POLICY & PROCEDURES MANUAL **WAYLAND BAPTIST UNIVERSITY**	**Classification Number: 1.5.5** **Revised: July 27, 2020**

SUBJECT: TITLE IX

Wayland Baptist University is committed to providing a safe and non-discriminatory learning, working and living environment that promotes civility and mutual respect. Wayland Baptist University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, this policy prohibits specific forms of behavior that violate The Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in the University's programs and activities; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Ac
such behavior frhacriminal complaint with the Department. Students and employees who violate Wayland's sexual misconduct, Title IX, and discrimination policies are subject to disciplinary actions up to and including expulsion and/or termination of employment status, and may be subject to criminal charges.

The following attachments are provided in support of this Title IX policy

Attachment A – Definitions
Attachment B – Frequently Asked Questions
Attachment C – Risk Reduction and Active Bystander

RELATED POLICIES: 2.7.6 Discrimination and Discriminatory Harassment and 8.1.6 Student Discipline Policy

JURISDICTION

This policy applies to the education program and activities of Wayland Baptist University, to conduct that takes place on the campus or on property owned or controlled by Wayland Baptist University, at Wayland Baptist University-sponsored events, or in buildings owned or controlled by Wayland Baptist University's recognized student organizations. The Respondent must be a member of Wayland Baptist University's community in order f

Regardless of where the conduct occurred, Wayland Baptist University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Wayland Baptist University interest includes:

a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;

b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;

c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or

d.

from applying any rule related to a student's parental, family or marital status that treats students differently based on their sex.

Wayland Baptist University is committed to ensuring a pregnant student’s access to educational programs. If you have questions about the University’s obligations, or the way Title IX applies to you, please contact the Title IX Administrator.

FREE EXPRESSION

This regulation encourages and respects the right of free speech and expression guaranteed by the First Amendment of the Constitution and academic freedom. Constitutionally protected expression is not considered harassment under this policy; however, some offensive conduct, even though it contains elements of speech, may rise to the level of the type of conduct that creates a sexually hostile environment which is a violation of this policy.

EMPLOYEE MANDATORY REPORTING

Under Texas SB 212 all employees of Wayland Baptist University who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes bevi (t)-4.6 045 Tw -2p8.93h20.326 -1.152 T 5 (i)11.2 (ex93h20.32002 T;)-4.6 (2 (ea10.8 (

CONFIDENTIAL RESOURCES

Students who want information about an incident to remain confidential may wish to speak to a Confidential Resource. The following employees are Confidential Resources when they receive information from students in the context of providing professional services:

a) Director of the Counseling Center
b)

When Wayland Baptist University proceed

However, honoring a request not to reveal a victim's name to the accused person, not to conduct an investigation, or not to punish the accused person will limit the university's ability to respond fully to the assault and take any appropriate disciplinary action. There are situations in which the university must override a request for confidentiality in order to meet its obligations under federal law to provide an educational environment which is safe and free from sexual violence. If the person accused has been accused before of committing similar acts or if the circumstances indicate that the accused person is likely to harm others, the university may have to investigate the report and erielprsorsore the (o)2 (l)-2.7n10.9 (er)9.7 (i)8 (i)-2.6

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual har

- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.

- The right to be treated with respect by Wayland Baptist University officials.

- The right to have Wayland Baptist University policies and procedures followed without material deviation.

- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.

- The right not to be discouraged by Wayland Baptist University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.

- The right to be informed by Wayland Baptist University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Wayland Baptist University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.

- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Wayland B

Alternative course completion options.

- The right to have Wayland Baptist University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair Wayland Baptist University's ability to provide the supportive measures.

- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.

- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.

- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.

- The right not to have irrelevant prior sexual history or character admitted as evidence.

- The right to know the relevant and directly related evidence obtained and to respond to that evidence.

- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.

- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.

- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.

- The right to regular updates on the status of the investigation and/or resolution.

- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Administrator and Decision-maker(s) who have received annual training.

- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.

