



UNIVERSITY
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L a f a y e t t e .

Procedures for Reporting and Responding to Alleged Power Based Violence Policy Violations

Latest Revision: 10/21/2021

I. OVERVIEW

This document sets forth procedures for reporting, Investigating, and responding to reports of violations of the Power-Based Violence Policy (the “Policy”) when a University faculty, staff, visitor, or student (the Respondent) is accused of a violation of the Policy. Please refer to Section VIII and the Policy for applicable definitions of key terms, which are capitalized herein.

All University community members are strongly encouraged to report incidents of Power-Based Violence (“PBV”) to the Title IX Coordinator. After normal business hours, individuals are encouraged to report incidents of Power-Based Violence to University Police (“ULPD”) or the University’s Dean on Call. As an alternative, as outlined below, an individual that has experienced PBV can also seek confidential assistance that does not involve notice to the University.

Upon receipt of a report to ULPD or the Dean on Call, ULPD or the Dean on Call will immediately notify the Title IX Coordinator. The Title IX Coordinator will conduct an *Initial Assessment*, considering the nature of the report, the safety of the parties and the campus community, *Complainant’s* expressed preference for resolution, and the necessity for any *Supportive Measures*.

Following the Initial Assessment, the Title IX Coordinator, may: (1) take no further action (e.g., at Complainant’s request or where the conduct, on its face, would not rise to the level of a Policy violation); (2) pursue Informal Resolution; or (3) pursue a Formal Complaint which will include an Investigation.

The Grievance Process is guided by the same principles of fairness and respect for all parties. Resources are available for both Complainant and Respondent to provide support and guidance throughout the process.

A Complainant may explore all available options for resolution, including a report under the Policy and a report to law enforcement. The processes are not mutually exclusive; an individual can choose to pursue both a report under the Policy and a criminal investigation at the same time.

II. EMERGENCY LAW ENFORCEMENT, MEDICAL, AND CRISIS RESPONSE RESOURCES

All individuals are encouraged to seek the support of on and off campus resources, regardless of when or where an incident of PBV occurred. Trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party if a report and/or resolution under the Policy is pursued.

As a first priority, the University encourages all individuals to report potential criminal conduct by calling 911 or by contacting ULPD.

The University also encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident of PBV. This provides the opportunity to address physical well-being or health concerns. Emotional care, counseling, and crisis response are also available on and off campus.

The University participates in the Lafayette Parish Sexual Assault Response Team (“SART”), which allows it to quickly and effectively collaborate with local agencies in responding to reported cases of Sexual Assault. The University maintains a permanent liaison to serve on the SART and participates in all related discussions and trainings. SART works to improve service delivery and response to individuals who have experienced Sexual Assault, including accompaniment in medical care, investigation, collection of forensic evidence, and related counseling. Individuals’ use of these resources does not obligate them to pursue a disciplinary or criminal investigation; however, if they choose to do so, the resources provided by SART are designed to ease the process.

Furthermore, Sexual Assault Nurse Examiners (“SANE”) are specialized nurses who are trained in examining individuals who have experienced Sexual Assault in a sensitive manner that gathers and retains forensic evidence. If an individual uses SANE services, the individual is under no obligation to file a report, but the evidence will be preserved should the individual choose to do so. Hearts of Hope maintains SANE nurses that respond to Lafayette Parish and St. Martin Parish hospitals. Any survivor of Sexual Assault may request SANE services or to be connected to SART by calling the 24-hour Hearts of Hope hotline at 337-232-RAPE (7273).

