



MERRITT ADMINISTRATION BUILDING

CONTENTS

	Table of Contents	02		Formal vs. Informal Complaint Resolution	25
1.0	Title IX Policy	04		Informal Resolution Process	26
	University Policies	06		Diagram Informal Resolution	27
	Concurrent Policy Violations	06		Investigating	28
	Response to Sexual Harassment	07		Pre-Hearing Procedures	31
	Supportive Measures	08		Hearing	32
	Emergency Removal from the University	09		Following the Hearing	36
	Employee Reporting Responsibilities under Title IX	11		Sanctions	38
				Diagram Formal Resolution	40
				Scheduled Time Frames for Grievance Procedures	41
2.0	Report	12			
	Diagram Report vs. Formal Complaint	13			
	Commonly Asked Questions	14	4.0	Appeals	44
	Confidential Resources	16		Effective Date of Determination	46
	Outside Support	17			
	Diagram Formal Complaint Overview	18	5.0	Retaliation	48
	Complying with Title IX	19			
			6.0	Resources	50
3.0	Formal Complaint	20		Index	52
	Designated Advisors and University Appointed Advisors	21		Defined Terms	
	Potential Dismissal of Formal Complaints	23			
	Process for Formal Complaints of Sexual Harassment	24			

SECTION 1.0

Title IX Policy

The following document outlines the policy that addresses Title IX and Violence Against Women Act (VAWA) compliance.

Title IX Coordinator
Robyn Sanderson
G. Ross Anderson Student Center, Office 157
864.231.5514 | title9@andersonuniversity.edu

The following document outlines the policy that addresses Title IX and Violence Against Women Act (VAWA) compliance. Anderson University does not unlawfully discriminate in its programs and activities on the basis of sex and complies with state and federal laws prohibiting sex discrimination. As a Christ-centered institution of higher learning, the University exercises its rights under state and federal law, as applicable, to use its religious accommodation as a factor in making employment decisions.

Anderson University maintains the following policy on sex discrimination and sexual harassment in compliance with Title IX of the Education Amendments of 1972 and the Title IX regulations in 34 CFR

We desire that our campus be free from sexual harassment and discrimination based on sex and gender and a clear policy that outlines what happens when there may be a violation of these rules.

Part 106. The University provides notice of this policy to applicants for admission and employment, to students, and to employees, to the extent required by law. Anderson University is a Christ-centered university, committed to the notion

put forth in the first chapter of the Old Testament book of Genesis that all people are made in God’s image (Genesis 1:26-27). Thus, all people are worthy and deserving of the utmost respect. Based on this truth, as well as its obligation as a recipient of federal funding, Anderson University is committed to complying with Title IX of the Education Amendments Act of 1972, as well as the Campus SAVE Act, the Jeanne Clery Act, and the Violence Against Women Act (VAWA).

Some regulations issued under Title IX relating to discrimination on the basis of sex are not consistent with the University’s religious tenets and accordingly do not apply to the University (34 CFR § 106.12(a)).

We also understand that this topic can be overwhelming if someone feels that they have experienced a violation of this policy, as well as for those who may be responding to a complaint that they may have violated this policy.

Our goal is to make this policy accessible and user friendly to all members of our campus community and it has been divided into several sections to allow users to focus on the area of their interest. Users are encouraged to familiarize themselves with the defined terms in the Index and to access the Table of Contents.

This policy is intended to eliminate barriers for members of the Anderson University community caused by harassment or discrimination based on sex or gender. Inappropriate behavior not based on sex harassment, sex discrimination or gender may fall under other University policies. This policy and related University policies and procedures are not contracts and do not confer contractual rights upon any individual. The University has the right to amend or modify this policy and related University policies and procedures from time to time, without prior notice. Additionally, this policy and related University policies and procedures are not intended to replicate or supersede local, state, or federal criminal or civil laws. University policies differ from the criminal and civil justice system and a finding of responsibility for conduct prohibited by this policy shall not be construed as a finding that any criminal or civil statute has been violated. The University reserves the right to adjudicate conduct prohibited by other University policies (i.e., outside the scope of the Title IX Policy) under this Policy if the conduct is related to an alleged instance of Prohibited Conduct covered by this policy.

University Policies

- [Policy and Procedures against General Harassment & Discrimination](#)
- [Student Handbook](#)
- [Employee Handbook](#)

Individuals may make reports (without obligation of filing a Formal Complaint) to the following Mandatory Reporters listed below

- Title IX Coordinator
- Title IX Deputy Coordinators
- Senior Leadership Team Members
- Vice Presidents
- Deans
- Residence Life Staff (including Resident Assistants)
- Full-time Campus Safety Staff
Athletic staff (Administrators, Coaches, and Athletic Trainers)
- Members of the Title IX Team

These employees are considered to have Actual Knowledge of potential violations and are responsible for initiating the University’s response. Individuals may also speak with Confidential Resources (see pages 11 & 15) if they want to speak confidentially before, during, or after a Report.

Concurrent Policy Violations

A Student may feel hesitant to report an incident of sexual misconduct because they fear that their own conduct, for instance, the use of alcohol or drugs by themselves or others, may result in their being disciplined for those actions.

The focus of the University in matters related to sexual harassment and misconduct is always on that reported behavior, not on ancillary policy violations, such as alcohol or drugs.

Harassment/sexual misconduct will always be the primary focus of this kind of investigation and adjudication, and the University will not take disciplinary action toward students involved in sexual misconduct cases regarding certain secondary behaviors. Depending on the situation, however, the University may institute educational discussions and interventions for the well-being of the student. Questions or inquiries about the application of Title IX and the Title IX regulations to the University’s programs and activities may be addressed to the University’s Title IX Coordinator, to the Assistant Secretary of the Department of Education, (see page 17) or both.

Title IX Coordinator
G. Ross Anderson Student Center,
Office 157
864.231.5514
title9@andersonuniversity.edu

Due to changes that may come through federal regulation, legislation and court decisions, this policy is subject to updates and may be changed during the academic year. Students and employees are encouraged to review this policy periodically to remain current.

Incidents that occur off campus that may be of a Title IX nature likely do not fall under this policy unless the incident occurred as part of an University sponsored program or activity, but likely fall under the Policy and Procedures against General Harassment & Discrimination. Incidents that occur off campus, but are considered a VAWA violation (Dating Violence, Domestic Violence, Stalking or Rape) will likely be adjudicated under the Grievance Procedure for Title IX.

Response to Sexual Harassment

When the University has actual knowledge of Sexual Harassment in an Education Program or Activity, the Title IX Coordinator is responsible for coordinating a University response that is prompt and reasonable in light of the known circumstances and includes the following:

- Treating Complainants and Respondents equitably
- Promptly contacting the Complainant to discuss the availability of Supportive Measures
- Offering Supportive Measures to the Complainant whether the Complainant files a Formal Complaint or not
- Considering the Complainant’s wishes with respect to Supportive Measures

- Offer Supportive Measures to a known Respondent after a Formal Complaint is filed
- Explaining to the Complainant the process for filing a formal complaint; and
- Following the University’s grievance procedure before imposing any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent.
- Presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance procedure.



The University will provide students or employees who report being victims of Dating Violence, Domestic Violence, Sexual Assault or Stalking (VAWA Offenses) with a written explanation of their rights and options, regardless of whether the offense occurred on or off campus. The explanation will include written notification of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration

assistance, student financial aid, and other services available for victims (within the University and in the community), and the availability of possible changes to academic, living, transportation, and working situations, or Supportive Measures regardless of whether the student or employee files a Formal Complaint or makes a Report to law enforcement. Following receipt or initiation of a Formal Complaint, the Title IX Coordinator will contact the Respondent (employee or student) in writing and offer to meet with the Respondent. The purpose of this meeting is to advise the Respondent of their rights and options under this policy (including available Supportive Measures) and it is not intended to gather information as part of the investigation of a Complaint.



Supportive Measures

Supportive Measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties and the University’s educational environment, or deter sexual harassment.

Important Note

Supportive Measures prior to a Formal Hearing or completion of an Informal Resolution Process must be non-punitive, non-disciplinary, and designed to restore or preserve equal educational access.

The following are examples of Supportive Measures the University may make available, but other similar measures may also be provided.

- Mutual no-contact orders (prohibiting contact with another Party in person or by phone, email, text message, social network, or other means, including a third person)
- Additional excused absences from classes or leaves of absence
- Extensions of deadlines or other course-related adjustments
- Academic support services, such as free tutoring
- Providing an escort to move safely between classes and activities
- Providing parking closer to residence or classes
- Modifications of work or class schedules
- Adjustments to campus housing assignments
- Adjustments to campus work assignments
- Mutual no-proximity orders (Parties are not to contact each other nor should they be in close proximity to each other)

- Counseling services
- Increased security and monitoring of certain areas of the campus

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Confidentiality

The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent to the extent that maintaining such confidentiality would not impair the University’s ability to provide the Supportive Measures. For example, an individual may be made aware of Supportive Measure if it directly affects that individual (such as with the issuance of a no-contact order).

Emergency Removal from the University

The University may remove a Respondent from the University’s Education Program or Activity under certain circumstances.

