

APPENDIX G

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INTERIM PROCEDURES FOR SEXUAL AND SEX-BASED MISCONDUCT
EFFECTIVE AUGUST 1, 2024¹

¹ The Procedures for Sexual and Sex-Based Misconduct will be utilized for applicable matters reported to the Office of Institutional Equity (“OIE”) on or after August 1, 2024 where the allegations of sexual or sex-based misconduct allegedly occurred on or after August 1, 2024. For any matters reported to OIE prior to August 1, 2024, or which concern allegations of sexual or sex-based misconduct that allegedly occurred prior to August 1, 2024, OIE will

A. Communications During Sexual and Sex-Based Misconduct Matters

Complainants and respondents are expected to check their official University email on a regular basis throughout any OIE sexual or sex-based misconduct process, including complaint evaluation/assessment, investigation, informal resolution, and adjudication, and appeal. University email is the primary way in which complainants and respondents will receive communications from the Title IX Coordinator, the Office of Institutional Equity, assigned investigators, and (where applicable) from those involved in the adjudication process.

B. Conflicts of Interest

All persons participating in the investigation or resolution (including informal resolution, adjudication, sanctioning and appeals) of sexual misconduct cases may not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent. This includes the Title IX Coordinator, investigator(s), decision makers (including members of adjudication panels), Appeal Official, and any person who facilitates an informal resolution process. All such individuals should disclose any potential or actual conflict of interest to the Title IX Coordinator. The Title IX Coordinator is responsible for sharing relevant information with the parties.

If either party believes that any person involved in the process has a conflict of interest, they may make a request to the Title IX Coordinator that the individual not participate. Any such request should include a description of the alleged conflict. If the Title IX Coordinator determines that a disabling conflict of interest exists, the Title IX Coordinator will take steps to address the conflict in order to ensure an impartial process.

C. Relevant Timeframes for Grievance Process²

The University seeks to resolve all sexual and sex-based misconduct matters as promptly as reasonably possible. OIE is responsible for the intake, evaluation/assessment and investigation of a complaint, while the adjudication process occurs outside of OIE.

- Intake: OIE's receipt and processing of initial report typically takes between 1-7 days
- Evaluation/Assessment: (discussed in section B below) typically takes 1-14 days and does not include time when OIE is awaiting a complainant's input as to next steps
- Informal Resolution: (discussed in Section F below) typically takes 30-60 days
- Investigation: (discussed in Section G below) typically takes approximately 30 - 90 days and results in OIE providing an investigative report to the parties and appropriate decision-maker(s).
- Adjudication: (discussed in Section H below) typically takes 30-60 days and is conducted by the decision-maker(s) following OIE's investigation.
- Appeals: (discussed in Section H(8) below) typically takes 30-60 days.

The length of the intake, evaluation/assessment, informal resolution, investigation, adjudication and/or appeal may be impacted by various factors including, but not limited to, the nature and scope of allegations; the number of witnesses; availability of witnesses, parties, party supporters; voluminous documentary evidence; the need for language assistance or accommodation of disabilities; evidence gathering in a concurrent law enforcement investigation; and the academic calendar (e.g., exam periods, breaks). OIE (for evaluation/assessments and investigations) and the decision-maker or appeal officer (for adjudication and appeals) may extend the above time frames for good cause with written notice to the

apply the applicable policy and procedures that were in effect prior to August 1, 2024. Please contact OIE if you are uncertain which policies and procedures would apply to a particular matter.

² All references are to calendar days, not business days. The timeframes referenced in this section do not include OIE's consideration of supportive measures and discussion of available options and resources.

complainant and respondent that includes the reason for the delay. Good cause includes, but is not limited to, the factors listed in this paragraph.

The University will provide the complainant and respondent with periodic updates on the status of the case, as well as timely written notice of scheduled meetings, hearings, and interviews in which they are required or permitted to attend.

