Formal Complaint. If the Complainant files a Formal Complaint or if the Title IX Coordinator signs a Formal Complaint, the investigative process will begin. Then, both the Complainant and the Respondent will be promptly notified of the initiation of an investigation. Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the University will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The University will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures. The notice of the initiation of the investigation to the Complainant and Respondent will be in writing and shall be given by the Title IX Coordinator or appropriate Deputy Title IX Coordinator. All notices provided to students under this Policy will be sent to the individual's official University email account and students are presumed to regularly check their official University email accounts. Unless reasonable extensions of time are needed, both the Complainant and Respondent will be notified of the initiation of an investigation within ten (10) business days of receipt of the complaint or the time upon which the University otherwise becomes aware of conduct necessitating investigation. The notice to both the Complainant and the Respondent shall include:

- a. A physical copy of this policy or a hyperlink to this policy;
- b. The potential policy violation(s) at issue;
- c. The location where the potential policy violation(s) took place, the date(s) when the potential policy violation(s) took place, and other sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, i.e. the identities of the parties involved in the incident (if known);
- d. A statement that the Respondent is presumed not responsible unless the evidence shows otherwise at the conclusion of a grievance process;
- e. Notification of the parties right to participate in an investigation and timelines for responding;
- f. Notification of the identity of the Title IX Investigator and the decision maker and their ability to challenge the assignment of the Title IX Investigator and/or decision maker;
- g. Notification of the parties' right to be accompanied by an advisor of their choice;
- h. Notification of the parties' right to inspect and review evidence;
- i. Notification of the University's prohibitions on retaliation and false statements;
- j. Information about resources that are available on campus and in the community; and

- k. Each shall be further advised that the investigation may proceed without the participation of either party.
2. Should the University elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the University will provide a supplemental written notice describing the additional allegations to be investigated to the parties.

E. ***Gathering of Evidence***

1. *Equal Opportunity*

- a. During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.
- b. The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. Other evidence may include but is not limited to relevant medical records, police reports, and social media posts. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the hearing absent a showing of mistake, inadvertence, surprise, or excusable neglect.

2. *Access to Evidence*

- a. At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the Investigating Officer will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the University may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

- b. The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.
- c. Evidence will also be available during the live hearing for the advisors and decision maker to reference.
- d. The Complainant and/or Respondent's character or reputation with respect to other sexual activity is never relevant and will not be considered as evidence. However, prior sexual history may be considered under the following limited circumstances:
 - i. Where there was a prior or ongoing relationship between the Complainant and Respondent, and the Respondent asserts that consent was sought and given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of the policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual harassment, sexual assault, stalking, and/or dating and domestic violence.
 - ii. To establish that someone other than the Respondent committed the alleged offense.
- e. In addition, other conduct by either party may, under limited circumstances, be relevant to establish intent, motive, absence of mistake, to explain an injury or physical finding, or another ground deemed probative by the Title IX Investigator. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information throughout the investigation process. In some cases, the Title IX Investigator may interview the parties on more than one occasion.

F. *Documentation of Investigation*

- 1. The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

G. *Investigation Process*

- 1. During the investigation process, both parties will be provided timely notice of any meeting at which their presence is requested or required. Such meetings can provide both parties with an opportunity to be heard and present their account of the events in-person. The Complainant has the right not to appear in the same room as the Respondent during the investigation process, including the live hearing and appeals (during the