The University retains the authority to remove a Student Respondent from its programs or activities on an emergency basis. If, at any point after receiving a report of Prohibited Conduct, the University determines that the Student Respondent poses an immediate threat to the physical health or safety of the

Complainant or any other person(s), including the Respondent, it may temporarily remove the Respondent from any or all programs or activities. The imposition of an Emergency Removal does not indicate a finding of responsibility for any Prohibited Conduct.

Before imposing an Emergency Removal, the Dean of Student Support (or their designee) will conduct an individualized safety and risk analysis concerning the Respondent, at the request of the Title IX Coordinator. An Emergency Removal will be imposed only if Dean of Student Support (or designee) concludes that the threat to physical health or safety arises from the allegations of Prohibited Conduct and warrants such removal.

An Emergency Removal may involve denying the Respondent access to some or all of the University's campus facilities, academic programs, or other activities. While the University may provide alternative academic or employment opportunities during an Emergency Removal, it is not required to do so. Non-punitive actions taken as Supportive Measures (e.g., changes in housing) do not constitute Emergency Removals.

The Title IX Coordinator will notify the Respondent of the terms imposed in connection with an Emergency Removal. The Respondent has the opportunity to challenge the Emergency Removal upon receiving that notice. To challenge the Emergency Removal, the Respondent

must submit a written statement via email to the Title IX Coordinator within three (3) business days from the date of the notice, explaining why the Emergency Removal is not appropriate. The Title IX Coordinator will designate an individual to review the challenge, who may seek additional information from the Respondent or any other involved party to reach a decision. The Emergency Removal will remain in place while the review is pending. A decision will be issued as soon as possible under the circumstances, and this decision is final and not subject to further appeal.

Administrative Leave

The University may place an employee Respondent on administrative leave from employment responsibilities during the pendency of an investigation, Formal Resolution Process, or Alternative Resolutions Process, consistent with other applicable University policies and handbooks.

This provision for administrative leave or emergency removal does not modify the Respondent's rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.



Employee Reporting Responsibilities Under Title IX

To ensure clarity and compliance with Title IX, Anderson University classifies all employees into one of three categories based on their obligation to report Title IX concerns:

- Mandatory Reporters
- Confidential Resources
- Discretionary Employees

Mandatory Reporters

Mandatory Reporters are required to promptly report any known or suspected violations of the University's Title IX Policy to the Title IX Coordinator.

- Senior Leadership
- Vice Presidents
- Deans
- Residence Life Staff (including Resident Assistants)
- Full-time Campus Safety Staff
- Athletic staff (Administrators, Coaches, and Athletic Trainers)
- Members of the Title IX Team
- Title IX Deputy Coordinators

These employees are considered to have actual knowledge of potential violations and are responsible for initiating the University's response.

Confidential Resources

Confidential Resources are employees licensed or ordained to provide confidential care (e.g., counselors, healthcare providers, or ministers) and are hired specifically for that role. They are not required to report Title IX concerns learned while they are acting within the scope of their professional license or ordination. However, they must still follow applicable legal reporting laws (e.g., child abuse reporting requirements).

- Licensed counselors within Thrive Counseling Services
- Licensed healthcare providers within Thrive Health Services
- Campus Ministers

Discretionary Reporters

Discretionary Employees are all other employees who are not Mandatory Reporters or Confidential Resources.

They may choose to report Title IX-related concerns but are not obligated to do so, unless the situation involves: **Abuse or neglect of a minor (which must be reported by law)**

Although discretionary employees are not authorized to place the University on notice, they are encouraged to support individuals who wish to file a Report by referring them to the Title IX Office or assisting in the process.

SECTION 2.0

Report

A report is a notification to the Title IX office that an incident occurred that may or may not have violated the Title IX/VAWA policies.

Title IX Coordinator

Robyn Sanderson
G. Ross Anderson Student Center, Office 157
864.231.5514 | title9@andersonuniversity.edu

How can I report Sexual Harrasment, Sexual Assault, or other Sex Discrimination?

Contact the Title IX Coordinator or Title IX Deputy Coordinators



Robyn H. Sanderson
Title IX Coordinator
G. Ross Anderson Student Center, Office 157
864.231.5514 | title9@andersonuniversity.edu



Ms. Amy Porpilia
Executive Director of H.R. and Title VII Coordinator



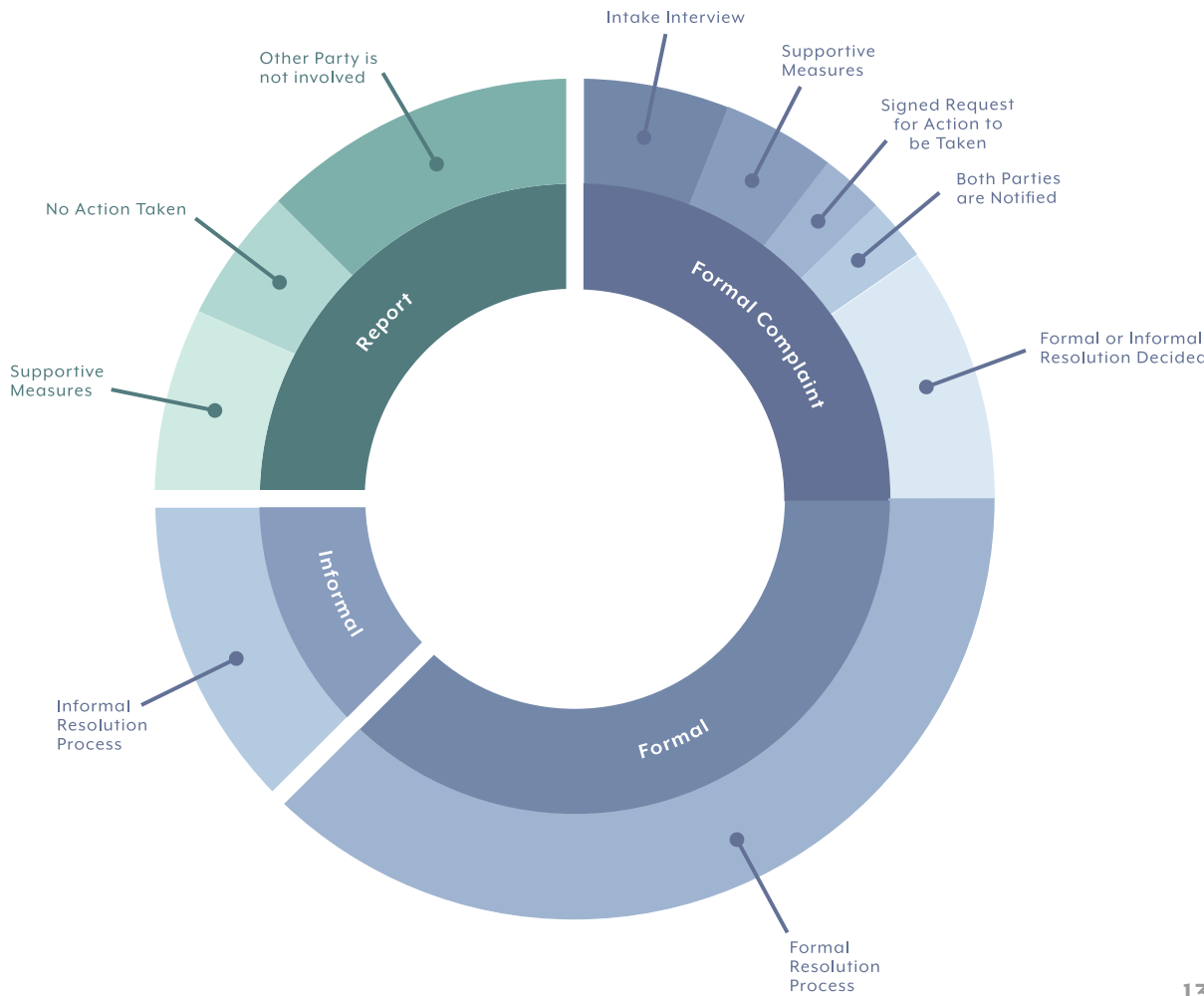
Mr. Matthew Finley
Deputy Athletic Director for Compliance



Mr. Tyrome Philson
AVP and Dean of Student Support



Ms. LaToya Ligon
Digital Learning Operations Specialist



What is a Report?

- An individual who thinks they may have experienced sexual harassment or discrimination based on sex or gender may make a Report.
- A Report is not the same as a Formal Complaint.
- A Report is a precursor to a Formal Complaint.
- A Report may or may not lead to a Formal Complaint.
- A Report may lead to a referral to another Adjudication or Remedy Process on campus.
- A Report allows an individual to learn about their options for filing a Formal Complaint and to learn about Supportive Measures that may benefit them.
- A Report does not necessarily place the University on notice and does not obligate the University to respond.
- A Report may be made anonymously.
- Reports that are made anonymously will likely limit the University’s ability to follow up.
- A Report without a Formal Complaint will likely impact the University’s ability to make any remedies.

What does it mean to file a Report?

A Report is a notification to the Title IX office that an incident occurred that may or may not have violated the Title IX/VAWA policies.

Any person may report a grievance relating to sex discrimination, including Title IX Sexual Harassment, whether or not the person reporting is the person who may be the victim of conduct being reported.

How do I file a Report?

