TITLE IX SEXUAL MISCONDUCT POLICY AND GRIEVANCE PROCEDURES

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University programs and activities that receive federal funding must comply with all federal and state laws. No individual shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity operated by the university. These programs and activities may include, but are not limited to admissions, recruitment, financial aid, academic programs, student services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment.

OLLU not only complies with all state and federal statutes, regulations, executive orders, and federal government contracts/programs, but it has also instituted comprehensive education and primary prevention programs as well as grievance procedures which strive to ensure integrity and trust when complaints regarding sexual misconduct, including sexual harassment, sexual assault, dating violence, domestic violence and stalking emerge.

Victims of sexual misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, or stalking have a right to report the incident to OLLU and to receive a prompt and equitable resolution of the report. Victims of a crime have a right to choose whether to report the crime to law enforcement, to be assisted by OLLU in reporting the crime to law enforcement or to decline to report the crime to law enforcement. Nevertheless, it is important that a victim go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident. Preserving evidence may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.

We believe that all human beings are inherently sacred and deserve dignity and respect and every community member is expected to be respectful in all interactions as part of the learning experience.

Statement on Religious Exemption

Title IX and its implementing regulation at 34 C.F.R. § 106.12 provides that Title IX does not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would be inconsistent with the controlling organization's religious tenets.

OLLU has identified specific provisions of the law that conflict with specific tenets of the Congregation of Divine Providence. Title IX and its implementation at 34 C.F.R. § 106.45 (governing the grievance process for formal complaints of sexual harassment) requires advisors to conduct cross-examination of parties and witnesses during a live hearing. It also requires that if a party or witness does not submit to cross-examination, the decision-maker may not consider the information previously provided in reaching a determination regarding responsibility.[1] Additionally, this section prohibits utilizing an informal resolution process to resolve allegations that an employee sexually harassed a student.

We believe that all human beings are inherently sacred and deserve dignity and respect and every community member is expected to be respectful in all interactions as part of the learning experience.

Requiring OLLU to comply with 34 C.F.R. § 106.45 would be contrary to and inconsistent with the following tenants of our Catholic Social Teaching. The cornerstone of Catholic social teaching is the defense of human dignity. Every person has innate and infinite dignity imparted by God. All action in and by society may be judged as just or unjust, good or sinful, based on whether or not they uphold this fundamental dignity intrinsic to every

[1] The U.S. Department of Education explained in an August 24, 2021 letter to students, educators, and other stakeholders, the Department will no longer enforce the part of 34 C.F.R.§ 106.45(b)(6)(i) regarding the prohibition against statements not subject to cross-examination. Although postsecondary institutions are no longer subject to this part of the provision, the university will continue to address this section in the Statement on Religious Exemption until this part is repealed.

clear conflict of interest or personal bias. The role of the designated administrator is to determine whether or not allegations of misconduct rise to the level of a violation of this regulation based on the evidence provided and utilizing the preponderance of the evidence standard.

Education program or activity – locations, events, or circumstances where OLLU exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs and also includes any building owned or controlled by a student organization that is officially recognized by OLLU.

Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

Official with Authority (OWA) – an employee of OLLU explicitly vested with the responsibility to implement corrective measures on behalf of OLLU, such as the Title IX Coordinator.

Parties – the Complainant(s) and Respondent(s), collectively.

Preponderance of the evidence – what is more likely than not to be true, based on the totality of the available evidence. The preponderance of the evidence is the standard of evidence used for all determinations made under the Policy.

Private – that which affects, characterizes, or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.

Reasonable person – a comparative standard on one person's assessment of an action, actions, or situation compared with how most persons might act or react based on similar circumstances. This standard considers the identities of an individual as well as the context of the actions being evaluated.

Remedies – post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to OLLU's educational program.

Reporter – an individual who observed or was made aware of an alleged violation and who provides an initial oral or written account of an alleged violation of this regulation. This may be the Complainant or a third party.

Respondent – an individual who has been accused of the alleged sexual harassment or misconduct.

Resolution – the result of an informal or formal grievance process.