live hearing, in order to still allow for cross examination, upon request, the University can allow for cross examination to occur with the parties in separate rooms using technology that enables participants to see and hear the person answering questions). Throughout the investigation process, the live hearing, and any subsequent appeals, both the Complainant and the Respondent shall have the right to have an advisor of choice present at any meeting. If a party does not have an advisor, the party should inform the Title IX Coordinator, and the University will provide one. Any person who serves as an advisor should plan to make themselves available for meetings, especially the live hearing, throughout the process. Limits on the role of an advisor shall be applied equally to both the Complainant and the Respondent. The University has the right at all times to determine what constitutes appropriate behavior on the part of an advisor as well as the right to request that an advisor leave a meeting in the event the Title IX Investigator, decision maker, or Title IX Coordinator determines that the advisor is not acting appropriately. The advisor is encouraged to join the Complainant or Respondent's initial meeting with the Title IX Coordinator or appropriate Deputy Title IX Coordinator for an orientation to the University's policies and procedures, privacy protections and expected participation/decorum. The advisor may not be a fact witness or otherwise have any conflicting role in the process. After the investigation process is complete, the Title IX Investigator will produce a typed record of each party's statement. Complainants, Respondents, and Witnesses will be given a chance to review their statement and will be asked to certify its accuracy. Then, the Title IX Investigator will draft an 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 investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

XIV. Hearing

A. *Hearing Notice and Response to the Investigative Report*

1. The decision maker, appointed by the Title IX Coordinator, will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, 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. The decision maker will transmit written notice to the parties 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) days from the date of transmittal of the written notice.

- a. A party's written response to the investigation report must include:
 - i. To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
 - ii. 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;
 - iii. 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;
 - iv. A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
 - v. Any objection that the party has to the University's Hearing Procedures;
 - vi. Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
 - vii. Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
 - viii. The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
 - ix. 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 questioning.
- b. A party's written response to the investigation report may also include:
 - i. Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
 - ii. Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and/or Stalking.

B. *Pre-Hearing Conference*

1. Prior to the hearing, the decision maker will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the decision maker, the parties, the advisors, and other necessary University personnel, like the Title IX Coordinator, 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.

2. In the decision maker's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.
3. During the pre-hearing conference, the decision maker will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the decision maker deems appropriate; discuss whether any stipulations may be made to expedite the hearing; 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 decision maker determines, in the decision maker's discretion, should be resolved before the hearing.

C. *Issuance of Notices of Attendance*

1. After the pre-hearing conference, the decision maker 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 decision maker immediately if there is a material and unavoidable conflict.
2. The subject 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.
3. The University will not issue a notice of attendance to any witness who is not an employee or a student.

D. *Live Hearing*

1. Title IX live hearings can be held at a venue where all parties and witnesses are present, along with their advisors, the decision maker, and the Title IX Coordinator. Except as otherwise permitted by the decision maker, the hearing will be closed to all other persons. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete. Upon request, the University can allow for the parties to be in separate rooms and use technology that enables participants to see and hear the other person. In the decision maker'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.
2. In the Title IX live hearing, Complainants and Respondents are to be represented by advisors. The parties can choose an advisor to represent them or the school can provide one for them. An advisor can, for example,

be a member of the faculty, a staff member, or a parent. Though it's not required, a lawyer may represent a party as an advisor. Only advisors and the decision maker are allowed to ask questions during the hearing, not the parties themselves.

3. 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 decision maker.
4. The decision maker will have extensive training in Title IX procedures as well as all applicable evidentiary requirements, standards of proof, and relevant state and local laws, and this training will be made available to the public through the University's Title IX website. The decision maker is tasked with reaching a determination regarding responsibility by applying the preponderance of the evidence standard, which the University has designated for use in all formal complaints of sexual harassment, sexual assault, stalking, and/or dating and domestic violence. This same standard of evidentiary proof is applied to all sexual harassment, sexual assault, stalking, and/or dating and domestic violence complaints against students and employees. For an individual to be found responsible using a preponderance of the evidence standard, the evidence (which consists of the full totality of the circumstances) must establish that it was more likely than not that the individual committed the alleged violation. This standard is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence presented. Ultimately, preponderance of the evidence means that the greater weight of the evidence favors either the finding of a violation or the finding of a non-violation. The decision maker will evaluate all relevant evidence under this standard without making credibility determinations based on a party's status as a Complainant or Respondent.
5. While the Hearing Procedures and rulings from the decision maker will govern the particulars of the hearing, each hearing will include, at a minimum:
 - a. Opportunity for each party to address the decision maker directly and to respond to questions posed by the decision maker;
 - b. Opportunity for each party's advisor to ask 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;
 - c. Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the decision maker and a reason for the ruling provided;
 - d. Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;