In person during normal business hours

G. Ross Anderson Student Center
Office 157

Additional forms of contact

Address | *Attention: Title IX*
316 Boulevard Anderson, SC 29621

Telephone | 864.231.5514

Email | title9@andersonuniversity.edu

At any time using any other means that results in the Title IX Coordinator receiving a verbal or written Report.

Can I get someone to help me file a Report?

Yes, an individual may ask for help in filing a Report from the following:

Resident Directors , Resident Advisors (RA), members of the Student Development Staff faculty members, or any other admin or staff member the reporter would like to ask assistance from in reporting.

If I file a Report do I have to file a Formal Complaint?

No, a Report does not obligate you to file a Formal Complaint. It is okay to file a Report and learn about your options for filing a Complaint and Supportive Measures without seeking to move forward in any processes. Under rare circumstances, the Title IX Coordinator may opt to file a Formal Complaint in response to a Report, even without the Complainant’s signature.

Can I talk to someone confidentially before I decide whether or not to report?

Yes, if you are not certain that you want to submit a Report or take formal action, you may receive support from any of several staff members who are designated as Confidential Resources. Only in very rare and specific circumstances would they ever divulge information that you share with them.

The following page outlines the Confidential Resources on campus. They can provide assistance to you as you think about your options.

Reporting to Law Enforcement

There are multiple options for reporting Prohibited Conduct. A Complainant may choose to report to the University, to law enforcement, to both, or to neither. These reporting options are not mutually exclusive. Complainants may simultaneously pursue a criminal process and formal University action. The University will support Complainants in understanding, assessing, and pursuing these options.

Law Enforcement: Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Emergency Protective Orders.

While Complainants have the right to notify or decline to notify law enforcement, to preserve options, the University encourages Complainants to report Prohibited Conduct immediately to local law enforcement by contacting:

- 911 (for emergencies)
- AU Campus Police at (864) 231-2060 (for non-emergencies)

AU Campus Police can work with a Complainant to file a police report. The University may be obligated to report to law enforcement under certain circumstances.

Confidential Resources

Thrive Wellness | Counseling Center

864.231.6078

Director and Clinical Staff

Thrive Wellness | Health Center

864.231.6078

Director and Clinical Staff

Campus Ministries

864.231.2077

Director of Campus Ministries
Director of Women's Ministries/Community Missions

Assistant Director of BCM
Men's and Athletic Minister



Safe Harbor

Hotline | 800.291.2139
Anderson | 864.622.0939

Safe Harbor provides emergency shelter; adult, child and family counseling; order of protection assistance; housing assistance; and education for those who may experience domestic violence in Anderson, Greenville, Pickens, and Oconee Counties.

What are my options for support outside AU?

Anderson University does not manage any of the resources listed below, but you may find them helpful, particularly with needs beyond the campus experience.

Anmed Medical Center

800 N Fant Street Anderson, SC 29621
864.512.1000

The Emergency Department at Anmed Medical Center can provide initial care and treatment following incidents of sexual assault or domestic violence. They can also collect evidence that may be used if you decide to file a police report.

First Light

216 E Calhoun Street Anderson, SC 29621
864.231.7273

First Light is a 24-hour sexual assault crisis hotline, accompaniment and advocacy for survivors at local emergency rooms, with law enforcement, and in court individual/family therapy, and group therapy.

Rape, Abuse and Incest National Network (RAINN)

Hotline | 800.656.HOPE (4673)
Online Hotline | www.rainn.org

The Rape, Abuse, and Incest National Network is the nation's largest anti-sexual violence organization. RAINN operates the national sexual assault hotline and the national sexual assault online hotline. The hotline offers free, confidential services. RAINN educates the public about sexual violence and leads national efforts to prevent sexual violence, improve services to victims, and ensure that rapists are brought to justice.

What if I feel unsafe and need to make an Emergency Report?

If you witness or experience any emergency involving sexual assault or violence, call 911 and/or Campus Safety at 864.231.2060.

What are my options for Reporting a Concern to the Department of Education or the Office of Civil Rights?

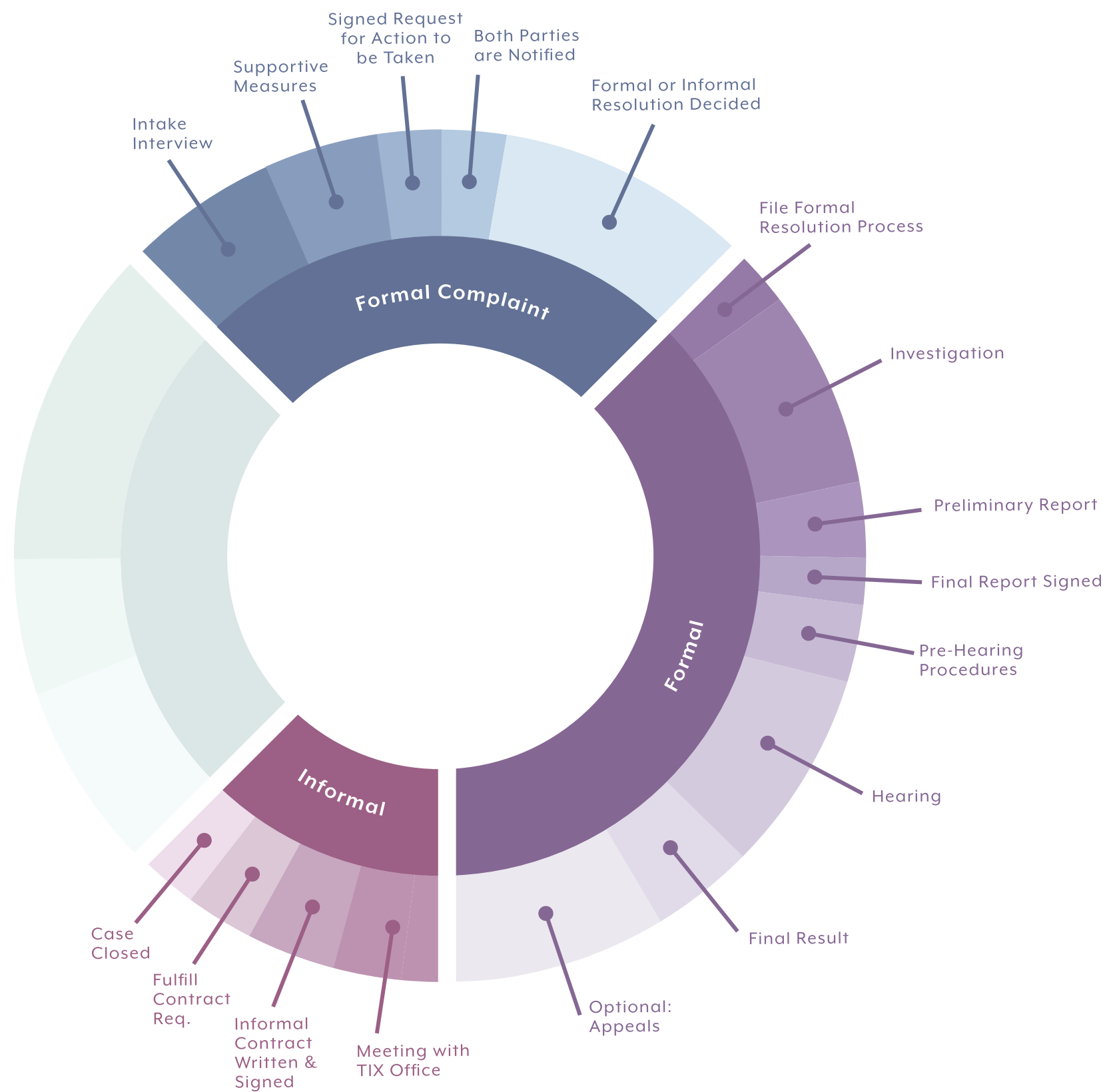
Those wishing to report may also or instead contact the Department of Education, Office for Civil Rights:

U.S. Department of Education Office for Civil Rights

Address | District of Columbia Office
400 Maryland Avenue, SW
Washington, DC 20202-1328

Telephone | 864.231.5514

Email | OCR.DC@ed.gov



During the Formal Complaint Process the Complainant may have the option of pursuing either the **Formal or Informal Resolution Process**, this decision will guide both the Complainant and Respondent's next steps.

How do I know if my case complies with Title IX?

No matter the scenario, we encourage you to inform the Title IX Coordinator. To be considered a Title IX case, it must at least involve sex/gender harassment and/or discrimination as defined in this policy. Whether or not your case falls within this category, the Title IX Coordinator will be sure the information is addressed appropriately.

Should your case not fall within the parameters and/or jurisdiction of Title IX. **For student conduct** the case will be sent to the *Office of Student Life*. There the OSL will determine if it is:
(A) Policy and Procedures against General Harassment & Discrimination;
(B) A violation of Student Conduct; or
(C) Dismissal of Case.

For employee conduct the case will be sent to the *Office of Human Resources (HR)*. There HR will determine if it is:
(A) Policy and Procedures against General Harassment & Discrimination;
(B) A violation of Employee Conduct; or
(C) Dismissal of Case.

SECTION 3.0

Formal Complaint

The following sections provide critical information needed after a Formal Complaint is signed or if the Title IX Coordinator initiates the Formal Complaint. It provides information on two different resolution processes: Informal Resolution Process and the Formal Hearing Process.