The following is contact information for emergency law enforcement, medical, and crisis response:

Law Enforcement	Medical Providers & Crisis Response
<p>ULPD http://police.louisiana.edu/ 337-482-6447 Bittle Hall 210 Hebrard Blvd. Lafayette, LA 70504</p>	<p>University Counseling and Testing Center http://counselingandtesting.louisiana.edu/ 337-482-6480 O.K. Allen Hall, Saucier Wellness Center, 220 Hebrard Boulevard</p>
<p>Lafayette Police Department http://www.lafayettela.gov/PoliceDepartment/Pages/default.aspx 337-291-8600 900 E. University Ave. Lafayette, LA 70502</p>	<p>Office of Student Health Services http://studenthealth.louisiana.edu 337-482-1293 O.K. Allen Hall, Saucier Wellness Center, 220 Hebrard Boulevard</p>
<p>Lafayette Parish Sheriff’s Office http://www.lafayettesheriff.com/ 337-232-9211 316 West Main St. Lafayette, LA 70501</p>	<p>Hearts of Hope http://www.theheartsofhope.org/ 337-232-RAPE (7273) Located in Lafayette, LA</p>

	<p>Hearts of Hope provides the survivor with advocacy, counseling, and accompaniment to all medical, forensic, and criminal investigations following an incident of sexual assault or abuse and other related incidents.</p>
	<p>Faith House http://www.faithhouseacadiana.com 337-232-8954 800-411-1333 (24-hour crisis hotline)</p> <p>Faith House provides advocacy, counseling, medical and legal assistance, shelter, safety plans, and accompaniment at hearings for all survivors of interpersonal violence and their children.</p>
	<p>Ochsner Lafayette General Medical Center 1214 Coolidge Blvd Lafayette, La 70503 https://ochsnerlg.org/337-289-7991</p>
	<p>Our Lady of Lourdes Hospital 4801 Ambassador Caffery Pkwy Lafayette, La 70508 www.lourdesrhc.com 337-470-2000</p>
	<p>Our Lady of Lourdes Women’s & Children’s Hospital 4600 Ambassador Caffery Pkwy Lafayette, La 70508 www.womens-childrens.com 337-521-9100</p>
	<p>Ochsner Lafayette Orthopedic Hospital 2810 Ambassador Caffery Pkwy Lafayette, La 70508 https://ochsnerlg.org/location/ochsner-lafayette-general-orthopedic-hospital337-521-9100</p>

	<p>Ochsner University Hospital and Clinics 2390 W Congress St. Lafayette, La 70506 https://ochsnerlg.org/location/ochsner-university-hospital-clinics 337-261-6000</p>
	<p>Heart Hospital of Lafayette 1105 Kaliste Saloom Rd Lafayette, La 70508 www.hearthospitaloflafayette.com 337-470-1000</p>

III. WHO TO REPORT TO

The University encourages individuals who have experienced PBV to talk about what happened so they can get the support they need and so the University can respond appropriately. This section identifies University employees who are authorized to receive reports, their roles, and their ability to maintain an individual's confidentiality.

As defined by the Louisiana Board of Regents' ("BOR") Uniform Policy on Power-Based Violence/Sexual Misconduct, Responsible Employees include all administrators, faculty, staff, and students working as graduate teaching assistants or as housing resident assistants. Responsible Employees are required to promptly report and students and visitors are strongly encouraged to promptly report, any incidents of PBV to the University's Title IX Coordinator, a Deputy Title IX Coordinator, and/or through other reporting channels listed below.

The University's Title IX Coordinator is:

Teresa LeDay Title IX Coordinator and EEO Investigator
111 Boucher Drive, Buchanan Hall, Suite 116
PO Box 40196 Lafayette, Louisiana 70504 337-482-1819
titleix@louisiana.edu

The University's Deputy Title IX Coordinators are:

Axel Vasquez, Sr. Human Resources Business Partner Deputy Title IX Coordinator (Athletics)
111 Boucher Drive, Buchanan Hall, Suite 118
PO Box 40196
Lafayette, Louisiana 70504
or Cox Communications Building
201 Reinhardt Drive Lafayette, Louisiana 70506
337-482-1093
axel.vasquez@louisiana.edu

Margarita Perez, Dean of Students Deputy Title IX Coordinator (Students)
PO Box 44572, Student Union, Room 169
Lafayette, Louisiana 70504
337-482-6276
mperez@louisiana.edu

A. Mandatory Reporting for Employees

Unless designated specifically as a Confidential Advisor, an Employee who receives a direct statement regarding or witnesses an incident of PBV committed by or against a student is a Responsible Employee.