- The right to preservation of privacy, to the extent possible and permitted by law.

- The right to meetings, interviews, and/or hearings that are cl

- The right to have Wayland Baptist University compel the participation of faculty and staff witnesses.

- The right to the use of the appropriate standard of evidence, preponderance of the evidence; to make a finding after an objective evaluation of all relevant evidence.

- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.

- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.

- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.

- The right to be informed in writing of when a decision by Wayland Baptist University is considered final and any changes to the sanction(s) that occur before the decision is finalized.

- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by Wayland Baptist University

- The right to a fundamentally fair resolution as defined in these procedures.

EMERGENCY REMOVAL

Wayland Baptist University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Administrator in conjunction with the Senior Vice President of Operations and Student Life (for students) or the Executive Director of Human Resources (for employees).

PROMPTNESS

All allegations are acted upon promptly by Wayland Baptist University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Wayland Baptist University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Wayland Baptist University procedures will be delayed, Wayland Baptist University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

EVIDENCE

The investigation is intended to determine if this policy has been violated, without the formalities associated with rules and procedures specifically designed by lawmakers to manage courtroom litigation.

Students and employees can address issues and present documents to the investigator(s) without concerns about admissibility. The investigator(s) determines what issues raised and documents presented are relevant and probative of whether the alleged conduct occurred. Then, in the interest of fairness, that information will be disclosed to the other participant in the resolution process. Additional information about specific types of evidence is included below.

1. **Medical and Counseling Documents:**

   The use of medical or counseling documents in the resolution process is not required. Medical and counseling documents are privileged and confidential documents that students or employees will **never** be required to disclose in this process. “Privileged” means that these documents cannot be shared with anyone other than the treating professional unless the patient agrees to disclosure. Participants should be aware that there are legal implications to agreeing to produce privileged documents. Participants are encouraged to seek advice from a knowledgeable source about the possible consequences of releasing this information. All information submitted to the

PRIOR OR SUBSEQUENT

3) Sexual assault, defined as:

a) Sex Offenses, Forcible:
- i) Any sexual act directed against another person,
- ii) without the consent of the Complainant,
- iii) including instances in which the Complainant is incapable of giving consent.

b) Forcible Rape:
- i) Penetration,
- ii) no matter how slight,
- iii) of the vagina or anus with any body part or object, or
- iv) oral penetration by a sex organ of another person,
- v) without the consent of the Complainant.

c) Forcible Sodomy:
- i) Oral or anal sexual intercourse with another person,
- ii) forcibly,
- iii) and/or against that person's will (non-consensually), or
- iv) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age[3] or because of temporary or permanent mental or physical incapacity.

d) Sexual Assault with an Object:
- i) The use of an object or instrument to penetrate,
- ii) however slightly,
- iii) the genital or anal opening of the body of another person,
- iv) forcibly,
- v) and/or against that person's will (non-consensually),
- vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

e) Forcible Fondling:
- i) The touching of the private body parts of another person (buttocks, groin, breasts),
- ii) for the purpose of sexual gratification,
- iii) forcibly,
- iv) and/or against that person's will (non-consensually),
- v) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

f) Sex Offenses, Non-forcible:
- i) Incest:
  1) Non-forcible sexual intercourse,
  2) between persons who are related to each other,
  3) within the degrees wherein marriage is prohibited by Texas state lawerd2.7 (ag)2 BDC -2

c. committed by a person,
d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
    i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
    ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    iii. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:

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

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

6) Stalking, defined as:

a. engaging in a course of conduct,
b. on the basis of sex,
c. directed at a specific person, that
    i. would cause a reasonable person to fear for the person's safety, or
    ii. the safety of others; or
    iii. Suffer substantial emotional distress.

For the purposes

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent-[4] Consent to sexual activity is defined as knowing, active, and voluntary permission between the

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In order to start the Formal Grievance Process, a Formal Compliant must be filed. A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Administrator alleging a

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Administrator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

4. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews

a. Informal Resolution

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Administrator 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 Administrator to so indicate.