Sanction – a consequence imposed by OLLU on a Respondent who is found to have violated the Policy.

Student – an individual enrolled or someone who has accepted an offer of admission or, if not currently enrolled, otherwise has a continuing relationship with OLLU; for example, someone enrolled in a future semester. Students who are also employees would have their status in the grievance process determined by the context of the allegations; these individuals are subject to grievance proc 0.0061 Tf01.5 (e)10.9 (es)1.6 (.6 (c 0.0061)-4.1 (s)-3.

Stalking[10] – engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(a) fear for the person's safety or the safety of others; or

(b) suffer substantial emotional distress.

For the purposes of this definition:

(a) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interaner ea wi2.247(th)5.3 (e)2.7 (fp)1.2 (e

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: To be effective, consent must be an informed, deliberate, and voluntary decision to engage in mutually acceptable sexual activity. Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

When investigating acts of sexual misconduct, OLLU will also consider the following to be true with respect to determining whether consent did or did not exist during a sex act:

- Consent to engage in a sexual activity must exist from beginning to end of each instance of sexual activity.
- Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity.

Consensual Relationships

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually

1) File an online Title IX Incident Report, or give verbal notice to, the Title IX Coordinator at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator in *Appendix A* of the Policy. For more information on the Policy and Procedures, including reporting options, visit www.ollusa.edu/titleix.
    a. If a report has not yet been submitted, the Title IX Coordinator will ask the person reporting to fill out an online Title IX incident form that specifies the nature of the complaint. Any person reporting may request and receive assistance completing the form. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the reporting party to ensure that it is filed correctly.

The Title IX Coordinator or Deputy Coordinator will explain their role in resolving the complaint and will provide a description of the degrees of privacy that can be provided by campus and non-campus resources. Additionally, the Title

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Anonymous Reports

Anonymous reports are accepted but may require more information to investigate. OLLU tries to provide

information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident. After the report is filed, campus officials may require additional information to fulfill the university's obligations under Title IX or other state or federal laws.

Reporting to Law Enforcement

Individuals may choose to report crimes to law enforcement, or may choose to report through the campus disciplinary process, may report to both, or may choose to access neither of these options.

Survivors of sexual assault, domestic violence, dating violence, or stalking, or persons who have information regarding these crimes, are strongly encouraged to immediately report the incident to the OLLU Police Department (OLLUPD), by calling 210-433-0911, or 911 for the police department within the jurisdiction of the incident. OLLUPD will report acts of sexual misconduct to the OLLU Title IX Coordinator.

It is OLLUPD's policy to conduct investigations of all sexual assault, domestic and dating violence, and stalking complaints with sensitivity, compassion, patience and respect for the victim. Investigations are conducted in accordance with guidelines established by the Texas Penal Code, Code of Criminal Procedure, and the District Attorney's Office of respective jurisdictions. All information and reports of sexual assault are kept strictly confidential in accordance with the Texas Code of Criminal Procedures Article 57, victims may use a pseudonym to protect their identity. A pseudonym is a set of initials or a fictitious name chosen by the victim to be used in all public files and records concerning the sexual assault and domestic and dating violence.

Reporting a sexual misconduct incident to the OLLU Title IX Coordinator or Title IX Deputy Coordinators does not mean the victim must press charges or take the case to criminal trial or to a university disciplinary hearing. However, reporting to OLLUPD or other law enforcement agencies may have the discretion to pursue a criminal case with or without the victim's cooperation. Even if a victim is undecided about filing criminal charges, calling the police, preserving evidence, and going to the hospital will provide for their emotional and medical needs and preserve the option to file criminal charges at a later time.

victim, even if they do

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Division of Student Affairs, Division of Academic Affairs, Division of Administration, OLLU Police, and the Behavior Intervention Team. Information will be shared as necessary with investigators, decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy. OLLU may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

OLLU will maintain the confidentiality of the supportive measures, including accommodations or protective measures, provided that the extent of maintaining the confidentiality does not impair OLLU's ability to provide the supportive measures.