A Responsible Employee must promptly report the following to the Title IX Coordinator:

1. The identity of the alleged complainant;
2. The identity of the alleged respondent;
3. The type of PBV or Retaliation alleged to have been committed;
4. Any other information about witnesses, location, date, and time that the incident occurred; and
5. Any other relevant information.

In accordance with Act 472, a Responsible Employee is not required to make a report of information involving PBV which was received in the following circumstances:

1. During a public forum or awareness event in which an individual discloses an incident of PBV as part of educating others;
2. Disclosure made in the course of academic work consistent with the assignment; or
3. Disclosure made indirectly, such as in the course of overhearing a conversation.

If a Responsible Employee believes an individual may intend to share any information regarding an instance of PBV, the Responsible Employee should seek to confirm that the Reporter understands the Responsible Employee’s reporting obligation. If the Reporter would prefer to speak with a confidential resource, the Responsible Employee should direct the Reporter to a confidential resource.

B. Confidential and Anonymous Reporting

In accordance with Act 472, unless waived in writing by the alleged Complainant, the identity of an alleged Complainant of an incident reported under La. R.S. §17:3399.1, Sexually-oriented criminal offense, is confidential and not subject to disclosure except to:

1. An individual employed by or under contract with the University to which the report is made, if the disclosure is necessary to conduct the investigation or the report of any related hearings;
2. A law enforcement officer as necessary to conduct a criminal investigation of the report;
3. An individual alleged to have perpetrated the incident, to the extent required by law; or
4. A potential witness to the incident as necessary to conduct an investigation of the report.

Some individuals are required to keep communication from a Reporter or Complainant confidential. Talking to these individuals is sometimes called a “privileged communication.” The trained professionals designated below can provide counseling, information, and support in a confidential setting. These confidential resources will not share information about a patient/client (including whether that individual has received services) without the individual’s express, written permission unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor).

Confidential resources may include clergy, medical/healthcare providers, and mental healthcare providers. Some confidential resources are listed below:

On Campus Confidential Resources	Off Campus Confidential Resources
<p>University Counseling and Testing Center http://counselingandtesting.louisiana.edu/ 337-482-6480 O.K. Allen Hall, Saucier Wellness Center, 220 Hebrard Boulevard</p>	<p>Hearts of Hope http://www.theheartsofhope.org/ 337-233-RAPE (7273) Located in Lafayette, LA</p> <p>Hearts of Hope provides the survivor with advocacy, counseling, and accompaniment to all medical, forensic, and criminal</p>

	<p>investigations following an incident of sexual assault or abuse and other related incidents.</p>
<p>Office of Student Health Services http://studenthealth.louisiana.edu 337-482-1293 O.K. Allen Hall, Saucier Wellness Center, 220 Hebrard Boulevard</p>	<p>Faith House http://www.faithhouseacadiana.com 337-232-8954 800-411-1333 (24-hour crisis hotline)</p> <p>Faith House provides advocacy, counseling, medical and legal assistance, shelter, safety plans, and accompaniment at hearings for all survivors of interpersonal violence and their children.</p> <p>Ochsner Lafayette General Medical Center https://ochsnerlg.org/ 337-289-7991</p> <p>Our Lady of Lourdes Hospital www.lourdesrhc.com 337-470-2000</p> <p>Our Lady of Lourdes Women’s & Children’s Hospital www.womens-childrens.com 337-521-9100</p> <p>Ochsner Lafayette Orthopedic Hospital https://ochsnerlg.org/location/ochsner-lafayette-general-orthopedic-hospital 337-981-2949</p> <p>Ochsner University Hospitals and Clinics https://ochsnerlg.org/location/ochsner-university-hospital-clinics337-261-6000</p> <p>Heart Hospital of Lafayette www.hearthospitaloflafayette.com 337-470-1000</p>