D. Evaluation/Assessment of Certain Allegations of Sexual or Sex-Based Harassment

When OIE receives a report, OIE considers whether the allegations, if proven, would constitute sexual or sex-based misconduct. OIE may engage in limited fact gathering to determine next steps, including initiating an investigation or informal resolution, referring the matter to another office or department or dismissing a complaint. When the allegations fall in the sub-category of conduct that “unreasonably creates a work or academic environment that a reasonable person would perceive to be abusive or hostile,” OIE performs additional assessment to determine the appropriate process:

- If the conduct as alleged would be considered “hostile environment harassment” as defined in the Title IX regulations (34 CFR Part 106, § 106.2), meaning subjectively and objectively offensive and is so severe or pervasive that it limits or denies a member of the community’s ability to participate in or benefit from the University’s education or employment programs and/or activities, the matter will be considered a complaint and any resulting investigation will be conducted consistent with these Procedures.
- For all other allegations, OIE will determine whether the allegations should be addressed by OIE, another University office/entity (for example Student Conduct or Human Resources), or a joint collaboration between OIE and another office/entity. Such allegations may not result in an OIE investigation or adjudication under these Procedures, but may lead to other supportive, disciplinary, restorative or educational measures.
- Informal resolution may be available in both of the above situations.

OIE will communicate with the appropriate parties and will document the results of its evaluation/assessment and any actions or measures that are implemented.

E. Dismissal of a Complaint

OIE may dismiss a Complaint of sexual and/or sex-based misconduct for any of the following reasons:

- OIE is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the University’s education program or activity and is not employed by the University;
- The Complainant voluntarily withdraws any or all of the allegations of the Complaint, the Title IX Coordinator declines to initiate a complaint, and OIE determines that without the complainant’s withdrawn allegations, the conduct that remains in the complaint, if any, would not constitute sex discrimination if proven; or
- After clarifying the allegations with the Complainant, OIE determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination.

In the event of a dismissal, both parties will be notified simultaneously and in writing of the dismissal, the reasons therefor and the right to appeal the dismissal of a Complaint or any allegations within a Complaint. However, if the Complaint is dismissed before the Respondent has been notified of the Complaint, only the Complainant will be notified of the dismissal and right to appeal.

The sole grounds for appealing the dismissal of a Complaint are:

- A procedural irregularity that would change the outcome;
- New evidence that would change the outcome and was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a dismissal is appealed, the Title IX Coordinator will promptly forward the written appeal to the appropriate Appeal Officer and both parties will receive notice of the allegations.

Upon receipt of the written appeal, the Appeal Officer or designee will notify both parties and the Title IX Coordinator in writing that the appeal has been received and is under consideration. After receiving this notification, both parties have seven (7) calendar days to submit a written statement in support of, or opposing, the outcome under appeal. Both parties will have access to view each other's submissions. The Appeal Officer also may provide the parties' submissions to OIE as deemed necessary to address the issue(s) on appeal.

The Appeal Officer:

- Will be formally trained, as required by law;
- Will implement appeal procedures equally for both parties;
- For appeals of the dismissal of a Complaint or allegation(s) therein, will have access to the Complaint, documentation of the dismissal decision and any other documents relevant to the decision;
- Will not have a conflict of interest or bias against Complainants or Respondents generally or individually as to the specific matter; and
- Will not be the same person as the Title IX Coordinator or designee that reached the determination regarding responsibility or dismissal.

The appeal process does not involve a hearing or any meetings with the Complainant, Respondent or supporters.

If the Appeal Officer concludes that the dismissal of a Complaint or allegation(s) therein was not warranted, they may remand the matter to the Title IX Coordinator to (1) withdraw the dismissal; (2) revise and/or provide additional support for the dismissal; or (3) initiate further fact gathering. The Appeal Officer will simultaneously send the written appeal determination, including a description of the result of the appeal and the rationale for the result, to the Complainant and Respondent, with a copy to the Title IX Coordinator. No further appeals are permitted.