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

Prior to implementing Informal Resolution, Wayland Baptist 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 Wayland Baptist University.

Wayland Baptist 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

b. Alternate Resolution

Alternate Resolution is an i7.1 (a)-1s

also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

c. Pool Member Training

The Title IX Administrator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Administrator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credi10.9 p7 0 Tw 37enmt. Iaa mionTD[(s)-2Iaa-1.7 ( )1

The Title IX Administrator typically take(s) the following steps, (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Conduct a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
    - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Meet with the Complainant to finalize their interview/statement, if necessary
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provcthnrti andthirr pativ.66 214.5o 2 (v)12.3 (i)-2.so (p)2 (r)-s (t)]Tj4

materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

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After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance

resolution timeline followed by Wayland Baptist 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 this Policy is not in good standing to graduate.

21. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Administrator or the Chair at least five (5) business days prior to the hearing.

The Title IX Administrator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Administrator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

22. Pre-Hearing Preparation

The Chair, after any necessary consultation with the parties, Inv( )-11 (Ic7 (d)10pyt)-2.6 ( )10.9 (ap)2R (n)1.7 (Td[(a)9.2

23. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Administrator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

24. Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent, Advisors to the parties, any called witnesses, the Title IX Administrator and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

25. Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Administrator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate

subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The

31. Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority

provided to the Complainant designed to ensure access to Wayland Baptist University's educational or employment program or activity, to the extent Wayland Baptist 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 Wayland Baptist University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

33. Sanctions

Loss of Privileges

Entails any or all of the following sanctions:

i. Removal from preferred university housing.
ii. Restriction from attending designated university events.
iii. Restriction from the lobbies of residence halls and/or other public sime ws.6 (t)-4he othel7tleale

Disciplinary Suspension

Disciplinary Suspension entails the following sanctions:

1. The student will be restricted from enrollment during the period of suspension.
2. Re-enrollment after disciplinary suspension will be contingent upon the approval of the Executive Director of Student Services or the Vice President of Enrollment Management and acceptance through the Admissions Committee process.

Disciplinary Expulsion

Disciplinary Expulsion permanently restricts the student from enrollment in the University.

Range of Protective Measures Available to a Victim/complainant Alleging Misconduct

There are a range of protective measures that a victim/complainant can request of WBU upon alleging sexual misconduct. This includes no contact directives between the parties, changes in work locations, housing, academic course sections or location, changes to where a person parks, or social restrictions.

SEX OFFENDER REGISTRATION

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. Wayland Baptist University issues this statement to the campus community on an annual basis in the Annual Security Report. https://www.wbu.edu/university-police/campus-safety-reports.htm.

It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteer's services or is a student.

34. TITLE IX RIGHTS OF APPEAL

Both parties, the victim/complainant and the respondent, have equal rights to an impartial appeal. The request for an appeal, including the grounds upon which the request is based, should be submitted in writing to the Title IX Administrator within five (5) business days following the date on the Title IX Incident/Case Notification of Findings. If either party files an appeal, the Title IX Administrator will notify the other party in writing. The Title IX Administrator will coordinate the appeal and will have primary responsibility for interactions with the parties, gathering information needed for the appeal, and notifying both parties in writing of the outcome of the appeal. The Appeal review should be completed within 20 business days.

All appeals will be referred from the Title IX Administrator to the University President or designee. The University President, or designee, may decide the appeal themselves or may convene a panel to decide the appeal. If an appeal panel is conve

35. TITLE IX APPEAL OF SANCTIONS

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original investigation, and pertinent documentation regarding the grounds for appeal;
- This is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions. Appeals decisions are to be deferential to the original hearing body, making

Revisions:

- 07/27/2020 – Revision, to comply with the new 2020 Title IX Regulations from the Department of Education Office of Civil Rights, effective August 14, 2020
- 02/13/2019 – Revision, policy title change from Sexual Misconduct to Title IX; clarification on various statements
- 08/31/2017 – Revision
- 07/01/2014 – Inception