C. Confidential Advisors

The University shall designate Confidential Advisors in accordance with La. R.S. § 17:3399.15. Contact information for the Confidential Advisors will be provided on the University's Title IX website found at <https://titleix.louisiana.edu/>. Those individuals designated as Confidential Advisors shall complete online training developed by the Louisiana Attorney General in collaboration with the BOR.

The Confidential Advisor shall inform the Complainant of the following:

1. Their rights under federal and state law, as well as the Policy;
2. Reporting options, including the option to notify the University and local law enforcement (and, if known, the potential outcomes of those reporting options);
3. Investigation and disciplinary/adjudication proceedings of the University and the criminal justice system;
4. The limited jurisdiction, scope, and available sanctions of the University student disciplinary proceeding, and that it should not be considered a substitute for the criminal justice process;
5. Potential reasonable accommodations that the University may provide to the Complainant; and
6. The name and location of the nearest medical facility where the Complainant may have a rape kit administered by an individual trained in Sexual Assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such a facility.

The Confidential Advisor may, as appropriate, serve as a liaison between the University or local law enforcement, when directed to do so, in writing, by the Complainant, who has been fully and accurately informed about what procedures shall occur if information is shared. In addition, the Confidential Advisor will assist the Complainant in contacting and reporting to the Title IX Coordinator and/or local law enforcement.

The Confidential Advisor must:

1. Be authorized by the University to liaise with appropriate staff at the University to arrange reasonable accommodations through the University to allow the Complainant to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations;
2. Be authorized to accompany the Complainant, when requested to do so by the Complainant, to interviews and other proceedings of campus investigation and University disciplinary proceedings; and

3. Advise the Complainant of, and provide written information regarding, both the Complainant's rights and the University's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or by the University.

The Confidential Advisor shall not be obligated to report crimes to the University or law enforcement in a way that identifies Complainant or Respondent, unless otherwise required to do so by law. Additionally, to the extent authorized under law, any requests for accommodations made by a Confidential Advisor, as provided in this Section, shall not trigger an investigation by the University.

IV. HOW TO REPORT

The University encourages all individuals, whether a Complainant, witness, or third party, to promptly report PBV directly to the Title IX Coordinator, Deputy Title IX Coordinators, the EEO Officer, or ULPD. After normal business hours, individuals are encouraged to report incidents of PBV to the Office of the Dean of Students or ULPD. The reporting options are the same whether the Reporter is a Complainant, a witness, third party, or other individual.

The University recognizes that deciding whether to make a report and choosing how to proceed are personal decisions that may evolve over time; however, unless and until the designees as stated in Section III herein are apprised of the occurrence, action to address such PBV cannot be taken. At the time a report is made, a Complainant does not have to decide whether to request any particular course of action. Through a coordinated effort, staff from the offices listed below provide support to assist each individual in making these important decisions, and consistent with the goal of safety for all community members, will make every effort to respect an individual's autonomy in making the determination as to how to proceed. Any individual can also make a report to external law enforcement agencies, including those listed below. If a report is made to the police, the University and the police may share information under certain circumstances.