The degree to which privacy can be provided and confidentiality can be protected depends upon the professional role of the person being consulted as well as whether the individual has waived confidentiality. An individual can speak confidentially with certain persons in legally protected roles. Counselors and medical providers at the Community Counseling Service and the University Chaplain are in roles that allow them to have varying degrees of confidentiality in their communications. For example, physicians, nurses, psychologists, psychiatrists and social workers must report a sexual assault committed against a person under 18 years of age and vulnerable adults.

Unless waived in writing by the alleged victim, the identity of an alleged victim of a mandatory employee incident report is confidential and may be disclosed only to:

- Persons employed by or under contract with OLLU who are necessary to conduct an investigation of the report or any related hearings
- A law enforcement officer as necessary to conduct a criminal investigation of the report
- The person(s) alleged to have perpetrated the incident, to the extent required by other law
- Potential witnesses to the incident as necessary to conduct an investigation of the report

Level 1- The Most Confidential Communication: Conversations with the chaplain, medical personnel, counselors, confidential advisors, afford Complainants and Respondents the highest level of confidentiality. Conversations with the chaplain, medical personnel and counselors, confidential advisors and/or student advocates are not disclosed to anyone (unless there is a threat of physical harm to that individual or others or another mandatory reason pursuant to state or federal law exists) without the expressed or written permission of the person seeking advice.

Level 2 - Private Communication: OLLU Employees and the Title IX Coordinator, including Title IX Deputy Coordinators, afford Complainants and Respondents private but less confidential communication. OLLU employees have been designated as mandatory reporters of information regarding sexual misconduct of which they are aware. They will report all relevant details of which they are aware to a Title IX Deputy Coordinator, who can have a private communication with the alleged victim. While the Title IX Coordinators are able to answer questions, provide guidance, discuss options, resolve disputes, and, when necessary, refer persons to other appropriate resources, the communication is less protected than a Level 1 communication. Title IX Coordinators will make all attempts to keep an investigation as private as possible. They will also honor an alleged victim's wishes to maintain privacy to the extent that is possible depending on the circumstances alleged.

Disciplinary action cannot be pursued without informing the Respondent of the Complainant's identity. It may also be determined that the allegations constitute such a serious threat to the well-being of the community that maintaining complete privacy or resolving the matter without a Formal Complaint is inappropriate or would place the campus community in danger. In such cases, the University reserves the right to pursue further action.

NOTE:

Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to OLLU's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

Promptness

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

Any time the general timeframes for resolution outlined in the Procedures will be delayed, OLLU 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.

Duty of Good Faith

Members of the university community have a duty of good faith when making a report of sexual misconduct.

Deliberately false and/or malicious accusations under the Policy, as opposed to allegations which, even if

Intimidation, threats, coercion, or discrimination, including 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 o

Revision of the Policy and Related Procedures

OLLU reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect. The Policy supersedes any previous policy(ies) addressing Title IX sexual harassment and/or sexual misconduct. In compliance with Ch 51 of the Texas Education Code, the OLLU Board of Trustees, as governing board, shall review this Policy every two years, and with approval of the governing board, revise as necessary. In the interim, the OLLU President's Council is empowered to approve any changes to this Policy so long as they do not materially alter the requirements that are set forth in Ch 51 of the Texas Education Code.

Appendix A: Title IX Coordinators

OLLU has appointed a team of individuals to serve as the Title IX Coordinator and Title IX Deputy Coordinators. These individuals are tasked with ensuring responsive actions at the individual and university levels.

The Title IX Coordinator and Title IX Deputy Coordinators are available to serve all constituents at OLLU. You are

Community Counseling Service - The Community Counseling Service (CCS) offers individual, couple/marital, or family counseling and psychological testing. The CCS staff is concerned with the mental health needs of San Antonio, including OLLU students. Confidential services are provided free to the OLLU community.