Title IX Coordinator
Robyn Sanderson
G. Ross Anderson Student Center, Office 157
864.231.5514 | title9@andersonuniversity.edu

I want to file a Report, but I’m not sure if the behavior falls under Title IX. What should I do?

The Title IX Office is responsible for sexual harassment and sexual discrimination.

Sexual harassment is conduct based on sex that satisfies one or more of the following:

- *A University employee conditioning the provision of a University aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.*
- *Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity*
- *Sexual Assault, Dating Violence, Domestic Violence, or Stalking.*

If your report falls outside of the Title IX definitions, then the Title IX Office can direct you to the correct office.

Sex Discrimination

Excluding individuals from participation in, denying them the benefits of, or subjecting them to discrimination under any education program or activity based on their sex.

Designated Advisors & University-Appointed Advisors

A Party may designate an Advisor of his or her choice, and the Advisor may be an attorney. The University will not limit the choice or presence of an Advisor for either Complainant or a Respondent in any meeting or grievance proceeding.

The University will appoint an Advisor for any Party who does not have one present in the Hearing. University-appointed Advisors serve at no cost to a Party. However, Advisors appointed by the University serve for the limited purpose of conducting cross-examination at the Hearing. University-appointed Advisors are not required to be attorneys or have a level of competency comparable to that of another Party’s designated Advisor.

An Advisor is not required to perform any function beyond relaying a Party’s desired questions to the other Party and witnesses.

Designating an Advisor

A Party may find that having an Advisor is helpful throughout the grievance procedure and not just at the Hearing. Both Parties are encouraged to designate an Advisor.



Because the University is required to provide certain information to a Party's Advisor, each Party must notify the Title IX Coordinator in writing if they have designated an Advisor. A Party may obtain an Advisor or change the identity of the Party's Advisor at any time.

Rules for Advisors During Informal and Formal Processes

Except during a Formal Hearing, the role of the Advisor is limited to providing support, guidance, or advice to the Complainant or Respondent throughout the grievance procedure. The following rules apply to all Advisors, including Advisors appointed by the University:

01 Advisors are not to answer questions posed directly to any Party or witness, nor otherwise interfere with questioning by the Investigator. An Advisor may request reasonable opportunities to confer with the Party being advised.

02 During meetings, a Party and the Advisor may talk quietly with each other.

03 Advisors do not have the right to question witnesses except in a Hearing.

04 Advisors may not present opening statements, closing statements, or arguments.

05 Advisors may not disclose to other persons any confidential student information which is disclosed to the Advisor during the grievance procedure.

06 Advisors must always act respectfully; bullying, yelling, and abusive conduct are never permitted.

07 Parties and Advisors must not disturb the Hearing or any other proceeding by loudly conferring with one another.

08 Advisors must comply with the decisions and directions of the Decision-Maker.

If a Party's Advisor (whether designated by the Party or appointed by the University) refuses to comply with these rules, including rules relating to decorum, the University may require the Party to designate a different Advisor or, if no other Advisor is designated, to accept an Advisor appointed by the University to conduct cross-examination on behalf of the Party. The University may remove

from any proceeding Advisors who become disruptive or who do not abide by the restrictions on their participation.

Potential Dismissal of Formal Complaints

After making a Report a Complainant may choose to file a Formal Complaint with the Title IX Office. The Title IX Coordinator or Deputy Coordinator will then make a determination under the Title IX guidelines as to whether or not the Report falls within the scope of Title IX. Once it is determined that the Report falls under Title IX, then both the Complainant and the Title IX Coordinator must sign the Formal Complaint. In rare exceptions, the University may be required to file a Formal Complaint even if the Complainant does not choose to move forward.

If the report does not fall within Title IX or VAWA then it may be dismissed by the Title IX Coordinator and may be referred to another process on campus.

Why would a Formal Complaint be dismissed?

Mandatory Dismissal
If the conduct alleged in the Formal Complaint aligns with at least one of the following:

- The event would not constitute Sexual Harassment even if proven
- The event did not occur in an Education Program or Activity
- The event did not occur against a person in the United States.

However, the University may separately investigate allegations of conduct which would violate other provisions of the Policy and Procedures against General Harassment & Discrimination or Student Code of Conduct. As an example, if a student or employee experiences sexual harassment from another student or employee during an AU Study Abroad trip, mission trip, or similar experience outside the United States, such may be dealt with through a Non-Title IX process. Please contact the Title IX Coordinator for information on reporting such occurrences.

Permissive Dismissal

The University may dismiss all or part of a Formal Complaint if at any time during the investigation or Hearing:

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

If all or part of a Formal Complaint is dismissed, the University must promptly and simultaneously send written notice of the dismissal and reason(s) for it to the Parties. Such notice shall include the rights of the Complainant and Respondent to file an appeal of the dismissal and the basis for such appeal as set forth in this Policy.

The following sections provide critical information needed after a Formal Complaint is signed by both the Complainant and the Title IX Coordinator or if the Title IX Coordinator initiates the Formal Complaint.

Process for Formal Complaints of Sexual Harassment

General Provisions

- 01** Treat Complainants and Respondents equitably by providing remedies to a Complainant after a determination of responsibility for Sexual Harassment has been made against the Respondent.
- 02** Presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance procedure.
- 03** Follow this grievance procedure before the imposition against the Respondent of any disciplinary sanctions or other actions that are not Supportive Measures.
- 04** Provide any Party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all Hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.

- 05** Design remedies to restore or preserve equal access to the University’s Education Program or Activity. Remedies may include the same individualized services described as Supportive Measures. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
- 06** Require all persons who serve as the Title IX Coordinator, Investigator, Decision-Maker, Appeal Decision-Maker, or Facilitator not to have a material conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- 07** Ensure that Title IX Coordinators, Investigators, Decision-Makers, and Facilitators receive appropriate training. Part of the training will include how to serve impartially and avoid prejudgment of the facts, conflicts of interest, and bias.
- 08** Apply the preponderance of the evidence standard in making determinations with respect to all Formal Complaints, whether against students, faculty, or non-faculty employees.
- 09** The Coordinator, the Investigator(s), the Decision-Maker(s), the Appellate Officer and others involved in the investigation, Formal Resolution Process, and Alternative Resolution Process will take reasonable steps to protect the privacy of the Complainant, the Respondent and any witnesses during the process. The commitment to privacy, however, shall not be implemented in a manner that restricts the ability of the Complainant and Respondent to obtain and present evidence, including by speaking to witnesses, consulting with family members, Confidential Resources, or Advisors,

or otherwise preparing for an investigation, formal resolution process, or alternative resolution process.

Notice of Allegations

Upon receiving a Formal Complaint, the University will provide all known Parties written notice that includes at least the following:

- The University’s grievance procedure, including any Informal Resolution Process.
- All allegations which may constitute Sexual Harassment/Sexual Misconduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the Parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance procedure.
- A statement that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney.
- A statement that the Parties may inspect and review evidence.
- A statement that the University’s code of conduct prohibits any student or employee knowingly making false statements or knowingly submitting false information during the grievance procedure.

Additional Notice

If, during an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice, the University will provide notice of the additional allegations to Parties whose identities are known.

Consolidating Formal Complaints

The University may consolidate Formal Complaints:

- As to allegations of Sexual Harassment against more than one Respondent; or
- By more than one Complainant against one or more Respondents; or
- By one Party against the other Party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance procedure involves more than one Complainant or more than one Respondent singular references to “Party,” “Complainant,” or “Respondent” include the plural, as applicable.

Formal vs Informal Complaint Resolution

How do I know if I should request an Informal or Formal Resolution?

The following section provides important information about the Informal Resolution option and is intended to help you determine which option may be best for your situation, assuming Informal Resolution is an option for your specific situation. It is important to note that both the Complainant and the Respondent must both agree to the Informal Resolution Process if it is an available option.

Informal & Alternative Resolution Process

At any time after a Formal Complaint has been filed but before reaching a determination regarding responsibility, the University may facilitate an Informal Resolution Process (such as mediation or restorative justice) that does not involve a full investigation and adjudication. Before the University and the Parties can proceed with an Informal Resolution, the University must notify the Parties in writing disclosing:

- 01 The allegations;
- 02 The requirements of the Informal Resolution Process, including the circumstances under which it precludes the Parties from resuming a Formal Complaint arising from the same allegations;
- 03 That at any time prior to a resolution, any Party has the right to withdraw from the Informal Resolution Process and resume the grievance procedure with respect to the Formal Complaint; and
- 04 Any consequences resulting from participating in the Informal Resolution Process, including the records that will be maintained or could be shared.

The University must obtain the Parties' voluntary, written consent to proceed with an Informal Resolution Process. The formal procedures for resolving a Formal Complaint will normally be suspended during the Informal Resolution Process. If the informal process produces a resolution that is agreed upon by the Parties in writing, the grievance procedure shall end, and no investigation or Hearing shall occur. Depending on the circumstances, the process may be coordinated with other areas who have a need to know such as, but not limited to Student Conduct, Athletics, Human Resources.

- May not require any person to waive the right to an investigation and adjudication of a Formal Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right
- May not require the Parties to participate in an Informal Resolution Process
- May not offer an informal resolution process unless a Formal Complaint has been filed
- May not offer or facilitate an Informal Resolution Process to resolve allegations that an employee engaged in Sexual Harassment against a student.