A. Reporting (Not Anonymous)

On Campus Reporting Options for University Action under the Policy	Off Campus Reporting Options for External Law Enforcement Action
Title IX Coordinator and EEO Investigator Teresa Leday 337-482-2921 116 Buchanan Hall 111 Boucher St. Lafayette, LA 70504 titleix@louisiana.edu	911
Deputy Title IX Coordinator (Athletics) Axel Vasquez, Sr. Human Resources Business Partner 111 Boucher Drive, Buchanan Hall, Suite 118	Lafayette Police Department http://www.lafayettela.gov/PoliceDepartment/Pages/default.aspx 337-291-8600

PO Box 40196 Lafayette, Louisiana 70504 axel.vasquez@louisiana.edu	900 E. University Ave. Lafayette, LA 70502
Deputy Title IX Coordinator (Students) Margarita Perez, Dean of Students http://studentaffairs.louisiana.edu/ Student Union, Room 168 620 McKinley Street Lafayette, LA 70504 Margarita.perez@louisiana.edu	Lafayette Parish Sheriff's Office http://www.lafayettesheriff.com/ 337-232-9211 316 West Main St. Lafayette, LA 70501
ULPD http://police.louisiana.edu/ 337-482-6447 Bittle Hall 210 Hebrard Blvd. Lafayette, LA 70504	

B. Anonymous Reporting

Any individual may make a report of PBV to the University without disclosing his or her name and without identifying a Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, the University's ability to respond to an anonymous report may be limited. Anonymous reporting can be made using the following link: www.louisiana.edu/ethicsreport. These reports will be referred to the Title IX Coordinator.

C. Reporting and Considerations

Any individual may report PBV. All individuals, including a Complainant, witness, or third party, are encouraged to report PBV regardless of when or where it occurred, as soon as possible to maximize the ability to respond promptly and effectively. The University does not, however, limit the time frame for reporting. Reports can be made in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator or by any means that results in the Title IX Coordinator receiving the individual's verbal or written report.

D. Immunities and Amnesty

An individual acting in good faith who reports or assists in the Investigation of a report of an incident of PBV, or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report of such an incident, may not be subjected to disciplinary action by the University in which the individual is enrolled or employed for any non-violent violation of the Student Code of Conduct or the Code of Conduct and Ethical Behavior Policy. Any student

(including a Complainant, witness, or third party) who makes a report of PBV in good faith, will not be subject to disciplinary action by the University for a non-violent student conduct violation, such as underage drinking at or near the time of the incident. Immunity shall not apply to an individual who perpetrates or assists in the perpetration of PBV.

V. TRANSCRIPT WITHHOLDING, NOTATION & COMMUNICATION

A. Withholding Student Transcripts

Upon the filing of a Formal Complaint, a disciplinary hold administered by the Office of Student Services will be placed on a Respondent's transcript who is the subject of the Formal Complaint. For any Respondent who is the subject of a Formal Complaint that also constitutes Sexual Harassment or other Prohibited Sexual Conduct per the Sexual Harassment and Other Prohibited Sexual Conduct Policy, a notation will be placed on the Respondent's transcript, rather than withholding the transcript.

When a student transcript is withheld, the institution to which the Respondent seeks to transfer ("Receiving Institution") must make a timely inquiry directed to University regarding the purpose of the transcript hold. Upon such an inquiry, University shall disclose appropriate and factual information consistent with the Family Education Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g.

B. Transcript Notation

In accordance with the BOR's Uniform Policy on Power-Based Violence and Sexual Misconduct and the University of Louisiana System's ("UL System") Policy on Notation of Disciplinary Actions on Academic Transcripts (Policy Number S-II.I.B.-1), the University will communicate regarding the transfer of a Respondent who is the subject of a prohibited sexual conduct or PBV Formal Complaint or who has been found responsible for an incident of PBV pursuant to University's investigative and adjudication process.

For a transferring Respondent who is the subject of a pending investigation, the notation on the transcript shall read: "ADMINISTRATIVE MATTER PENDING" or other notation sufficient to place the Receiving Institution on notice and trigger an inquiry regarding the notation directed to the University. Receiving Institution shall communicate with University's Title IX Coordinator with respect to this notation.

For a transferring Respondent for whom a final decision has been rendered, and the Respondent has been found to be responsible for prohibited sexual conduct or PBV, the notation on the transcript shall read: "STUDENT FOUND RESPONSIBLE IN VIOLATION OF CODE OF CONDUCT" or other notation sufficient to place the Receiving Institution on notice and trigger an inquiry regarding the notation directed to the University. Receiving Institution shall communicate with University's Title IX Coordinator with respect to this notation.