- e. Opportunity for each party to make a brief closing argument.
 - f. The decision maker, at their discretion, may also permit the parties or advisors to make opening statements.
6. During the hearing, the parties and their advisors will have access to the investigation report and evidence.
 7. During the hearing, advisors will take turns asking questions to the parties and the witnesses; cross examination must occur directly, orally, and in real time. These questions will be pre-screened by the decision maker to ensure that only relevant questions are asked. The parties are not permitted to personally cross-examine each other during the investigation process, including any hearings or appeals; only the advisor can do this. The decision maker has the sole discretion to determine whether the questions are relevant and can be asked; the decision maker must provide a rationale for their decision. All relevant evidence must be admitted, but the decision-maker must exclude evidence based on legally recognized privileges, the Complainant's prior sexual history (with limited exceptions), any party's medical, psychological, or similar records (without their voluntary, written consent), and party or witness statements that have not been subjected to cross-examination at a live hearing. Both Title IX Investigators and decision-makers are trained specifically with respect to "issues of relevance," and such training materials will be publicly available on the University's Title IX website. The opportunity to ask questions may not be used to harass or intimidate the other party. During cross examination, advisors or the decision maker may ask follow-up questions, including those that challenge the credibility of the other party.
 8. A party or witness may choose not to answer a question, but the decision maker then would have to disregard all other statements given by that party or witness. In other words, if an individual does not answer a cross question, they have not submitted to cross examination and their statement(s) cannot be considered. However, the decision maker must not make an inference on a party's culpability or credibility solely based on their refusal to answer questions. Additionally, in the event that any party or witness does not attend the hearing, the statements of that party or witness, as the case may be, will not be considered by the decision maker in reaching a determination of responsibility or non-responsibility.
 - a. Notwithstanding the foregoing, the decision maker 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.
 9. Live hearings will be audio recorded and made available to parties upon request for inspection and review, including for use in preparing any subsequent appeal.

E. ***Evidentiary Standard: Preponderance of the Evidence***

1. At all stages in the process, the decision maker and/or person or persons hearing any appeal will investigate and make findings on the merits of an alleged violation using a preponderance of the evidence standard.
2. For an individual to be found responsible using a preponderance of the evidence standard, the evidence (which consists of the full totality of the circumstances) must establish that it was more likely than not that the individual committed the alleged violation. This standard is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence presented. Ultimately, preponderance of the evidence means that the greater weight of the evidence favors either the finding of a violation or the finding of a non-violation.

F. ***Hearing Outcomes and Notice of Outcomes***

1. After the live hearing, the decision maker must assess whether or not the evidence presented during the hearing has met the preponderance of the evidence standard. The decision maker 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 officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing. The decision maker 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 no, one, or more violations of the policy as alleged in the Formal Complaint.
2. In the event the decision maker determines that the Respondent is responsible for violating this policy, the decision maker will, prior to issuing a written decision, consult with the Title IX Coordinator who has disciplinary authority over the Respondent and the Title IX Coordinator will determine any discipline to be imposed. The decision maker will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.
3. The decision-maker will then issue a written decision simultaneously to both parties, which contains the following information: identification of the alleged sexual harassment, sexual assault, stalking, and/or dating and domestic violence; the procedural steps taken from receipt of the formal complaint through the 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, supporting the determination; conclusions regarding the application of the Code of Conduct and/or applicable policies to the factual findings; a determination regarding responsibility for each

allegation and the decision-maker's rationale for the result; any disciplinary sanctions imposed on the Respondent; whether remedies will be provided to the Complainant (though the specific remedies may remain confidential); and information about the appeals process.

4. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal.
5. Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the University strives to issue the decision maker's written determination within fourteen (14) days of the conclusion of the hearing.