Typical Process for Informal Resolution

Once the Title IX Coordinator determines that Informal Resolution is permissible based on the allegations of the Complainant

- 01 | **Meeting with Office of Title IX**
Complainant and/or Respondent meets with the Title IX Coordinator to discuss Restorative and Informal Resolution options.
 - 02 | **Agreement**
Both Parties agree to participate in Informal Resolution
 - 03 | **Facilitation**
Informal Conflict Facilitator meets with each Party separately
 - 04 | **Informal Contract**
The Informal Contract is written up, both Parties must agree and sign the contract for the Informal Process to become validated.
 - 05 | **Fulfill Contract Requirements**
Both Parties engage in the requirements laid out in Informal Resolution Contract.
 - 06 | **Summative Meeting**
Summative meeting with, Office of Title IX, Complainant and Respondent.
- If at any time prior to signing an agreement either party decides not to proceed with Informal Resolution, the matter will be returned to the Formal Grievance Process

Failure for Respondent to fulfill Contract Requirements
Respondent is charged with: Failure to Comply with College Directive under the Sexual Harassment, Misconduct, and Discrimination Policy.

If the Parties fail to agree on the Informal Process, or one or both Parties withdraws from the Informal Process prior to final resolution, or the Formal Grievance process is selected, then the Formal Grievance process begins/resumes and moves to the next phase: Investigation.

Investigating

Investigation of Complaints of Sexual Harassment or Sexual Misconduct

Anderson University's Responsibilities

Upon receipt of a Formal Complaint and provided that the Complainant and Respondent have not agreed to an alternative resolution process, the Title IX Coordinator shall conduct the Investigation or will engage a qualified and trained designee to conduct the Investigation. The Investigation will be conducted in a prompt, objective, and thorough manner.

The University shall have the burden to conduct an Investigation that gathers sufficient evidence to determine whether Sexual Harassment/ Sexual Misconduct occurred. Neither the Complainant nor the Respondent have such a burden.

The University shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege

has waived it. If the Investigator makes any determinations regarding credibility, those determinations may not be based on a person's status as a Complainant, Respondent, or witness. The University may restrict who can be present during any meetings or proceedings related to the grievance procedure, including meetings or interviews conducted by the Investigator. However, both the Complainant and the Respondent will have the same opportunities to have others present during any grievance proceeding.

The Title IX Coordinator or the Investigator shall provide the Complainant, Respondent, and any witness with written notice of the date, time, location (if not virtual), participants and purpose of each meeting with the Investigator. Such notice shall be provided with sufficient time for the Complainant, Respondent, or witness to prepare to participate in the meeting.

The Complainant and the Respondent may be accompanied by the Advisor of their choice during all meetings with the Investigator. The Advisor may, but is not required to be, an attorney. Neither the Complainant or Respondent may have a person other than their Advisor present during meetings with the Investigator.



Equal Opportunity to Present and Review Evidence

Throughout the Investigation, all Parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The University does not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

The Investigator shall provide the Complainant and the Respondent with an equal opportunity to notify the Investigator of fact witnesses, expert witnesses, and to provide inculpatory and exculpatory information to the Investigator that is relevant and not impermissible under this policy. The Investigator shall contact the fact witnesses identified by the Complainant and Respondent and shall interview all relevant witnesses who agree to participate in the investigation.

Written Investigative Report

The Investigator shall review all evidence gathered during the investigation and shall determine what evidence is relevant and what evidence is impermissible, regardless of its relevance. The Investigative Report shall not include evidence that is either irrelevant or impermissible. The Investigative Report shall include, as appendices, all relevant and permissible evidence and summaries of transcripts of interviews with the Complainant, Respondent and witnesses, which may be redacted to exclude statements that are irrelevant or impermissible under this policy.

Access and Response to the Investigative Report and Evidence

- a. Access to Preliminary Report. The Title IX Coordinator shall provide both the Complainant and the Respondent, and their respective Advisors, with access to the preliminary Investigative Report and its appendices containing relevant and permissible information.
- b. Other Evidence. Upon written request, the Complainant and the Respondent may inspect and review any evidence gathered during the Investigation which is not included in the preliminary Investigative Report but which is

directly related to the allegations in the Formal Complaint, including evidence upon which the University does not intend to rely in a formal resolution process and inculpatory or exculpatory evidence obtained by the Investigator from any source.

c. Response to Investigative Report. The Complainant and Respondent will have ten (10) days from the date that access to the preliminary Investigative Report and any other evidence was provided to submit a written response to the preliminary Investigative Report and evidence which the Investigator will consider prior to completion of the Final Report. This time frame may be extended by the Title IX Coordinator on a reasonable, case-by-case basis for good cause. The Title IX Coordinator will notify the Complainant and Respondent, in writing, of the extension and the reason for the extension.

d. Access to Final Report. The Title IX Coordinator shall provide both the Complainant and the Respondent, and their respective Advisors, with access to the Final Investigative Report and its appendices containing relevant and permissible information prior to any hearing.



Coordination with Pending Criminal Investigations

Except in very unusual circumstances, the Title IX investigation or Formal Resolution Process will not be delayed because of a pending criminal investigation. When an incident is reported to both the University Police and the Title IX Coordinator, they will share information to the extent possible and as appropriate and will seek to avoid unnecessary burdens on the Complainant or Respondent.

In certain situations, law enforcement officials may request that the Title IX Coordinator temporarily suspend an investigation or Formal Resolution Process while law enforcement officials gather evidence in a criminal investigation. The Title IX Coordinator will comply with such requests, but will promptly resume the investigation or Formal Resolution

Process as soon as they are notified that the law enforcement officials have completed gathering evidence. The suspension of the investigation or Formal Resolution Process under these circumstances will not limit the availability of Supportive Measures or other assistance and support to a Complainant, Respondent, or witness.

Medical and Treatment Records

In gathering evidence, except with the Party’s voluntary, written consent, the University cannot access, consider, disclose, or otherwise use a Party’s records that are:

- Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity
- Made and maintained in connection with the provision of treatment to the Party.

Pre-Hearing Procedures

A live Hearing must be held with respect to a Formal Complaint unless:

The Formal Complaint has been dismissed;

The Parties want to resolve the case through an Informal Resolution Process without a completed Investigation or adjudication.

The Parties cannot waive a Hearing except by agreement to use the University’s Informal Resolution Process.

Preparing for the Hearing

The University will appoint a Decision-Maker or a panel of Decision-Makers for the Hearing. The University will notify both the Complainant and Respondent of the names of the Decision-Makers. Both Parties will have two business days following the notice of the names to share potential bias concerns with the Title IX Coordinator.

At least 10 calendar days before the Hearing, the University will notify each Party and Advisor in writing of the date, time, location, and participants for the Hearing, including the name of each witness whom the University will request to appear at the Hearing (in person or virtually) for the purpose of providing evidence. The Hearing may be conducted with all participants physically present in the same location or, at the University’s discretion, any or all Parties, witnesses, and other participants may appear virtually, with technology enabling participants simultaneously to see and hear each other.

Hearings will only be rescheduled for good cause and at the discretion of the University.

Requesting Separate Rooms

The Hearing may be conducted with all participants physically present in the same location or, at the University’s discretion, or at the request of either Party, any or all Parties, witnesses, and other participants may appear virtually, with technology enabling participants simultaneously to see and hear each other.

In order to have sufficient time to make the appropriate arrangements, a Party’s request to be in separate rooms must be made in writing to the Title IX Coordinator at least two (2) business days before the Hearing.

Attendance by Advisors

If a Party does not have an Advisor present at the Hearing, the University must provide the Party an Advisor of the University’s choice without fee or charge to that party. Unless the University grants a delay for good cause shown, the University shall appoint an Advisor for a Party whose designated Advisor is absent from the Hearing. The Advisor is not required to be an attorney and shall be responsible to conduct cross-examination on behalf of that party.

Attendance of Parties and Witnesses; Delay for Absent Witness

The University is prohibited by law from requiring any Party or witness to appear at the Hearing, or from engaging in any act

that would intimidate, threaten, coerce, or discriminate against any individual because the individual has made a Report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, grievance proceeding, or Hearing.

For these reasons, the University is not responsible if a Party or witness fails to appear at the Hearing, and the Hearing may proceed in the absence of the Party or witness. Witness’ statements provided during an investigation may still be considered as part of the Hearing even if the witness is unavailable to participate in the live Hearing. The University may grant a Party’s reasonable request to delay the Hearing if that Party or an important witness is unable to attend the Hearing. A request for a delay should be made as soon as possible in the manner described below in the section of this grievance procedure entitled “Temporary Delays or Extensions.”

Hearing

Convening the Hearing

The Decision-Maker shall convene the Hearing at the appointed time. In order to maintain privacy as much as possible, witnesses will not be in the Hearing room or attending by technological means except when providing evidence or being cross-examined. Parties and witnesses will not be “sworn in,”

but will be reminded that providing false information in connection with the Hearing is a violation of the University’s code of conduct for students or expectations for employees.