- 210-434-1054
- ccs@ollusa.edu
- https://ccsweb.ollusa.edu/

Other Wellness Services for Students -

- La Feria Police Department Non-Emergency: 956-797-3121
- OLLUPD Rio Grande Valley Campus Non-Emergency: 956-200-9762

Appendix C: Statement of Rights of The Parties

The Parties have the right to:

- A prompt, fair, and impartial process from the initial investigation to the final result, completed within the timeframes laid out by our policy in a manner that is transparent, provides timely notice of meetings and equal access to information to both the Complainant and the Respondent, and conducted by officials without a conflict of interest or bias for either party that receive annual training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability
- Have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of your choice
- Notification, in writing, of:
    - The result of any institutional disciplinary proceeding from your report of dating violence, domestic violence, sexual assault, or stalking
    - The institution's procedures to appeal the results
    - Any change to the results
    - When the result becomes final

Appendix D: Primary Prevention and Awareness Programs

This policy provides much information regarding the university's policies and procedures after a sex offense has occurred. However, OLLU has a comprehensive primary prevention and awareness outreach program that is directed at all incoming students and new employees. A comprehensive list of strategies and prevention and awareness programs that comprise the OLLU outreach program is available in the office of the Title IX Coordinator. For purposes of Primary and Prevention Awareness and Outreach Programs, the following definitions are relevant:

Primary prevention programs - programming, initiatives and strategies intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Awareness programs - community-wide or audience-specific programming initiatives and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety and reduce perpetration.

Ongoing prevention and awareness campaigns - programming, initiatives and srenh6 (v)-8.r (an)2.;ys

Risk reduction - options designed to decrease perpetration and bystander inaction; increase empowerment for victims in order to promote safety; and help individuals and communities address conditions that facilitate violence.

Victim empowerment program – community-wide or audience-specific programming initiatives that empower victims to know that their well-being and personal safety matters.

Safe and Positive Options for Bystander Intervention

OLLU expects all community members to take reasonable and prudent actions to prevent or stop a crime. Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation will be supported by the University and protected from retaliation.

Ask yourself if it's safe to intervene: Safety is key in deciding when and how to respond to domestic and sexual violence while it is occurring. If the situation is already violent or looks like it is escalating quickly, don't directly intervene. Call 911.

Distract: If you've decided that you can safely intervene, you can create a distraction in an indirect and non-

response was not clearly unreasonable in light of the known circumstances.

OLLU will also maintain any and all records in accordance with state and federal laws. The existence and contents of these records may not be publicly disclosed by the university without the written consent of the person about whom the information is sought, except as permitted by the Family Educational Rights and Privacy Act or as required by law or a valid court order. The complaint record may otherwise be used by the university for legitimate internal purposes relating exclusively to the enforcement of this policy.

A disclosure to a victim of an alleged perpetrator of the final results of the disciplinary proceeding conducted by OLLU with respect to a crime of violence or a non-for0 Twf6 (w)-tTd nonOLUon a3 (li)10i8 (t)-2.9 (rat)r[(O.3 (er)-5 3-46 (n)2.3

Appendix F: Training Requirements

Each peace officer employed by OLLU shall complete training on trauma informed investigation into allegations of sexual misconduct.

All proceedings related to the Policy are conducted by officials appointed to the Title IX Team including who, at a minimum, receive annual training on issues related to dating violence, domestic violence, sexual assault and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. These officials, including Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, also receive training on:

- The scope of OLLU's Title IX Sexual Misconduct Policy and Grievance Procedures
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by OLLU with respect to consent (or the absence or negation of consent)

Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.

- A professor engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.
- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.
- Chris has recently transitioned from male to non-binary, but primarily expresses as a female. Since their transition, Chris has noticed that their African Studies professor, Dr. Mukembo, pays them a lot more attention. Chris is sexually attracted to Profess

think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Billekeep12.6 (es)t7 (Dti)2.8 (oi)13.6 (c

TITLE IX SEXUAL MISCONDUCT GRIEVANCE PROCEDURES

AD-CO-PR-001

Procedure Scope

own knowledge and evidence with others if they so choose. OLLU encourages parties to discuss this with their Advisors before doing so. See the privacy and confidentiality section of the Policy for more information.