F. Informal Resolution of a Complaint

If the Complainant and Respondent agree, certain cases may be resolved informally. Cases involving allegations of sexual assault or sexual coercion are not suitable for informal resolution. Informal resolution may also be unavailable if the Title IX Coordinator determines that it is inappropriate based on the facts and circumstances of the particular case. All informal resolutions will be conducted or overseen by the Title IX Coordinator or a trained designee, and under no circumstances will a Complainant be directed to resolve

a matter directly with the Respondent.

The informal resolution process is voluntary and either party may withdraw their agreement to proceed informally at any time prior to a resolution agreement being finalized. Upon both parties' agreement to engage in the informal resolution process, the Title IX Coordinator or designee will issue both parties notice explaining:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any party has the right with withdraw from the informal resolution process and to initiate or resume the investigation process;
- That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming the University's investigation process;
- The potential terms that may be requested or offered in the informal resolution agreement, including notice that the informal agreement is binding only on the parties; and
- The information that will be maintained by the University and whether that information will be disclosed if the University's formal resolution process is resumed.

If both parties are satisfied with a proposed informal resolution and the Title IX Coordinator considers the resolution to satisfy the University's obligation to provide a safe and non-discriminatory environment, the resolution will be implemented and the informal resolution process will be concluded.³ If informal resolution efforts are unsuccessful, the investigation process will continue.

If a matter is resolved through informal resolution, the parties will receive a written notice of the outcome memorializing the terms of the informal resolution.

G. Investigation of a Complaint

1. Consolidation

The Title IX Coordinator or designee may consolidate complaints as to allegations of sex discrimination 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 sex discrimination arise out of the same facts or circumstances.

2. Written Notice of Allegations

Upon the initiation of the investigative process, OIE simultaneously will provide written notice to each known party (Complainant(s) and Respondents(s)) that will include information regarding these Procedures, including the informal resolution process, and sufficient information available at the time to allow the parties to respond to the allegations, including: the identities of the parties involved in the incident, if known; the conduct alleged to constitute sex discrimination, and the date, time, and location of the alleged incident(s), if known. Additionally, the written notice will contain the following information:

- The parties may have a supporter(s) of their choice, including an attorney, present during OIE meetings and proceedings, as explained in Section VIII of the [Sexual and Sex-Based Misconduct Policy and Procedures](#);
- The Respondent is presumed not responsible for the alleged sex-based discrimination until a

³ In addition to the terms of the informal resolution the Title IX Coordinator may take other steps to ensure sex discrimination does not continue or recur if appropriate. Such steps will not be binding on either party.

determination is made at the conclusion of the adjudicative process.

- The parties will have an opportunity to present relevant (and not otherwise impermissible) evidence during the investigative/adjudicative process and both parties are entitled to an equal opportunity to access the relevant (and not otherwise impermissible) evidence collected during the investigation;
- Retaliation is prohibited; and
- Any applicable policy or code of conduct provisions that prohibit knowingly making false statements or knowingly submitting false information during University investigations.

3. Fact-Gathering Process

During the first phase of its investigation, the University will gather facts related to the allegations of sexual misconduct. The Title IX Coordinator will designate one or more trained internal or external investigators to interview the Complainant, Respondent, and witnesses. The Title IX Coordinator may serve as an investigator. Investigators will also gather pertinent documents and other evidence identified by either party or that comes to their attention.

Parties have the right to submit evidence, suggest witnesses and/or suggest specific questions to be posed to the other party during the investigation, though the burden to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred rests on the University and not on the parties.

OIE will create an evidence file containing all of the evidence collected during the investigation – both inculpatory and exculpatory—that is relevant to the allegations under investigation. The evidence file will be made available to the parties with the investigative report as set forth in Section 6 below.

4. Investigative Protocols

The investigators will follow the protocols set forth below:

- **Presumption of Non-Responsibility:** The Respondent is presumed not responsible for the alleged sex discrimination under investigation until a determination is made at the conclusion of the process.
- **Preservation of Evidence:** The investigators will request that the Complainant, Respondent, witnesses, and other interested individuals preserve any relevant evidence, including documents, text messages, voice messages, e-mails, and postings on social media.
- **Romantic or Sexual History:** The investigators will not solicit or consider information concerning the romantic or sexual history or interests of either party other than 1) information concerning the parties' shared romantic or sexual history that the investigators deem relevant, or 2) information concerning a party's prior sexual history with someone other than the other party if deemed relevant to prove the source of injury or prior sexual conduct, to show that an individual has an ulterior motive, or to impeach an individual's credibility after this individual has put their own prior sexual conduct at issue. The existence of a prior consensual romantic or sexual relationship between the Complainant and Respondent does not itself demonstrate consent to alleged sexual activity.
- **Prior Conduct Violations:** The investigators will generally not consider evidence of any prior incident, but the investigators have discretion to consider evidence of any prior incident(s) that involved conduct substantially similar to the allegation(s) being investigated or demonstrates a common pattern of behavior.
- **Evidence Protected by Privilege:** Investigators will not solicit or consider evidence

that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived privilege or confidentiality.

- **Health Records:** The investigators will not solicit or consider a party's or witness's records made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the party or witness provides voluntary, written consent.
- **Student Mental Health Information:** The investigators will not solicit or consider information concerning a student's history of mental health counseling, treatment, or diagnosis, unless the student consents to the use of such information.
- **Law Enforcement Investigations:** If the University's investigation is delayed during the evidence-gathering stage of a concurrent law enforcement investigation, the University's investigation will resume promptly thereafter.

5. Acceptance of Responsibility

At any time prior to or during an investigation, the Respondent may accept responsibility for some or all of the alleged violations. If the Respondent accepts responsibility for all of the alleged violations, the matter will then proceed to the applicable sanctioning phase and any available appeal of the sanctioning decision. If the Respondent only accepts responsibility for some of the alleged violations, the investigation shall continue with respect to all remaining disputed allegations, if determined to be appropriate by the investigator and Title IX Coordinator. Where the Respondent has accepted responsibility for some alleged violations but other allegation(s) remain under investigation, the Title IX Coordinator will determine whether the sanctioning phase for the accepted allegations will proceed at the time of acceptance or await the resolution of the entire investigation, including the disputed allegations.

6. Investigative Report and Evidence File

Upon completion of the fact-gathering process, the investigator will consider all relevant evidence and prepare a report. The report will include an accurate summary of the relevant evidence, an assessment of credibility of the information provided, and a recommendation as to whether the Respondent is responsible for each of the alleged violation(s) by a preponderance of the evidence.

The investigator will also prepare an electronic Evidence File that includes all relevant and not otherwise impermissible evidence.

The Complainant and Respondent will be notified in writing of their right to review the investigative report and the Evidence File and submit written comments to OIE within seven (7) calendar days of the date of notification. If either party chooses to submit written comments to OIE, OIE will review these comments and determine whether any edits, clarifications or additional actions are needed prior to finalizing the investigative report and Evidence File. If OIE makes substantive changes to the report, OIE will notify each party of these changes when providing the final investigative report. Any comments submitted by either party will be provided in full to the other party as well as the decision-maker(s) applicable decision-maker(s) along with OIE's final investigative report and Evidence File.

Once the Title IX Coordinator or investigator determines that an investigation is complete, the Title IX Coordinator or investigator will transmit the investigative report, Evidence File, and any party and OIE comments regarding the same, to the applicable decision-maker(s) for adjudication.

When the investigative report and Evidence File are submitted to the parties, the names and identifying information of other students/individuals will be redacted to the extent required by FERPA and to protect other privileged and confidential information. The unauthorized disclosure of information and evidence

obtained solely through these procedures is strictly prohibited and subject to sanction.

H. Adjudication Procedures

1. Evidentiary Standard

The decision-maker(s) will use the preponderance of the evidence standard to determine the Respondent's responsibility for alleged policy violation(s).

2. Adjudication Protocols

- **Presumption of Non-Responsibility:** The Respondent is presumed not responsible for the alleged sex-based or sexual misconduct under investigation until a determination is made at the conclusion of the process.
- **Equal Rights:** All procedural rights will be afforded equally to Respondents and Complainants.
- **Review of Information:** The Complainant and Respondent will each have equal and timely access to any information that will be used during disciplinary meetings and hearings, consistent with FERPA and requirements to protect other confidential and privileged information.
- **Romantic/Sexual History:** In general, the decision-maker(s) will not consider evidence concerning the romantic or sexual history of either party, other than 1) information concerning the parties' shared romantic or sexual history that the decision-maker(s) deems relevant, or 2) information concerning a party's prior sexual history with someone other than the other party if deemed relevant to prove the source of injury or prior sexual misconduct, to show that an individual has an ulterior motive, or to impeach an individual's credibility after this individual has put his or her own prior sexual conduct at issue. The existence of a prior consensual romantic or sexual relationship between the Complainant and Respondent does not itself demonstrate consent to alleged sexual activity.
- **Prior Conduct Violations:** The decision-maker(s) generally will not consider evidence of any prior incident, but has discretion to consider evidence of any prior incident(s) that involved conduct substantially similar to the allegation(s) being investigated or demonstrates a common pattern of behavior.
- **Health Records:** The decision-maker(s) will not solicit or consider a party's or witness's records made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the party or witness provides voluntary, written consent.
- **Student Mental Health Information:** The decision-maker(s) will not solicit, consider or permit introduction of information concerning a student's history of mental health counseling, treatment, or diagnosis, unless the student consents to the use of such information.

3. Credibility Assessment by the Decision-Maker(s)

After reviewing the final investigative report and any party comments, the decision-maker(s) determines whether credibility is in dispute *and* is relevant to evaluating one or more allegations of sex discrimination or sex-based harassment. If so, the decision-maker(s) has the opportunity to question parties and witnesses to aid in evaluating allegations and assessing credibility.

This credibility assessment process differs depending upon whether one or more of the parties is a student and on the nature of the claims, as explained further below.⁴

a. Credibility Assessment When There Are No Student Parties: Credibility Interviews

When none of the parties is a student within the meaning of this policy, the decision-maker(s) will conduct credibility assessments via live interviews with those party(ies) and/or witness(es) who may provide insight on relevant credibility questions or issues.

- Credibility-related questioning will occur in real time, either in-person or virtually (typically via Zoom) between the decision-maker(s) and each applicable party or witness.
- When a party is being questioned by the decision-maker(s), their supporter(s) can attend at the party's request but will not play a role in asking or answering the questions or otherwise speaking on behalf of the party.
- The parties may not attend any credibility interview except for their own credibility interview.
- Each credibility interview will be audio and/or audiovisually recorded and/or transcribed. Both parties will have access to the recordings and/or transcriptions of the questioning. The university may remove or redact information that is not relevant and/or is not otherwise permissible.

b. Credibility Assessment When One or More Student Parties Are Involved

1.) If The Claims Do *Not* Include Allegations of Sexual or Sex-Based Harassment

When at least one of the parties is a student within the meaning of this policy, *but* the claims at issue do *not* involve allegations of sexual or sex-based harassment, the decision-maker(s) will follow the same process as set forth above in Section 4(a). The decision-maker(s) will conduct credibility assessments via live interviews with those party(ies) and/or witness(es) who may provide insight on relevant credibility questions or issues.

- Credibility-related questioning will occur in real time, either in-person or virtually (typically via Zoom) between the decision-maker(s) and each applicable party or witness.
- When a party is being questioned by the decision-maker(s), their supporter(s) can attend at the party's request but will not play a role in asking or answering the questions or otherwise speaking on behalf of the party.
- The parties may not attend any credibility interview except for their own credibility interview.
- Each credibility interview will be audio and/or audiovisually recorded and/or transcribed. Both parties will have access to the recordings and/or transcriptions of the questioning. The university may remove or redact information that is not relevant and/or is not otherwise permissible.

⁴ For the purposes of this policy, student generally refers to an individual who is enrolled as an undergraduate or graduate student at Johns Hopkins University. Residents and post-doctoral fellows are not considered students under this policy. Allegations involving minor participants in JHU non-degree programs (including, but not necessarily limited to, youth programs and camps) generally will be handled under the [Interim adjudication procedures for Title IX sexual and sex-based misconduct involving minor participants in non-degree programs.](#)

3.) If The Claims Include Allegations of Sexual or Sex-Based Harassment

When one or more of the parties is a student within the meaning of this policy, *and* the claims at issue involve allegations of sexual or sex-based harassment, the decision-maker(s) will conduct a hearing as set forth below.

- **Scheduling and Logistics:**
 - After transfer of the investigative report and Evidence File to the decision-maker(s), a hearing will be scheduled. The hearing will be held at least 7 calendar days after the transfer of the report and evidence file.
 - The hearing will be a closed proceeding, meaning that no one other than the parties, their supporter(s), decision makers, witnesses (only when being instructed or questioned), and necessary University personnel may be present.
 - Hearings typically will be conducted virtually, with technology enabling participants to simultaneously see and hear each other. Live hearings also may be conducted with all parties physically present in the same geographic location, in which case either party may request that the parties be located in separate rooms with technology enabling the participants to simultaneously see and hear each other.
 - Hearings will be audio and/or audiovisually recorded and/or transcribed. Both parties will have access to the recordings and/or transcriptions of the questioning.

- **Proposal and Assessment of Questions:**
 - In advance of the hearing, each party will have the opportunity to propose questions for the decision-makers to ask of the other party(ies) and witnesses during the hearing. Prior to the decision-maker(s) asking such proposed questions, the decision-maker must determine whether each question is relevant and not otherwise impermissible, as well as whether it is unclear or harassing of the party or witness being questioned. More information about submitting such questions and the assessment thereof by the decision-maker(s) is set forth in the Hearing Manual.
 - During the hearing, a party can propose follow-up questions for the decision-maker(s) to ask of the other party(ies) and witnesses. The decision-maker(s) will use the same assessment process to determine whether to ask the proposed follow-up questions.

- **Refusal to respond to questions and related inferences:** A decision-maker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker must not draw an inference about whether sex discrimination or sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions

4. Party statement to the decision-maker(s)

Regardless of whether a party is questioned for purposes of credibility assessment, each party will have the opportunity to make a statement to the decision-maker(s) prior to the decision-maker making a determination of responsibility. If a party chooses to make such a statement, it can be made live (in-person or virtually), via recording, or in writing and their statement will be made available to the other party(ies) for review.

5. Determination of Responsibility

Following the credibility assessment, the decision-maker(s) will review the relevant evidence and deliberate

on whether the Respondent is more likely than not responsible for the alleged misconduct. If the decision-maker(s) finds the Respondent responsible for one or more proposed violations, the decision-makers will then deliberate on appropriate sanctions, as further discussed below. If there is more than one decision-maker, determinations of responsibility are made by majority vote; determinations as to the appropriate sanction are also made by majority vote, except where the sanction in question is expulsion or a revocation of a degree, for which unanimity is required.

6. Written Determination of Responsibility

The decision-makers will provide a written determination of responsibility simultaneously to both parties.

a. Written Determination of Responsibility When There Are No Student Parties

For matters where there are no student parties, the written determination will notify the parties of whether the alleged sex-based or sexual misconduct occurred; the rationale for such determination, and the bases for and procedures to appeal the determination.

When the decision-maker concludes that sex-based or sexual misconduct occurred, the Title IX Coordinator will, as appropriate: (1) Coordinate the provision and implementation of remedies to the complainant(s) and other individuals identified as having had their equal access to education programs or activities limited due to the misconduct, and (2) Coordinate the imposition of any disciplinary sanctions⁵; and (3) Take other prompt and effective steps to ensure that sex-based or sexual misconduct does not continue or recur within the University's education program or activity.

b. Written Determination of Responsibility When One or More Student Parties Are Involved

1. If The Claims Do *Not* Involve Allegations of Sexual or Sex-Based Harassment

For matters involving one or more student parties *but* in which the allegations do not include sexual or sex-based harassment, the written determination will notify the parties of whether the alleged sex-based or sexual misconduct occurred; the rationale for such determination, and the bases for and procedures to appeal the determination.