In cases of prohibited sexual conduct or PBV, the University shall honor the disposition of the host institution.

C. Transcription Withholding and Notation Appeals

A Respondent whose transcript has been withheld or notated as prescribed by BOR's Uniform Policy on Power-Based Violence and Sexual Misconduct and the UL System Policy on Notation of Disciplinary Actions on Academic Transcripts (Policy Number S-II.I.B.-1) may request a release of the hold or expungement of the notation for good cause shown.

Cause may include, but is not limited to, when (1) a Respondent who transferred while under investigation was found not responsible or (2) a Respondent was initially found responsible and later evidence showed that the student was in fact not responsible. In these instances, an updated version of the former Respondent's transcript will be provided. Such requests shall be submitted in writing to the Dean of Students with review by the Title IX Coordinator and the Director of Student Rights and Responsibilities. The University shall notify the student of its decision no later than seven (7) business days from the date that the transcript withholding or notation appeal request is made.

D. Applicability

Nothing in these Procedures shall prohibit or prevent the University from withholding or notating the transcript of a student who is the subject of a Formal Complaint, or who has been found responsible for PBV, when such student seeks to transfer to a non-public postsecondary or out-of-state institution.

VI. POWER-BASED VIOLENCE GRIEVANCE PROCESS

The University will provide a consistent, transparent Grievance Process for resolving Formal Complaints of PBV. The University shall treat Complainants and Respondents equitably by providing remedies at any time a Respondent is found responsible and by not imposing disciplinary sanctions without following the Grievance Process prescribed herein. This Grievance Process requires an objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoids credibility determinations based on a person's status as a Complainant, Respondent, or witness.

A. Initial Assessment

When a report is made, the Title IX Coordinator, will conduct an Initial Assessment. The Initial Assessment will determine whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted based on the alleged conduct.

1. Preliminary Meeting

The first step of the Initial Assessment will usually be a preliminary meeting between Complainant and the Title IX Coordinator to gather facts that will enable the Title IX Coordinator to:

- a.** Assess the nature and circumstances of the allegation;
- b.** Address any immediate concerns about the physical safety and emotional well-being of the Complainant;

- c. If the conduct is criminal in nature, notify Complainant of the option to notify law enforcement;
- d. Provide Complainant with information about:
 - i. On and off campus resources, including the availability of medical treatment to address any physical and mental health concerns, including counseling and support, and to preserve evidence, whether or not Complainant chooses to make an official report or participate in the institutional disciplinary or criminal process;
 - ii. The available range of Supportive Measures; and
 - iii. Procedural options, including Informal Resolution, Investigation, and Appeal.
- e. Discuss Complainant's expressed preference for manner of resolution and any barriers to proceeding;
- f. Explain the University's policy prohibiting Retaliation;
- g. Explain the role of the Advisor; and
- h. Assess potential pattern evidence or other similar conduct.

Additionally, in the initial communication the Title IX Coordinator will notify the Complainant of the option to have an Advisor accompany them to any meeting or interview related to the PBV Grievance Process.

2. Determination of Appropriate Resolution

At the conclusion of the Initial Assessment, the Title IX Coordinator will determine the appropriate resolution route. Resolutions may include: (1) no further action related to this Policy; (2) Informal Resolution; or (3) the initiation of a Formal Resolution which includes an Investigation.

a. Informal Resolution

Informal Resolution is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects by both parties through a manner that is voluntary, informed, and initiated through written consent. An Informal Resolution may be used at any point prior to reaching a determination of responsibility as long as a Formal Complaint has been filed. An Informal Resolution shall not be required as a condition of: (1) enrollment or continuing enrollment, (2) employment or continuing employment, (3) enjoyment of any other right, or (4) waiving the right to an Investigation, and adjudication of a Formal Complaint. An Informal Resolution may not be appropriate for all forms of conduct under the Policy.