XV. Dismissal During the Investigation or Hearing

- A. The University *may* dismiss a formal complaint at any point during the investigation or hearing process if the Complainant requests it in writing; if the Respondent is no longer enrolled in or employed by the University; or if specific circumstances prevent the Title IX Investigator from gathering sufficient evidence to reach a determination. If a formal complaint or allegation is dismissed, the parties will simultaneously receive a written explanation for the dismissal and notice of the ability to challenge the dismissal on appeal.

XVI. Potential Remedial Actions and Disciplinary Sanctions

- A. In cases where a violation of this policy is found to have occurred, the Title IX Coordinator, in consultation with the decision maker, will determine the appropriate, enforceable sanction. The sanction will be reasonably calculated to stop the violation and prevent its recurrence. When a violation of this policy is found, possible disciplinary actions may include, but are not limited to written warnings, loss of privileges, mandatory training, probation, suspension, dismissal, demotion, and termination of employment. The University's response is based on several factors, including the severity of the conduct and any prior policy violations, and aims to prevent problems from recurring and remedy any discriminatory effects on a Complainant or others.

XVII. Investigation and Hearing Timelines

- A. The University will complete its investigations and hearings as thoroughly and efficiently as possible. A specific timeline cannot be given as timelines vary for a variety of reasons, including the complexity of the circumstances of each allegation, the integrity and completeness of the investigation and hearing, to comply with a request by law enforcement, to accommodate the availability of witnesses, to account for University breaks or vacations, or to address other legitimate reasons. Both the Complainant and the Respondent will be notified of any delay in the investigation and/or hearing and the anticipated length of the delay.

XVIII. Supportive Measures

- A. The University may provide reasonable supportive measures to support a Complainant and Respondent. The issuance of supportive measures is not disciplinary in nature and should not be construed as a determination by the University that the Respondent did or did not violate this policy; Respondents are presumed not responsible unless the evidence shows otherwise at the conclusion of a grievance process. The University will notify Complainants and Respondents,

in writing, that supportive measures are available during the University's investigation and hearing through final resolution of a complaint, including appeals. Such written notice to the Complainant and Respondent shall further state that such measures may be requested at any time during the process by contacting the Title IX Coordinator or appropriate Deputy Title IX Coordinator and shall include the means for contacting the Title IX Coordinator or appropriate Deputy Title IX Coordinator. The Title IX Coordinator or appropriate Deputy Title IX Coordinator has the discretion to ensure the appropriateness of any supportive measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of supportive measures. Examples of supportive measures include, but are not limited to: access to counselling or mental health services, a mutual order of no contact, residence hall relocation, adjustment of course schedules or work-study employment, a leave of absence, transportation arrangements, or reassignment to a different supervisor or position. The University will take steps to ensure that appropriate supportive measures are provided. The University will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures in question. The University will promptly address any violation of a mutual no contact order supportive measure. Supportive measures may be kept in place until the end of any review or appeal process or may be extended permanently as appropriate. Violations of a mutual no contact order supportive measure should be reported to the Title IX Coordinator or appropriate Deputy Title IX Coordinator. Students may face disciplinary action up to and including dismissal for such a violation. Supportive measures cannot be punitive or disciplinary against any party and cannot unreasonably burden the Complainant or the Respondent or alter or affect the presumption that the Respondent is not responsible unless the evidence shows otherwise at the conclusion of a hearing.

XIX. Other Resources

- A. Any individual affected by or accused of Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and/or Stalking will have equal access to support and counseling services offered through the University. The University encourages any individual who has questions or concerns to seek support of University identified resources. The Title IX Coordinator is available to provide information about the University's policy and procedure and to provide assistance. A list of University identified resources is located at this [link](#).