Expected Decorum

The following Expectations of Decorum are to be observed in the hearing, during cross-examination, and as applicable to any meetings associated with resolution of a Formal Complaint; they apply equally to all Parties and Advisors. The Title IX Coordinator will have the authority to remove from the meeting, process, or hearing an involved Party and/or Advisors who do not comply with the Expectations of Decorum:

- a. Questions must be conveyed in a neutral tone.
- b. No Party may act abusively or disrespectfully during the hearing toward any other Party or to witnesses, Advisors, or Adjudicator(s).
- c. While an Advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
- d. The Advisor may not yell, badger, or physically “lean in” to a Party’s or witness’s personal space. Advisors may not approach the other Party or witnesses without obtaining permission from the Adjudicator.
- e. The Advisor may not use

profanity or use irrelevant ad hominem attacks, name calling, personal attacks, or other improper argument upon a Party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.

f. Parties and Advisors must not take any action at the hearing that a reasonable person in the position of the affected Party would view as intended to intimidate that person (whether Party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

Questioning Parties and Witnesses

Each Party’s Advisor will be given an opportunity to ask the other Party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility. Such cross-examination must be conducted directly, orally, and in real time by the Party’s Advisor, and never by a Party personally.

Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker may ask both Advisors

to provide reasons why a question should or should not be considered relevant. The Decision-Maker will instruct all Parties and witnesses not to

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, 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.*
- *The questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.*

answer any question until the Decision-Maker has allowed the question. The Decision-Maker shall not permit any questions, nor the introduction of any evidence, which would involve the disclosure of information protected under a legally recognized privilege under state law unless the person holding the privilege has waived it.

Because the University's grievance procedure is not a civil proceeding or state action, there is no right against self-incrimination.

Unavailability or Refusal to Testify or submit Cross-Examination

The Respondent and/or the Complainant may choose not to testify at the Hearing; however, the exercise of that option will not preclude the Decision-Maker from making a responsibility determination.

If a party or witness does not submit to cross-examination at the Hearing, in reaching a responsibility determination, the Decision-Maker may afford relevant statements made by that party or witness the weight that the Decision-Maker deems appropriate, taking into consideration factors such as the nature of the statement, the context in which the party or witness made the



statement, and any other factor the Decision-Maker deems appropriate. The Decision-Maker will not draw an inference regarding responsibility based solely on a Party's or witness' absence from the Hearing or refusal to testify or submit to cross-examination.

Availability of Evidence

The University will make all the evidence that was subject to inspection and review by the Parties in connection with the preparation of the Investigative Report available at the Hearing to give each Party equal opportunity to refer to such evidence during the Hearing, including for purposes of cross-examination. Parties must notify the Title IX Coordinator at least two (2) business days prior to the Hearing regarding any physical evidence, transcripts, recordings, or other items requested to be physically available at the Hearing.

Conducting the Hearing

The Hearing will be conducted substantially as provided below. The Decision-Maker may recess the Hearing for appropriate and reasonable rest and meal breaks. Any Hearing participant may request a break.

01

The Title IX Coordinator or designee will serve as the moderator for the Hearing. The function of the moderator is to move the proceeding forward in an unbiased manner and to give the Parties and witnesses an opportunity to bring their evidence before the Decision-Maker.

02

The moderator will give each party the opportunity to make an opening statement, first the Complainant, then the Respondent.

03

The moderator will review the Complainant's allegations and review the evidence provided by the Complainant and summarized in the Investigative Report. The moderator will ask the Complainant whether he or she wishes to affirm the allegations and evidence as reviewed, and whether he or she would like to make any additional statements.

04

The Respondent's Advisor will be given an opportunity to question the Complainant.

05

The moderator will review the Respondent's response to the allegations and review the evidence provided by the Respondent and summarized in the Investigative Report. The moderator will ask the Respondent whether he or she wishes to affirm the response and evidence as reviewed, and whether he or she would like to make any additional statements.

06

The Complainant's Advisor will be given an opportunity to question the Respondent.

07

The moderator will bring each scheduled witness before the Decision-Maker, either in person or through appropriate technology. The moderator will review any evidence provided by the witness and summarized

in the Investigative Report. The moderator will ask the witness whether he or she wishes to affirm the evidence as reviewed.

08
The Complainant's Advisor will be given an opportunity to question the witness.

09
The Respondent's Advisor will be given an opportunity to question the witness.

10
If the University has provided any relevant evidence summarized in the Investigative Report, an appropriate representative or representatives of the University will review such evidence.

11
The Complainant's Advisor will be given an opportunity to question the University's representative(s).

12
The Respondent's Advisor will be given an opportunity to question the University's representative(s).

13
The Decision-Maker may ask questions of any Party, witness, or University representative during the time that person is presenting evidence or being questioned.

14
Each Party, beginning with the Complainant, will have the opportunity to make a brief closing statement to the Decision-Maker.

15
After confirming with the moderator that there is no additional evidence or other matters to be addressed, the Decision-Maker will adjourn the Hearing.

Record of the Hearing

The University will record the hearing. This recording will be the only recording permitted of the proceedings and will be the property of the University. The Parties and the Appeal Officer may use the recording as part of the appeal process. Reasonable care will be taken to ensure a quality recording; however, technological problems that result in no recording or in an inaudible one will not affect the validity of the outcome of a hearing.

Following the Hearing

Letter of Determination

The Decision-Maker shall determine whether the Respondent is responsible for each of the allegations in the Formal Complaint that could constitute Sexual Harassment. The Decision-Maker shall reach these decisions by applying the preponderance of the evidence standard, that is, whether it is more likely than not that the Respondent is responsible for the allegation being considered. In making the determination, the Decision-Maker:

- Must make an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence.
- Must not make credibility determinations based on a person's status as a Complainant, Respondent, or witness.

Program or Activity will be provided by the University to the Complainant; and

06
The University's procedures and permissible bases for the Complainant and Respondent to appeal.

The Decision-Maker shall exercise independent and unbiased judgment with respect to:

- Findings of fact which support the determination(s);
- Conclusions regarding the application of the University's code of conduct to the facts;
- The determination regarding responsibility as to each allegation; and
- The rationale for the Decision-Maker's conclusions.

Important Note:

The Decision-Maker may consult with appropriate University officials for information with respect to the procedural steps taken, the University's normal practices for the appropriate sanctions, and the University's procedures and permissible bases for appeals.

- Cannot rely upon evidence or information protected under a legally recognized privilege unless the person holding the privilege has waived it.

The Decision-Maker shall issue a written determination stating the Respondent's responsibility for the alleged misconduct. The written determination must include:

01
Identification of the allegations potentially constituting Sexual Harassment;

02
A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and Hearings held;

03
Findings of fact supporting the determination;

04
Conclusions regarding the application of the University's code of conduct policy to the facts;

05
A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's Education

Effective Date of Determination

The University will provide the written determination regarding responsibility to the Parties simultaneously. If neither Party appeals, the determination becomes final on the date on which an appeal would no longer be considered timely.

If a Party appeals the determination, the determination becomes effective on the date the University provides the Parties with the written determination of the result of the appeal, unless the appeal decision requires further proceedings.

The Title IX Coordinator is responsible for effective implementation of any sanctions and/or remedies.

Sanctions

The University can impose a range of disciplinary sanctions and remedies with respect to any misconduct for which a Respondent has been determined to be responsible. Prior conduct history may be considered when the Decision-Maker is assigning sanctions.

Possible disciplinary sanctions and remedies include but are not limited to:

Imposing, continuing, or modifying Supportive Measures.

Warning: A reminder to the Respondent about relevant university rules, regulations, or policies and the potential consequences for violating them.

No contact order: A directive to initiate no contact with the Complainant, including contact in person or by phone, email, text message, social network, or any other means, either directly or through a third party.

Reprimand: Written notice that University rules, regulations, or policies have been violated and that continuation or repetition of misconduct may result in a more severe sanction.

Relevant Education: A program of education/training on a topic(s) related to the violation(s).

Fines: A monetary fine assessed for a disciplinary violation.

Probation: Written notice explaining the serious nature of misconduct and outlining the terms of probation. The terms of probation may prohibit a student from participating in co-curricular activities and provide for expulsion for violating the terms of probation.

Removal from one or more classes; involuntary withdrawal from the University; bar against readmission or bar against enrollment (in the case of an applicant)

Suspension of rights and privileges, including but not limited to participation in athletic or extra-curricular activities

Restitution: Reimbursement or other compensation for damage or loss of property.

Eviction: Probation or removal from campus housing.