When the decision-maker concludes that sex-based or sexual misconduct occurred, the Title IX Coordinator will, as appropriate: (1) Coordinate the provision and implementation of remedies to the complainant(s) and other individuals identified as having had their equal access to education programs or activities limited due to the misconduct, and (2) Coordinate the imposition of any disciplinary sanctions⁶; and (3) Take other prompt and effective steps to ensure that sex-based or sexual misconduct does not continue or recur within the University's education program or activity.

2. If The Claims Involve Allegations of Sexual or Sex-Based Harassment

For matters involving one or more student parties *and* where the allegations include sexual or sex-based

⁵ Where the Respondent is a faculty member, the only available sanction for a policy violation(s) will be referral for further sanctioning pursuant to applicable policies and/or procedures. Should this sanction be imposed, both parties will be informed of subsequent processes and sanctions issued as appropriate and required by law.

⁶ Where the Respondent is a faculty member, the only available sanction for a policy violation(s) will be referral for further sanctioning pursuant to applicable policies and/or procedures. Should this sanction be imposed, both parties will be informed of subsequent processes and sanctions issued as appropriate and required by law.

harassment, the written determination will include a description of the alleged sexual or sex-based harassment, information about the policies and procedures used to evaluate the allegations, the decision-maker's evaluation of the relevant and not otherwise impermissible evidence, the decision-maker's determination of whether sexual or sex-based harassment occurred; and bases for and procedures to appeal the determination.

When the decision-maker finds that sexual or sex-based harassment occurred, the written determination will include (1) any disciplinary sanctions that will be imposed on the respondent,⁷ and (2) whether remedies other than the imposition of disciplinary sanctions will be provided to the complainant, and, to the extent appropriate, other students identified as experiencing the effects of the sexual or sex-based harassment.

The determination of responsibility becomes final either on the date that it is provided to the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Whatever the outcome of the adjudication process, either party may request and/or the Title IX Coordinator may implement additional measures to provide support and/or remedy the effects of the sex-based or sexual misconduct. These measures can include but are not limited to: providing a security escort for passage on campus; connecting the parties with supportive services; directing the parties to have no contact (or restricted contact) with one another; changing academic or work schedules; providing assistance with moving on-campus residences; allowing withdrawal from or retaking of a class(es) without penalty; and providing academic support and flexibility;

7. Sanctioning

After the decision-maker finds that sexual or sex-based harassment occurred, the decision-maker(s) and Title IX Coordinator may consider the following factors in the sanctioning process:

- The specific misconduct at issue;
- The circumstances accompanying any lack of consent (e.g., fear, force, threat, coercion, intentional incapacitation, etc.);
- The Respondent's state of mind (bias-motivated, reckless, negligent, etc.);
- The Respondent's prior disciplinary history⁸;
- The safety of the University community;
- Impact or mitigation statement by one or both parties;
- The Respondent's conduct during the investigation and resolution process; and
- Such other factors as the resolution panel deems appropriate.

The University will impose sanctions that are fair and appropriate, consistent with the University's handling of similar cases, adequate to protect the safety of the campus community, and reflective of the seriousness of the misconduct at issue. The University may impose any one or more of the following sanctions on a Respondent found responsible for sex-based discrimination or harassment, or other such appropriate

⁷ Where the Respondent is a faculty member, the only available sanction for a policy violation(s) will be referral for further sanctioning pursuant to applicable policies and/or procedures. Should this sanction be imposed, both parties will be informed of subsequent processes and sanctions issued as appropriate and required by law.