XX. Appeals

- A. The Complainant or Respondent may appeal a decision. Both parties may participate equally in the appeal process even if the party did not file the appeal himself or herself. A party must file an appeal within five (5) working days of the date they receive notice of dismissal of the Formal Complaint or determination of responsibility or non-responsibility or, if the other party appeals, within three (3) working days of the other party appealing, whichever is later. An appeal must be in writing, submitted to the Title IX Coordinator, specify the substantive and/or procedural basis for the appeal, explain in detail why the appealing party believes

the appeal should be granted, and articulate what specific relief the appealing party seeks. The original finding is presumed to have been decided reasonably and appropriately by a preponderance of the evidence standard, and the only grounds for appeal are as follows:

1. ***Procedural Irregularity:*** That a student was not afforded a right provided by this policy and the failure to provide that right materially impacted the outcome.
 2. ***Newly Discovered Evidence:*** New evidence that was not reasonably available when the determination of responsibility or non-responsibility was made that could affect the outcome. This includes information or material which was unable to be known at the time of the investigation or hearing. The student or employee is expected to demonstrate that such evidence was unable to be known. Evidence that was known or was accessible during the investigation or hearing, but which the student or employee chose not to or neglected to present does not constitute a sound basis of appeal.
 3. ***Bias or Conflict of Interest:*** The Title IX Coordinator, Title IX Investigator, or decision maker had a conflict of interest or bias that affected the outcome. This includes partiality or the inability of the Title IX Investigator, decision maker, or Title IX Coordinator to refrain from acting upon predisposed or developed bias during the investigation or the determination of its outcome.
 4. ***Arbitrary and Capricious Decision:*** The decision is arbitrary and capricious in that it was not made on reasonable grounds. An appeal on the basis of arbitrary and capricious decision-making will only be granted if there is NO reasonable basis for the original decision.
 5. ***Inappropriateness of the Sanction:*** A sanction is inappropriate if it does not reflect a proper alignment between the nature of the offense, the student's previous disciplinary record, other factors which should be considered, and the sanction administered. Because these multiple factors are incorporated in each individual disciplinary decision, previous decisions do not establish precedent in University disciplinary hearings.
- B. No other grounds for appeal are permitted.
- C. The Title IX Coordinator, Deputy Title IX Coordinator, or their designee will share the appeal with the other party or parties (e.g. if the Respondent appeals, the appeal is shared with the Complainant, who may wish to file a response, request an appeal on the same grounds or different grounds). The Title IX Coordinator, Deputy Title IX Coordinator, or their designee will refer the request(s) to an appropriately trained appellate body or appellate officer appointed by the Title IX Coordinator, Deputy Title IX Coordinator, or their designee. The appellate officer or board chair will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. The appellate officer or board chair must consult the Title IX Coordinator, Deputy Title IX Coordinator, or their designee on any procedural or substantive questions on relevant cases. If the appeal is not timely or substantively eligible, the original finding and sanction will stand, the decision is final, written notice will be provided to the parties. If the appeal has

standing, the designated appellate body or appellate officer will review the appeal. In conducting the review, the original finding and sanction are presumed to have been reasonably and appropriately decided, thus the burden is on the appealing party (parties) to show clear error. The appellate body or appellate officer must limit their review to the challenges presented. The appellate body or appellate officer may affirm or change the findings and/or sanctions of the original investigation but only according to the permissible grounds. Procedural or substantive errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative conduct record. All decisions of the appellate body are to be made within fifteen (15) business days of submission (though this may vary based on the scope of the investigation, University breaks, or unforeseen circumstances) and are final. A written decision will be provided to both parties, which shall be final and not subject to further appeal. Additionally, the determination of a Formal Complaint, including any discipline, becomes final if the time for appeal has passed with no party filing an appeal. The presumptive stance of the University is that all decisions made and sanctions imposed by the original decision maker are to be implemented during the appellate process. At the sole discretion of the Title IX Coordinator when necessary, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. The University does not allow conflicts of interest, real or reasonably perceived, by those investigating or adjudicating allegations under this policy or its related procedures. Individuals who wish to challenge an appellate officer or board member(s) because of a conflict of interest may do so by filing a written challenge to the Title IX Coordinator. This challenge must be filed within three (3) business days of the individual being notified of the identity of the appellate officer or board member(s).

- D. Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

XXI.

Advisor of Choice

- A. From the point a Formal Complaint is made, and until an investigation, hearing, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, hearing, and appeal process. The advisor may be, but is not required to be, an attorney.
- B. Except for the questioning of witnesses during the hearing, the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the University about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of these parameters, the University may preclude the advisor from further participation, in which case the party may select a new advisor of their choice. In the event a party is not able to secure an advisor to attend the hearing, and requests the University to provide an advisor, the University will provide the party an advisor, without fee

or charge, who will conduct questioning on behalf of the party at the hearing. The University will have sole discretion to select the advisor it provides. The advisor the University provides may be, but is not required to be, an attorney. The University is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing and requests that the University provide an advisor.

XXII. Treatment of Records and Other Privileged Information

- A. During the investigation and hearing processes, the investigator and decision maker, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:
1. A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional 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; or
 2. Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege;
 3. Unless the University has obtained the party's voluntary, written consent to do so for the purposes of the investigation and hearing process.
- B. Notwithstanding the foregoing, the investigator and/or decision maker, as the case may be, may consider any such records if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

XXIII. Interim Removals

- A. An interim suspension or removal from campus is permissible only when an individualized assessment finds an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, sexual assault, stalking, and/or dating and domestic violence. If an interim suspension is found to be warranted after an assessment, the Title IX Coordinator will communicate this in writing to the Respondent. If a Respondent is removed from campus on an interim basis, they shall be given five (5) working days from the notice of interim removal to challenge the removal; the Title IX Coordinator will assign the challenge to the University Board of Appeals or an Appellate Officer for review. An employee can be placed on administrative leave as well using these guidelines. For all other Respondents, including independent contractors and guests, the University retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and/or Stalking or otherwise.

XXIV. Informal Resolutions

- A. Rather than participate in a formal investigation, some students or employees may prefer to participate in an informal resolution process (e.g. mediation). Informal resolutions may not be required or be a condition of enrollment or employment, be offered unless a Formal Complaint is filed, be offered or facilitated for an allegation of an employee sexually harassing, assaulting, stalking, or engaging in dating and domestic violence against a student. Informal resolutions may be

facilitated at any time after a Formal Complaint has been filed and prior to a determination of responsibility stemming from a formal investigation. A Respondent cannot be dismissed from the University for the given offense if he or she participates in an informal resolution to completion. Information about an informal resolution process will be included in the initial notice to Complainants and Respondents. If both parties want to engage in an informal resolution process, both parties will then receive written notice with the allegations, the requirements of the process (including what information/documents can be shared), information about the right to withdraw and resume a formal grievance process, and information about consequences (e.g. records kept and shared). The Title IX Coordinator will obtain voluntary, written consent from both parties before moving forward with an informal resolution. The informal resolution process will proceed on a reasonably prompt time frame. The facilitator of the informal resolution will be trained and free from conflicts of interest or bias. The facilitator can be the Title IX Coordinator. The parties will be informed of the identity of the facilitator of the informal resolution process before the commencement of the process. During the pendency of the informal resolution process, the investigation and hearing processes that would otherwise occur are stayed and all related deadlines are suspended.

- B. 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.
- C. Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) 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 hearing procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or hearing process that were suspended due to the informal resolution.

XXV. Objections

- A. Parties are expected to raise any objections, concerns, or complaints about the investigation, hearing, appeals process, and those involved in these processes in a prompt and timely manner so that the University may evaluate the matter and address it, if appropriate.

XXVI. Constitutional Rights and Academic Freedom

- A. The University will construe and apply this policy consistent with the First Amendment to the U.S. Constitution and the principles of academic freedom

specified in the [Faculty Handbook](#). In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment and/or the principles of academic freedom specified in the [Faculty Handbook](#).