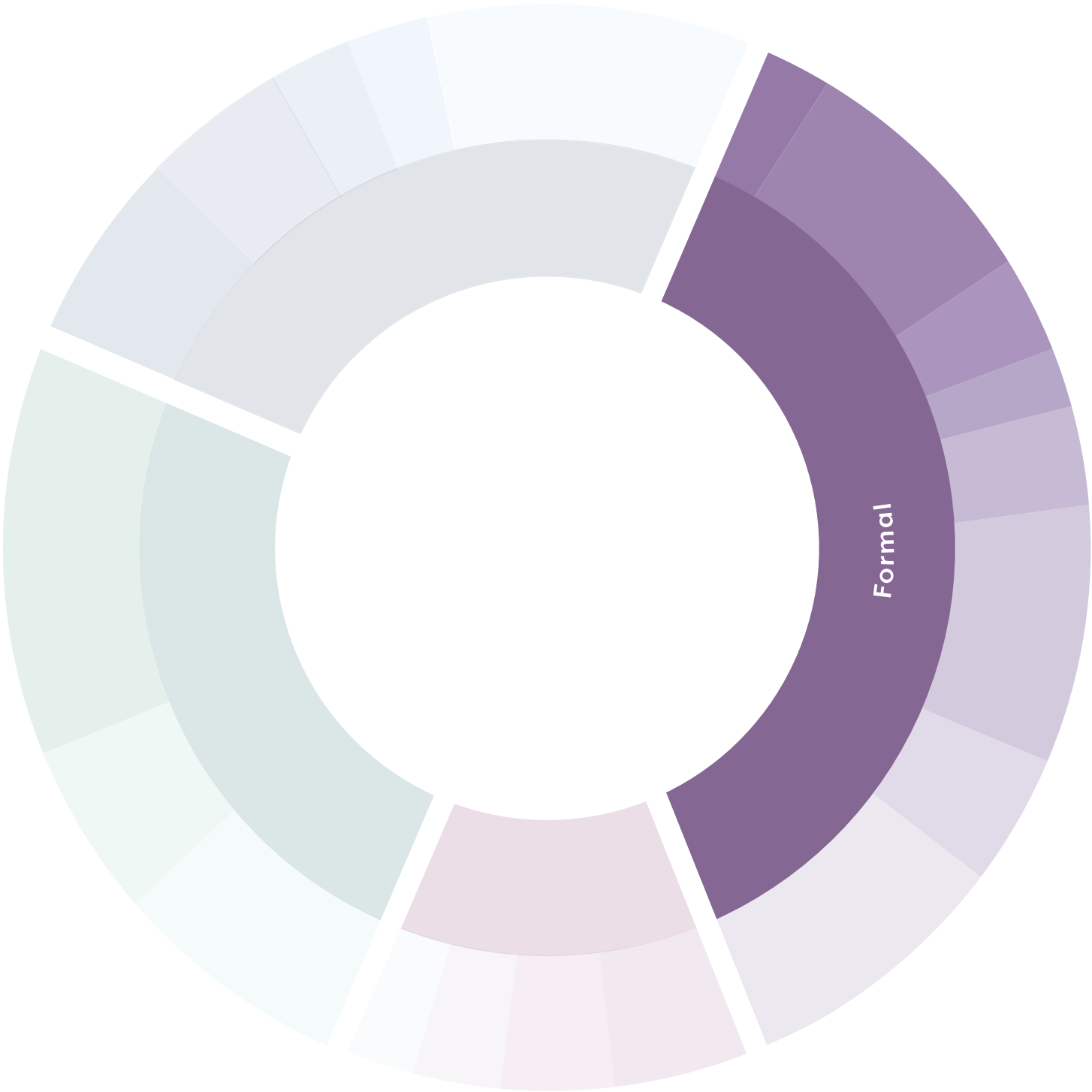
Suspension: Termination of student status at the University for a specified time period.

Expulsion: Termination of student status at the University permanently or for an indefinite time period.

AU may withhold a graduating student’s diploma, transcript and/ or deny a student’s participation in commencement activities pending the completion of the formal resolution process and fulfillment of sanctions.

If the Respondent who is found responsible is an employee, sanctions may include but are not limited to:

- Informal warning
- Letter of warning in employee’s personnel file
- Relevant Education: A program of education/training on topic(s) related to the violation(s)
- Counseling
- Remediation
- Relocation of work office or area
- Reassignment or restructuring of work duties
- Termination of Employment



Scheduled Time Frames for Grievance Procedure

Normal Time Frames

The University will conclude this grievance procedure in a reasonably prompt manner and in accordance with the following time frames:

- The University will generally issue the written Hearing determination within **75 business days** after the filing of the Formal Complaint.
- The University will generally issue the written appeal determination within **20 business days** after the filing of the Notice of Appeal.
- The University will generally conclude any informal resolution process within **60 business days** after the Parties agree to an informal resolution.

Factors that may delay the determination include such things as availability of witnesses, illness, academic breaks, number of witnesses, complexity of the case, or other unforeseeable circumstances.

Temporary Delays or Extensions

The University may direct a temporary delay in the grievance procedure or the limited extension of the normal time frames for good cause. The University will notify the Complainant

and the Respondent in writing of any temporary delay or limited extension and the reasons for the action. The Complainant or Respondent may request a temporary delay or limited extension in writing to the Title IX Coordinator. The written request must state the reason for the delay or extension and the length of the delay or extension being requested.

Some examples of situations which may constitute good cause for a brief delay or extension include: the absence of a Party, a Party’s Advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The University will attempt to accommodate the schedules of Parties and witnesses throughout the grievance procedure in order to provide Parties with a meaningful opportunity to exercise their lawful rights. However, the University will not delay the grievance procedure indefinitely because a Party, witness, or Advisor is refusing to cooperate. In order to resolve complaints within reasonable time frames, the grievance procedure can proceed to conclusion even in the absence of a Party or witness.

Confidentiality

The University must keep confidential, to the extent possible, the identity of:

- Any individual who has made a Report or Complaint of sex discrimination.
- Any individual who has made a Report or files a Formal Complaint of Sexual Harassment.
- Any Complainant.
- Any individual who has been reported to be the perpetrator of sex discrimination.
- Any Respondent
- Any witness

Except as may be permitted by law or as necessary to carry out this grievance procedure.



SECTION 4.0

Appeals

Both Parties may appeal from a determination regarding responsibility, or from the University’s dismissal of all or any part of a Formal Complaint. The appeal procedures shall apply equally to both Parties.

Title IX Coordinator
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Right of an Appeal

Both Parties may appeal from a determination regarding responsibility, or from the University’s dismissal of all or any part of a Formal Complaint. The appeal procedures shall apply equally to both Parties.

Any of the following is an appropriate basis for appeal:

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

Filing an Appeal

In order to appeal, a Party must file a written Notice of Appeal challenging the initial outcome and it must be received by the Title IX Coordinator within 10 calendar days after the written Letter of Determination was issued.

The Notice of Appeal must state, at a minimum:

- 01 Every basis for the appeal.

- 02 A complete statement of the facts and evidence that support each basis for the appeal, and
- 03 The relief requested as a result of the appeal.

Consideration of an Appeal

The University will promptly notify both Parties in writing that an appeal has been filed and provide a copy of the Notice of Appeal to the other Party. The non-appealing Party shall have 10 days from the date of such notice to submit to the Title IX Coordinator a written statement in support of the initial outcome or in opposition to the appeal. A copy of any such written statement shall be provided to the appealing Party.

The appeal shall be considered and decided by an Appeal Decision-Maker who is not the same person as the Investigator, the Title IX Coordinator, or the Decision-Maker(s) that reached the determination regarding responsibility or dismissal. The Appeal Decision-Maker shall review the Notice of Appeal, the response of the non-appealing Party, and may review the record of the Hearing as necessary to reach a conclusion on the appeal. The Appeal Decision-Maker shall be bound by the same rules and considerations which apply to a Decision-Maker, as described in this grievance procedure.



Decision on Appeal

The Appeal Decision-Maker shall issue a written decision describing the result of the appeal and the rationale for the result. The written decision shall, insofar as applicable, provide the same type of information required to be included in the initial written determination issued in connection with the Hearing.

The decision on appeal shall be appropriate to the basis or bases for appeal, and may adopt one or more of the following decisions, regardless of which Party filed the appeal:

- Affirm the initial written determination.

- Change any part of the written determination, including a change to find responsibility or to find no responsibility.
- Increase or decrease the sanctions.
- Require additional investigation (particularly in the case of new evidence that is material, not merely cumulative, and if presented in the Hearing could reasonably have resulted in a different determination)
- Order a new Hearing

The written decision on the appeal shall be provided simultaneously to both Parties.

Effective Date of Determination

The University will provide the written determination regarding responsibility to the Parties simultaneously. If neither Party appeals, the determination becomes final on the date on which an appeal would no longer be considered timely.

If a Party appeals the determination, the determination becomes effective on the date the University provides the Parties with the written determination of the result of the appeal, unless the appeal decision requires further proceedings.



SECTION 5.0

Retaliation

Prohibited conduct that is intended to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 CFR Part 106, or this grievance procedure.

Retaliation includes the following:

- Conduct intended to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 CFR Part 106, or this grievance procedure.
- Bringing disciplinary 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 Formal Complaint, for the purpose of interfering with any right or privilege secured by Title IX, 34 CFR Part 106, or this grievance procedure.
- Neither the University nor any other person may engage in retaliation against an individual because the individual has made a Report or Complaint or testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or Hearing under this grievance procedure.
- Any person who believes that he or she has experienced retaliation which is prohibited by this grievance procedure may file a Report or Formal Complaint with the Title IX Coordinator.



Title IX Coordinator

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SECTION 6.0

Resources

Realizing that people and how they respond can vary notably, there are varied means of support, both formal and informal, available to those who experience discrimination and harassment

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Anderson University offers a variety of resources for students, faculty, and staff who seek support regarding gender-based discrimination and harassment. Realizing that people and how they respond can vary notably, there are varied means of support, both formal and informal, available to those who experience discrimination and harassment. If a person's needs change over time, they may return to this information for additional information.

If you have experienced gender-based discrimination or harassment, **your safety and well-being are our top concerns**. There are several on-campus resources available to students who have experienced sexual violence or sexual misconduct. The larger AU community offers additional resources, and we encourage members of the AU family to utilize any resources available to them.