⁸ After a determination of responsibility, the decision-maker(s) and/or Title IX Coordinator will coordinate with the appropriate offices and/or departments to obtain information about the Respondent's prior disciplinary history, if any.

sanction as the circumstances may dictate:⁹

- Reprimand/warning;
- Changing the Respondent’s academic or employment schedule;
- Disciplinary probation;
- Revocation of honors or awards;
- Loss of privileges;
- Imposition of conditions of employment;
- Restricting access to University facilities or activities, including student activities and campus organizations;
- Mandatory training;
- Service hours;
- Alcohol and/or drug assessment or counseling;
- Issuing a “no contact” order to the Respondent or requiring that an existing order remain in place;¹⁰
- Moving the Respondent’s on-campus residence;
- Dismissal, termination or restriction from University employment;
- Making a former University employee or student (including those expelled or terminated pursuant to these sanctions) ineligible for hire or rehire by the University;
- Removal from student housing;
- Demotion or other removal from a management, supervisory or leadership role(s);
- A full or partial ban from campus (either limited time or indefinite);
- Transcript notations;
- Deferred suspension¹¹;
- Restriction from University sponsored or affiliated events;
- Pay reduction;
- Loss of raise;
- Loss of supervision or oversight duties;
- Referral for further sanctioning pursuant to applicable policies or procedures;
- Employment record notations, including an ineligibility for rehire notation;
- Suspension;
- Expulsion; and
- Revocation of degree.

In addition to the imposition of sanctions, the Title IX Coordinator or designee may implement additional measures that are designed to prevent the recurrence of sexual and sex-based misconduct or respond to the effects of the sexual and sex-based misconduct on the University community. Such measures may include, but are not limited to: increased monitoring, supervision, or security at locations or activities where the sexual or sex-based misconduct occurred; additional training and/or educational materials for students, employees or groups; revision of the Policy; and campus climate surveys.

⁹ As noted above, where the Respondent is a faculty member, the only available sanction for a policy violation(s) will be referral for further sanctioning pursuant to applicable policies and/or procedures. Should this sanction be imposed, both parties will be informed of subsequent processes and sanctions issued as appropriate and required by law.

¹⁰ All reported violations of “no contact” orders will be assessed to determine whether additional misconduct charges are warranted.

¹¹ A deferred suspension means that a student’s suspension is held in abeyance for a defined period as long as the student does not violate any University policies. However, if the student is found responsible for any violation of University policy during that period, the student will be subject to suspension without further review *in addition to* the disciplinary action appropriate to the new violation.

8. Appeals

All parties have the right to appeal a finding of responsibility and/or imposition of sanction(s). A party has seven (7) calendar days from receipt of the decision-maker's determination to appeal. Any appeal must be filed in writing with the Title IX Coordinator, who will forward the appeal to the appropriate appeal officer. The appeal officer must have received all required training and must not have taken part in the investigation of the allegations or the determination of responsibility.

An appeal may involve a review of the file, including the investigative report, recording or transcript of the credibility assessment/hearing (if applicable), and decision-maker's determination; the appeal does not involve another hearing, or meetings with the Complainant or Respondent.

The sole grounds for appeal are:

- A procedural irregularity that would change the outcome;
- New evidence that would change the outcome and was not reasonably available when the determination of responsibility was made;
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome; and
- *In cases where one or more of the parties is a student and the allegations included sexual or sex-based harassment, a party may appeal the determination of responsibility or sanction.*

Upon initiation of an appeal, the non-appealing party will receive a copy of the written appeal filed by the appealing party. Both parties will have the opportunity to submit a written statement or video recording in support of, or challenging, the determination of responsibility.

If the appeal officer concludes that a change in decision-maker's determination is warranted, they may (1) enter a revised determination; (2) remand the matter to the decision-maker(s) to reconsider its determination or sanction; or (3) remand the matter for further investigation by OIE. The appeal officer will simultaneously send the appeal determination, with the rationale therefor, to the Complainant and Respondent, with a copy to the Title IX Coordinator. No further appeals are permitted.