Notice of Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, OLLU initiates a prompt initial assessment to determine the next steps OLLU needs to take.

OLLU will initiate at least one of three responses:

1) Offering supportive measures because the Complainant does not want to proceed formally; and/or
2) An Informal Resolution; and/or
3) A Formal Grievance Process including an investigation and a meeting with the decision-makers.

The investigation and grievance process will determine whether or not the Policy has been violated. If so, OLLU will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

Initial Assessment

Following receipt of notice or a complaint of an alleged violation of the Policy, the Title IX Coordinator

- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
-

imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official OLLU records, and/or emailed to the parties' OLLU-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

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

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

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

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

entitled to Advisors within the process, though they can be advised externally.

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.

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 the Policy 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 ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Sharing Information with the Advisor

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

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

If a party requests that all communication be made through their attorney Advisor, OLLU will comply with that request at the discretion of the Title IX Coordinator.

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 OLLU. OLLU may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or wh( )TjEMC /H2g8 (fo)4. C

The parties should allow up to five (5) business days for OLLU to provide new Advisor(s) access to documentation that may have been previously provided to former Advisor(s).

Assistance in Securing an Advisor

OLLU maintains a list of OLLU-Appointed Advisors. The Title IX Coordinator or Deputy Coordinator will provide this list to the parties.

Informal Resolution Processes

Informal Resolution can include three different approaches:

- When the parties agree to informally resolve the matter through a negotiated resolution or restorative justice resolution; or
- When the Respondent accepts responsibility for violating the 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 formal complaint must be submitted by the Complainant or Title IX Coordinator, as defined in the Policy. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator or Deputy Coordinator 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, OLLU 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 OLLU.

The Respondent may accept responsibility for all or part of the alleged policy violation(s) at any point during the resolution process. If the Respondent indicates an intent to acriep.8 (t)-5.9 (t)4 (o(e)-3 (s)-4.3 (p)-0.7 (8)-9.6 (n)-0.7 (p)4.3 (p)

- Skill of the restorative justice facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Informal Resolution (time, staff, etc.)

The ultimate determination of whether Informal Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution are not appealable once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

Negotiated Resolution

Restorative justice is an informal process facilitated by the Title IX Coordinator or Deputy Coordinator. A negotiated resolution is applicable when all parties and OLLU are able to agree on responsibility, sanctions, and/or remedies. The facilitator will meet with each party separately to negotiate the terms before authorizing

All parties must consent to the use of restorative justice and sign an Informal Resolution agreement upon conclusion of the process. Depending on the terms of the agreement, the Title IX Coordinator is available to implement the accepted finding that the Respondent is

The University Grievance Committee (UGC) determines appeals. UGC consists of fourteen committee members selected from throughout the university who will serve three-year renewable terms. Six members are faculty and eight are staff members employed by the university. The appeal panel members will rotate but must consist of at least three persons to determine an appeal.

Additionally, all UGC members determine appeals related to the Student Conduct and Non-Academic Complaint and Grievance Procedures, which are overseen by the Vice President of Student Affairs, or designee.

Appointment of TDC and UGC Members

Members are nominated by the chief administrative officer (CAO)

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- Allow each party the opportunity to suggest witnesses they wish the Investigator(s) to interview, and document any changes or omissions in the investigation report.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.
- 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, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which OLLU does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the 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).
- Although neither party is restricted from discussing the allegations under investigation or the ability to gather and present relevant evidence, the sharing of the draft investigation report in a manner that harms the other party or witnesses or hampers the ability of the university to provide an impartial process to all involved may be addressed through other disciplinary means, including allegations of retaliation.
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- The Investigator will incorporate any relevant feedback, and the final report is then shared by the Title IX Coordinator with all parties and their Advisors through secure electronic transmission or hard copy ten (10) business days after the review and comment period deadline has passed.

Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of OLLU are expected to cooperate with and participate in OLLU's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Teams, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. OLLU will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. However, state law only requires that one person provide their consent to audio and/or video record interviews. OLLU staff will inform all involved parties of any audio and/or video recording.

Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or i

Formal Meeting with Decision Panel

Referral to Decision Panel

Provided that the complaint is not resolved through Informal Resolution, once the responses to the interrogatories or confirmations of non-response have been distributed to

Notice of Decision Panel Meeting Request

The TDC Panel will provide both parties with an equal opportunity to meet as part of the determination process. The Title IX Coordinator will provide any relevant information to the TDC Panel, including course schedules for students, for purposes of coordinating a meeting with the parties. In lieu of speaking to the TDC Panel, either party may provide a written document to the TDC Panel or may abstain from participating in the meeting without penalty. All information provided in the investigation report and interrogatories will be considered by the TDC panel, regardless of whether a party responded to a meeting request.

No less than ten (10) business days prior to the meeting, the Title IX Coordinator or the Chair will send a meeting request to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

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 meeting and a reminder that attendance is voluntary.
- Any technology that will be used to facilitate the hearing.
- If a party or parties prefer not to attend or cannot attend the meeting in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to arrange for the use of appropriate technology.
- A list of all those who will attend the hearing, along with a reminder that the opportunity to assert a conflict of interest to any decision-maker on the basis of demonstrated bias was provided during NOIA. If circumstances have occurred since the NOIA was provided, this must be raised with the Title IX Coordinator at least five (5) business days prior to

In some cases, if the Respondent is a graduating student, a hold may be placed on the diploma, official transcripts, and/or future registration until the matter is fully resolved, including any pending sanctions. A diploma/degree hold under the Policy means a student is not in good standing to graduate.

New Evidence

The Title IX Coordinator will provide all pertinent documentary evidence, and the final investigation report, and interrogatories, if applicable to the TDC Panel and parties at least ten (10) business days prior to the meeting. If either of the parties provide new evidence to the TDC Panel, the Chair may delay the determination and instruct that the investigation needs to be re-opened to consider that evidence.

Meeting Procedures

The TDC Panel has the authority to make determinations on all allegations of prohibited conduct defined in the Policy, including sexual harassment and sexual misconduct, and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the prohibited conduct , even though those collateral allegations may not specifically fall within the Policy.

The Complainant and Respondent are not required to attend the same meeting. The TDC Panel and Title IX Coordinator should take reasonable precautions to arrange the meeting so the parties avoid interrupting or meeting each other.

As discussed in the Advisor section of the Procedure, Advisors may offer advice and encouragement, but they

The TDC Panel will deliberate in private meetings to determine whether the Respondent is responsible or not responsible for the Policy violation(s) in question. A simple majorit.4 (p)2.( )Tj.

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

Sanctions

Factors considered when determining a sanction/responsiv

9. *Residence Hall Reassignment:* Relocation to another residence hall if, in the opinion of the or Director of Residence Life, other resident students and/or the university community would benefit from such a move.
10. *Residence Hall Suspension:* Separation from the residence halls for a designated period of time, after which the student shall be eligible to return; conditions for readmission may be specified.
11. *Residence Hall Expulsion:* Permanent separation from the residence halls. The student shall be permanently banned from the residence hall premises.
12. *Administrative Suspension:* Restriction of the student's right to conduct official business with the university because of the student's outstanding obligations. This suspension shall be lifted when obligations are met.
13. *Co5)6(-28[]Tc 0Tw 1.3DC 0Tw 0en*

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Transcript Notation

If a student withdraws or graduates from OLLU pending a disciplinary charge alleging that the student violated

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the UGC Panel 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 the Procedures

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 provide for a full re-hearing 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.
- An appeal is not an opportunity for Appeal Panel to substitute their judgment for that of the original decision-maker(s) 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-maker(s) (as in cases of bias), the appeal may order a new hearing with a new decision-maker(s).
- The results of a remand to a decision-maker(s) cannot be appealed. The results 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 OLLU 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.

Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the prohibited conduct, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the applicable employee assistance programs
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course scheduTc 1.826 0(u)--0.7 (l)68.7 ( )106(n)-0.7 , c. Tm[

OLLU will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair OLLU's ability to provide these services.

Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions