



## Policy #62002.1

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### SEXUAL MISCONDUCT PROCEDURES

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*The purpose of these procedures are to provide Grambling State University with a clear set of procedural guidelines to investigate and resolve Title IX and Civil Rights violations.*

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### STEPS

#### 1. Formal Complaint

If the complainant wishes to file a formal complaint or if the situation otherwise warrants a formal investigation and the complainant has not already completed a [Title IX Sexual Misconduct Incident Report Form](#), the Title IX Sexual Misconduct Incident Report Form should be completed by either the complainant or an Official with Authority (OWA) on behalf of the complainant. The OWA can also complete the Title IX Sexual Misconduct Incident Report Form on behalf of the complainant depending on the circumstances (anonymous complainant, telephone complaint, etc.). This Title IX Sexual Misconduct Incident Report Form can be supplemented with supporting documentation. The Title IX Sexual Misconduct Incident Report Form and all other documentation will be made available to all parties or their advisors upon request at a mutually agreeable time and location (i.e., business hours of the university).

#### Informal Resolution

Informal Resolution can include two different approaches:

- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first to pursue a formal investigation and grievance process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Investigation and Grievance Process.

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Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

**Supportive Measures** – Remedies may include safety planning, academic accommodations, housing relocation, and/or issuing a no contact order. Requests for informal remedies are handled through the University’s Office of Title IX and Equal Employment Opportunity, Human Resources, and/or the Student Counseling and Wellness Resource Center. The request or receipt of informal remedies does not preclude filing a formal complaint or receiving formal discipline.

2. **Preliminary Investigation (Initial Assessment)**

The preliminary investigation is a review of the incident description, case history, facts, and patterns and should include an interview with the complainant and a review of the written complaint and any supporting documentation that is provided. The Title IX Coordinator will generally conduct the preliminary investigation. After the preliminary investigation if the Title IX Coordinator determines that the complaint should be properly handled through another complaint mechanism, the complaint should be routed as appropriate. If there is sufficient evidence to indicate that the allegation of sexual misconduct should be investigated in accordance with the sexual misconduct policy, the Title IX Coordinator should move forward as follows:

- Notify the President, Vice President of Student Affairs (only if the complaint involves a student), Office of Finance/Administration, and Associate Vice President of Operations/Chief Human Resources Officer that a Sexual Misconduct Investigation is being initiated.

The Title IX Coordinator will appoint a trained Investigator(s).

- Notify both the complainant and the accused simultaneously through the **Complaint Notice** regarding the fact that a sexual misconduct investigation will take place. This notification will provide instructions regarding the investigation process as well the Title IX Coordinator's anticipated timeline for completion of the investigation. If the anticipated timeline for completion needs to be extended at any time, the Title IX Coordinator should notify both parties of this fact in writing simultaneously and should provide a new anticipated timeline for completion. Instructions to both parties not to conduct their own investigation and to provide any relevant information such as a list of potential witnesses to the Title IX Coordinator are provided in the Complaint Notice. Instructions are also included in the notification regarding privacy of

information, reasonable cause determination notification and preliminary steps that should be taken pending the outcome of the investigation.

The timeline for this Preliminary Investigation process is generally two (2) business days which means that all efforts should be made to have the notification letter to the parties within this timeframe. This Complaint Notice will also provide the parties with an opportunity to provide an alternative address to receive all correspondence regarding the complaint and will instruct the parties that unless an alternative address is provided in writing, the University will use the official address that is on file. Instructions will be provided as to how either party can request an opportunity to review the complaint.

**3. Threat Assessment**

In many cases, the Title IX Coordinator may determine that a Threat Assessment (TA) should be conducted by the Threat Assessment Team as part of the initial assessment. A TA can aid in making ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether the investigation should proceed as an incident, pattern, and/or climate;
- Identification of potential predatory conduct;
- Assessment/identification of grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer University about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning / Trespass order is needed.

Threat assessment is the process of evaluating the action ability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A TA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

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Threat assessments require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Threat Assessment Team members. A TA authorized by the Title IX Coordinator should occur in collaboration with the Threat Assessment Team. Where a TA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A TA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A TA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

**4. Dismissal (Mandatory and Discretionary)**

The University must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- a. The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved;
- b. The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent;
- c. The conduct did not occur against a person in the United States; and/or
- d. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in an education program or activity of the University.

The University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
- b. The Respondent is no longer enrolled in or employed by the University; or
- c. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

**5. Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available and not a witness in the process as this creates potential for bias and conflict of interest.

**a. Who Can Serve as an Advisor?**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community. Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A witness to an incident **cannot** serve as an Advisor.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the University, the Advisor will be trained by the University and be familiar with the University's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the University, the Advisor may not have been trained by the University and may not be familiar with University policies and procedures.

Parties also have the right to choose an Advisor at any stage of the resolution process.

**b. Advisors in Hearings/University-Appointed Advisor**

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-Makers during the hearing.

**c. Advisor's Role**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

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The University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

**d. Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and University's policies and procedures.

**e. Advisor Violations of University Policy**

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-Makers except during a hearing proceeding cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process.

Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee; either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by these procedures will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be suspended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

**f. Sharing Information with the Advisor**

The University expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The University also provides a consent form that authorizes the University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the University is able to share records with an Advisor.

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**g. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by University. University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

**h. Expectations of an Advisor**

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

**i. Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

**6. Investigation**

Investigator(s) will interview all individuals involved in the complaint and compile documentation, such as written and recorded statements. Both the Complainant and the Accused may have advisors to support and assist them during the investigation, determination, and appeal stages of the process. The investigation should be initiated within five (5) days of the decision to proceed with an investigation. If the investigation is not initiated within this timeframe, the investigator and or the Title IX Coordinator should document the reasons for any delay.

The investigations should be completed, and all documentation provided to the Title IX Coordinator by the Investigator(s) within 30 days. Reasons for deviations from this timeline should be documented in the report.

**7. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-Maker Panel—unless all parties and the Decision-Maker Panel agree to an expedited timeline.

The University will designate a three-member panel from the Pool, at the discretion of the Title IX Coordinator. Within the panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-Maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-Makers. Those who are serving as Advisors for any party may not serve as Decision-Makers in that matter.

The Title IX Coordinator may not serve as a Decision-Maker or Chair in any matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter does not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

**8. Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once emailed, notice will be presumptively delivered. The University will use a remote hearing protocol that allows all parties to be present, even though they are not in the same room. (*See Virtual Hearing Guide*)

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- The University intends to hold the live hearing with the parties located in separate rooms using technology that enables the Decision-Makers and parties to see and hear a party or witness answering questions.

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- A list of all those who will attend the hearing, along with an invitation to object to any Decision-Maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least seven (7) business days prior to the hearing.
- Information how the hearing will be recorded and access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness' testimony and any statements given prior to the hearing will not be considered by the Decision-Makers. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choice at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A mutual time for viewing all the materials provided to the Decision-Makers about the matter, unless the materials have been viewed already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-Makers will review during any sanction determination. *(Optional)*
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to the Sexual Misconduct Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under the Sexual Misconduct Policy is not in good standing to graduate.

**9. Notice of Outcome**

The Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within three (3) business days of receiving the Decision-Makers' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by email to the parties' University issued email or otherwise approved account. Once emailed, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy/policies determined to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law; any sanctions issued which the University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the University's education or employment program or activity, to the extent the University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and the relevant procedures and basis for any available appeal options.

## **10. Sanctions**

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties

- Any other information deemed relevant by the Decision-Makers

The sanctions will be implemented as soon as is possible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in these procedures are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

**a. Student Sanctions**

The following are the usual sanctions that may be imposed upon students singly or in combination: See the [Grambling State University \(GSU\) Student Handbook](#) for a complete listing and more detailed description of all possible sanctions.

- Reprimand: A written letter/expression or oral expression statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Discretionary Censures: Censures that may include but are not limited to parental notification, letter of apology, conflict resolution sessions, and university programming.
- Required Education Counseling: A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.
- Suspension: This suspension is for a specified period of time, and the student or the student organization may apply for readmission to the University after expiration of the specified period. During this period of suspension, the student is banned from the University. A notation will be placed on the student's transcript "*Student is eligible to return (semester) (year)*" when a student is suspended for disciplinary reasons for a specified period of time. The transcript indicates which semester the student will be eligible to return.
- Permanent Dismissal from the University and ***Banned from the University***. A notation will be placed on a student's transcript "*Student is ineligible to enroll*," when the student is permanently dismissed from the university for disciplinary reasons.

**b. Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*

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- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with Pay*
- *Suspension Without Pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

**11. Withdrawal or Resignation While Charges Pending**

**Students:** If a student has an allegation pending for violation of the Policy Prohibiting Sex Discrimination, Sexual Misconduct and Interpersonal Violence, the University may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process will proceed to a reasonable resolution absent their participation. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student.

However, the University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment, sex discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the University. Such exclusion applies to all campuses of the University. A hold will be placed on their ability to be readmitted. They may also be barred from University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to University unless and until all sanctions have been satisfied.

During the resolution process, the University may put a hold on a responding student's transcript or place a notation on a responding student's transcript or dean's disciplinary certification that a disciplinary matter is pending.

**Employees:** Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the University or any campus of the University, and the records retained by the Title IX

Coordinator will reflect that status. The Title IX Coordinator shall provide written notification to the Chief Human Resources Officer for placement in the separated employees' personnel file.

**12. Appeals**

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within three (3) days of the delivery of the Notice of Outcome.

A three-member appeal panel chosen from the Pool will be designated by the Title IX Coordinator. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. A voting Chair of the Appeal panel will be designated.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal but solely a determination as to whether the request meets the criteria and is timely filed.

**a. Grounds for Appeal**

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the reasons in the Request for Appeal do not meet the grounds in this document, the request will be denied by the Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this document, the Appeal Chair will notify all parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-Makers.

All parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-Makers will be emailed the request with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and will be emailed to the parties' University-issued email or otherwise approved account. Once emailed notice will be presumptively delivered.

**b. Sanctions Status during the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

The University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

**c. Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to support a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal. In cases where appeals are granted identifying a procedural irregularity that affected the outcome of the matter, the Appeal Chair may grant a full re-hearing of the allegations.
- An appeal is not an opportunity for Appeal Decision-Makers to substitute their judgment for that of the original Decision-Makers merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Panel may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-Maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- **Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).**
- In rare cases where a procedural or substantive error cannot be cured by the original Decision-Makers (as in cases of bias), the appeal may order a new hearing with a new Decision-Makers.
- The decision of a remanded case cannot be appealed. The outcome of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

**13. Failure to Comply with Sanctions and/or Interim and Long-Term Remedies and/or Responsive Actions**

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-Makers (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

**14. Disabilities Accommodations in the Resolution Process**

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's resolution process.

Anyone needing such accommodations or support should contact the Director of the Student Counseling and Wellness Resource Center, if a student, or the Chief Human Resources Officer, if an employee, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.