XXVII. Recordings

- A. Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by the University and is considered property of the University, subject to any right of access that a party may have under this policy, FERPA, and other applicable federal, state, or local laws. Only the University is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the Title IX Coordinator or Decision Maker.

XXVIII. Vendors, Contractors, and Third Parties

- A. The University does business with various vendors, contractors, and other third-parties who are not students or employees of the University. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the University retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And the University retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

XXIX. Bad Faith Complaints and False Information

- A. It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, hearing, or appeal under this policy. Violations are not subject to the investigation and hearing processes in this policy; instead, they will be addressed under the [Student Code of Conduct](#) in the case of students and other University policies and standards, as applicable, for other persons.

XXX. Other Violations

- A. Alleged violations that do not fall under this policy (Title IX) will be subject to review under the [Student Code of Conduct](#) for students, the [Faculty Handbook](#) for faculty, or other University policies and standards for employees.

XXXI. Signatures and Form of Consent

- A. For purposes of this policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, as the case may be, will suffice.

XXXII. Extension of Timelines and Method of Transmittal

- A. All deadlines and other time periods specified in this policy are subject to modification by the University where, in the University's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or

closures; sickness or vacation of the investigator, decision maker, Title IX Coordinator or the parties; the need to consult with the University's legal counsel; unforeseen weather events; and the like.

- B. Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, decision maker, appeal officer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. The University officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of the University.
- C. The parties will be provided written notice of the modification of any deadline or time period specified in this policy, along with the reasons for the modification.
- D. Where this policy refers to notice being given to parties "simultaneously," notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.
- E. Unless otherwise specified in this policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this policy will be email using University email addresses.
- F. A party is deemed to have received notice upon transmittal of an email to their University email address. In the event notice is provided by mail, a party will be deemed to have received notice three (3) days after the notice in question is postmarked.
- G. Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this policy, the sufficient time to be provided will be determined in the sole discretion of the University, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant University officials; approaching holidays or closures; and the number and length of extensions already granted.

XXXIII. Other Forms of Discrimination

- A. This policy applies only to Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking. Complaints of other forms of sex discrimination are governed by the [University's Discrimination and Harassment Policy](#).

XXXIV. Outside Appointments, Dual Appointments, and Delegations

- A. The University retains discretion to retain and appoint suitably qualified persons who are not University employees to fulfill any function of the University under this policy, including, but not limited to, the investigator, decision maker, informal resolution officer, and/or appeals officer.

- B. The University also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, decision maker, informal resolution officer, and/or appeals officer.
- C. The functions assigned to a given University official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision maker, informal resolution officer, and appeals officer, may, in the University's discretion, be delegated by such University official to any suitably qualified individual and such delegation may be recalled by the University at any time.

XXXV. Training

- A. The Title IX Coordinator, Title IX Investigators, Decision Maker(s), Informal Resolution Facilitators, and Appellate Decision Maker(s) will receive robust training. At least eight (8) hours of training will be offered with additional training each subsequent year. Trainings will be published on the Loyola Title IX website and maintained for seven years. While training will not be required of advisors, the University will offer advisor training at least once a semester. Trainings can be in person or online. Trainings may include information on trauma informed techniques, cross examination, and others involved in the process. Trainings will not be based on stereotypes or contain other bias.

XXXVI. Record Preservation

- A. Complete records of every case will be kept for seven years; this includes records for formal cases, informal cases, and cases where only supportive measures were provided. Parties have a right to access these records upon request.
- B. After seven years, the records may be destroyed, or continue to be retained, in the University's sole discretion.

XXXVII. Discretion in Application

- A. The University retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the University's interpretation or application differs from the interpretation of the parties.
- B. Despite the University's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the University retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.
- C. The provisions of this policy and the Hearing Procedures are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the University retains discretion to revise this policy and the Hearing Procedures at any time, and for any reason. The University may apply policy revisions to an active case provided that doing so is not clearly unreasonable.