An Informal Resolution may include: (1) establishing Supportive Measures; (2) conducting targeted or broad-based educational programming or training for relevant individuals or groups; (3) providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; (4) facilitating a meeting between Respondent and Complainant through mediation; or (5) restorative justice; and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy.

Mediation is not used when violent behavior is involved, when the Title IX Coordinator determines a situation is not eligible, or the parties are reluctant to participate in good faith. The University does not require an impacted party to contact the person involved.

At any time prior to agreeing to a resolution, any party has the right to withdraw from an Informal Resolution and resume the Grievance Process with respect to the Formal Complaint. Additionally, a Respondent can accept responsibility for misconduct during the Informal Resolution.

b. Voluntary Agreement

All parties to an Informal Resolution will be provided with a written voluntary agreement that includes:

- i.** The allegations;
- ii.** The requirements of the Informal Resolution process including circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
- iii.** A statement providing that at any time prior to agreeing to a resolution, the right of any party to withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint; and
- iv.** Any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared.

A voluntary agreement will not be an available resolution route when an Employee is a Complainant.

c. Formal Resolution

i. Investigation

The Investigation is designed to provide a fair and reliable gathering of the facts by trained and impartial Investigators. The Respondent will be presumed as not responsible for the alleged conduct until a final determination is made at the conclusion of the Grievance Process. All individuals, including Complainant, Respondent, and any third-party witnesses, will be treated with appropriate sensitivity and respect throughout the Investigation. The Investigation will

safeguard the privacy of the individuals involved in a manner consistent with federal law and University policy.

The Investigator shall investigate the allegations in any Formal Complaint. The Investigator will gather evidence and provide both parties with equal opportunity to present to the Investigator facts, expert witnesses, and other inculpatory and exculpatory evidence. Parties will not be restricted to discuss the allegations or gather evidence to provide to the Investigator through the Investigation process.

At the request of law enforcement, the University may agree to defer the fact-finding portion of its Investigation until after the initial stages of a criminal investigation. The Title IX Coordinator will nevertheless communicate with Complainant and Respondent regarding resources and accommodations, procedural options, anticipated timing, and the implementation of any necessary Supportive Measures for the safety and well-being of all affected individuals.

ii. Notice to Respondent

The person alleged to have committed PBV is called the Respondent. The Respondent should be notified in writing that a Formal Complaint alleging PBV has been filed against them. The Respondent should be advised that they may have an Adviser accompany them to any meeting or interview related to the Investigation and resolution process.

Within seven (7) business days of receiving notice of the Formal Complaint, the Respondent should arrange to meet with the Title IX Coordinator. The Title IX Coordinator is required to provide the same information that was presented to the Complainant during their initial contact.

After reviewing the Formal Complaint and meeting with the Title IX Coordinator and appropriate decision makers, the Respondent may choose to end the resolution process by accepting responsibility for the conduct alleged in the Formal Complaint. If the Respondent accepts responsibility for the conduct alleged in the Formal Complaint, the Office of Student Rights and Responsibilities will determine the appropriate sanction for the Respondent. If the Respondent disputes the allegations in the Formal Complaint, the matter will proceed to an Investigation.

d. Investigation Process

The Title IX Coordinator shall designate Investigators specifically trained in PBV Investigations to conduct a prompt, thorough, and fair Investigation. The Title IX Coordinator begins the process with an intake meeting.

The Investigation phase begins with interviewing the Complainant or Reporter, the Respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files; and gathering and examining other relevant documents and evidence.

As a part of the Investigation, the University shall provide an opportunity for all parties to present written statements, identify witnesses, and submit other evidence. Both Complainants and Respondents should be advised of the utilization of Advisors throughout the Investigation process.

Advisors are not permitted to participate directly in resolution hearings or Informal Resolution conferences, except to the extent an Advisor's participation is required during Title IX grievance hearings; they may be present solely to advise or support the party and are prohibited from speaking directly to the Investigator, the PBV adjudicator, other parties, or witnesses.

e. Findings and Investigative Report

At the conclusion of the Investigation, Investigators will prepare a report (the "Investigative Report") summarizing and analyzing the relevant facts determined through the Investigation, with reference to any supporting documentation or statements. The report will be delivered to the Title IX Coordinator, who will analyze the report to ensure that the Investigation was prompt, impartial, thorough, and consistent with the Policy and these Procedures. Before the report is finalized, the Complainant and Respondent will be given the opportunity to review one another's statements and may also be provided with a written summary of other information collected during the Investigation if the information is requested and the Title IX Coordinator deems it appropriate to disclose.

A Complainant or Respondent should submit any comments about their own statement, or on any Investigation summary that might be provided, to the Investigators within five (5) calendar days after the statement or summary was provided. Following the receipt of any comments submitted, or after the five (5) day comment period has lapsed without comment, the Investigators may address any identified factual inaccuracies or misunderstandings, as appropriate.

The final report will provide a summary of the Investigators' impressions, including context for the evidence collected, but will not make a final determination as to whether a violation of the Policy occurred, reserving that decision (and any sanctions) for the Office of Student Rights and Responsibilities. The parties will be provided with a copy of the final report simultaneously.

VII. GRIEVANCE PROCEDURE APPEALS

The University will offer both parties the ability to Appeal from a determination regarding responsibility and from a dismissal of a Formal Complaint or any allegations therein.

Parties must submit their request for an Appeal in writing to the Title IX Coordinator within five (5) business days of the University's determination. Appeals may be raised on the following bases:

- A. A procedural irregularity that affected the outcome of the matter;
- B. To consider new facts or information that were not known or knowable to the appealing party before or during the time of the resolution and that are sufficient to alter the decision;
- C. The Title IX Coordinator, Investigator, or adjudicator(s) had a conflict of interest or bias that affected the outcome of the matter;
- D. The decision reached was not supported by a preponderance of evidence; or
- E. The sanctions were disproportionate to the findings.

The University shall:

- A. Notify the other party in writing when the Appeal is filed and implement Appeal procedures equally for both parties;
- B. Ensure the decision maker(s) for the Appeal **is/are not** the same individual(s) who reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator;
- C. Give both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome;
- D. Issue a written decision describing the result of the Appeal and the rationale for the result; and
- E. Provide a written decision simultaneously to both parties.

VIII. DEFINITIONS

In addition to terms defined in the Policy, the following terms are applicable to these Procedures. Where starred (*), the terms listed herein are defined as stated in the BOR's Uniform Policy on Power-Based Violence/Sexual Misconduct.

- A. **Appeal**: is the process by which Complainant or Respondent may challenge the Investigative Finding and/or sanction(s).
- B. **Initial Assessment**: is, after a report of PBV, the initial determination made by the Title IX Coordinator or designee of whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted based on the alleged conduct.
- C. **Informal Resolution***: is a voluntary process that is separate and distinct from an Institution's investigation and adjudication processes that allows the parties (i.e., Complainant and Respondent) to reach a mutually agreeable resolution.
- D. **Investigators***: are individuals designated by the Title IX Coordinator to conduct an investigation of alleged power-based violence. The Investigators will be a trained individuals who objectively collects and examines the facts and circumstances of potential violations of this Policy and documents them for review. The Investigators will be neutral and will not have a conflict of interest or bias against the Complainant or Respondent, or Complainants and Respondents generally.
- E. **Investigation**: is an impartial ascertaining of the facts related to the allegations of PBV, including interview of the parties and witnesses, as well as gathering available documents and other evidence. The *Investigation* is conducted by the Investigators.

F. Supportive Measures*: are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties 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 equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Institution's educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.