Safety Concerns

Any community members who are concerned about their safety on campus are encouraged to immediately contact **Campus Safety at 864.231.2060**.

If you are off campus, please contact local law enforcement by calling **911**.

Accommodations for Students with Disabilities

By federal law, a person with a disability is any person who:

- 01** Has a physical or mental impairment.
- 02** Has a record of such impairment, or
- 03** Is regarded as having such an impairment, which substantially limits one or more major life activities such as self-care, walking, seeing, Hearing, speaking, breathing, or learning.

A student requesting an accommodation regarding a Title IX investigation/ adjudication process must follow the appropriate process for requesting an accommodation through the Office of Accessibility Services in the Center for Student Success (Thrift Library, Suite 202). The Office of Accessibility Services will make a determination regarding the request and notify the appropriate Parties. Reasonable accommodations depend upon the nature and degree of severity of the documented disability. While the Americans with Disabilities Act of 1990 requires that consideration be given to specific methods requested by the student, it does not imply that a specific accommodation must be granted if it is deemed not reasonable and other suitable techniques are available.

Index

The following words in this policy, when capitalized, mean the following:

Complainant: an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment

Consent is defined as:

Informed, freely and actively given, Mutually understandable words or actions that indicate a willingness and readiness to participate in mutually agreed upon sexual activity.

Consent is mutually understandable when a reasonable person would consider the words or actions of the Parties to have manifested a clear and unambiguous agreement between them to engage in certain conduct with each other.

Consent cannot be gained by ignoring or acting in spite of the objections of another.

Consent cannot be inferred from: *silence, passivity, or lack of resistance alone;*

A current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else);

Attire;

The buying of dinner or the spending of money on a date;

Or Consent previously given (i.e., Consenting to one sexual act does not imply Consent to another sexual act).

Consent is not effective if it is obtained through the use of:

physical force

violence

duress

deception

intimidation

coercion

or the threat, expressed or implied, of bodily injury.

Whether a Party used any of these means to obtain Consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.

The following definitions are applicable to determining whether Consent has been given:

1. **Incapacitation.** Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments that prevents an individual from giving valid Consent. Incapacitation may be caused by a permanent or temporary physical or mental impairment. Incapacitation may also result from the consumption of alcohol or the use of drugs.

The use of alcohol or drugs may,

but does not automatically, affect a person's ability to Consent to sexual contact. The consumption of alcohol or drugs may result in Incapacitation if the nature and degree of the intoxication go beyond the stage of drunkenness, intoxication, or reduced inhibition to the point where the individual is unable to make knowing, informed decisions or to understand the nature and consequences of the sexual act. In such case, the person cannot consent to sexual activity, regardless of their words or actions.

A person violates this policy if they have sexual contact with someone they know or should know is incapacitated or has reached the degree of intoxication that results in Incapacitation. The test of whether an individual should know about another's Incapacitation is whether a reasonable, sober person would know about the Incapacitation. A Respondent cannot rebut a Sexual Misconduct charge merely by arguing that they were drunk or otherwise impaired and, as a result did not know that the other person was incapacitated. A person who is passed out or unconscious is incapacitated and, therefore, is not able to Consent.

2. **Coercion.** Coercion is unreasonable, inappropriate pressure to engage in sexual activity. Coercive behavior is different than romantic or seductive

behavior because coercive behavior involves inappropriate or unreasonable pressure to obtain Consent from another person for sexual activity. Continued pressure to engage in sexual activity after the other person makes it clear that they do not want to engage in, want to stop, or do not want to go further with sexual activity can be Coercion.

3. **Physical Force.** Physically restraining a person against their will, using violence or the threat of violence, or using a weapon or threatening to use a weapon constitutes physical force. An example of Physical Force includes using bodyweight to hold someone in place.

4. **Threats.** Threats cause a person to do something that they would not have done without the threat. Examples of Threats include, but are not limited to:

- "If you do not have sex with me, I will harm someone close to you."
- "If you do not hook up with me, I will tell people that you did engage in sexual activity with me."
- "If you stop dating me, I will kill myself."

5. **Intimidation.** Intimidation is defined as an implied threat. Examples of Intimidation include use of body size to block an exit, breaking or smashing items, or using looks or gestures to create fear.

Consent may never be given by the following individuals:

minors (in South Carolina under the age of 16), even if the other participant did not know the minor's age;

mentally disabled persons, if their disability was reasonably knowable to a person who is not mentally disabled;

or persons who are incapacitated.

The use of alcohol or drugs does not diminish one's responsibility to obtain Consent and does not excuse conduct that constitutes Sex-Based Harassment.

Neither Party should make assumptions about the other's willingness and readiness to continue.

Consent may be revoked at any point during the interaction.

Dating Violence: *Violence committed by a person who is or has been:*

in a social relationship of a romantic or intimate nature with the victim; and,

where the existence of such a relationship shall be determined based on a consideration of the following factors:

- / the length of the relationship*
- / the type of relationship*
- / the frequency of interaction between the persons involved in the relationship*

Day: "Day" means a University business day, unless otherwise specified, and does not include weekends or University holidays.

Decision-Maker: Decision-Maker (s) means the individual or panel responsible for making a determination regarding responsibility in a Title IX grievance process. The Decision Maker's role is to evaluate all relevant evidence presented during a live hearing, including testimony, cross-examination, and submitted documentation, to decide whether the Respondent is responsible for alleged violations of the institution's Title IX policy. This decision is based on the preponderance of the evidence standard. No Decision Maker will be a Title IX Coordinator or the Investigator in the case being heard.

Document: a document or electronic submission (such as by email) that contains the Complainant's physical or digital signature, or otherwise indicated that the Complainant is the person filing the Formal Complaint.

Domestic Violence: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the

victim under the domestic or family violence laws of South Carolina, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of South Carolina.

Education Program or Activity defined as:

a location, event, or circumstance over which the University exercises (or, during the relevant time, exercised) substantial control over both the Respondent and the context in which the Sexual Harassment occurs,

including any building owned or controlled by a student organization that is officially recognized by the University.

Informal Resolution Facilitator: A person who serves to facilitate an informal resolution of a Formal Complaint through mediation, restorative justice, or a similar process.

Formal Complaint: Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's

Education Program or Activity. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail by using the contact information listed for the Title IX Coordinator this Policy. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

Hearing: The live Hearing before a Decision-Maker for the purpose of presenting evidence regarding the allegations in a Formal Complaint and allowing for questioning and cross-examination of Parties and witnesses by the Parties' Advisors, all in order that the Decision-Maker can determine responsibility.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Investigative Report is defined as:

- Written Report created by the Investigators that fairly summarizes all relevant evidence
- Obtained during the investigation
- Available to both Parties for review and response during the review process

Investigator: The person designated by the University to investigate a Formal Complaint. If more than one person is designated, this term refers to all the Investigators.

Party: Either the Complainant or the Respondent.

Parties: All Complainants and all Respondents with respect to a Formal Complaint of Harassment or with respect to multiple Formal Complaints which have been consolidated.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment or other forms of discrimination.

Sexual Assault: an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

As of the effective date of this Policy, those offenses are defined, but not limited to those outlined below:

Forcible sex offense: (more clearly defined in the 1-4 section below)
*/ any sexual act, including rape, sodomy, sexual assault with an object

/ or fondling,

/ directed against another person,

/ without the Consent of the victim, including instances where the victim is incapable of giving Consent.*

(1) Forcible rape (except statutory rape (defined below)) –
/ the carnal knowledge of a person, forcibly and/or against that person’s will

/ or not forcibly or against the person’s will in instances where the victim is incapable of giving Consent because of their temporary or permanent mental or physical incapacity.

(2) Forcible sodomy –
*/ oral or anal sexual intercourse with another person,

/ forcibly and/or against that person’s will

/ or not forcibly or against the person’s will in instances where the victim is incapable of giving Consent because of their youth or because of their temporary or permanent mental or physical incapacity.*

(3) Sexual assault with an object –
*/ to use an object or instrument to unlawfully penetrate, however slightly,

/ the genital or anal opening of the body of another person,

/ forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving Consent because of their youth or because of their temporary or permanent mental or physical incapacity.*

Criminal Sexual Contact (actual or attempted) (formerly “Fondling”) –
Such contact occurs when:

- a. The Respondent intentionally touches the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant; OR the Respondent intentionally causes the Complainant to touch the Respondent’s clothed or unclothed genitals, buttocks, groin, breasts, or other body parts,
- b. without the consent of the Complainant,
- c. for the purpose of sexual degradation, sexual gratification, or sexual humiliation

Sexual Exploitation: intentionally or knowingly taking sexual advantage of another person or violating the sexual privacy of another when consent is not present.

This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices):

Engaging in sexual voyeurism including observing or permitting others to witness or observe the sexual or intimate activity (e.g., disrobing, bathing, toileting)

- of another person without that person’s consent;
- engaging in indecent exposure, or exposing intimate parts (including genitalia, groin, breasts and/or buttocks), or causing another to expose intimate parts when consent is not present;
- recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person’s consent;
- prostituting another individual;
- causing incapacitation of another person (through alcohol, drugs or other means) for the purpose of compromising that person’s ability to give consent to non-consensual sexual activity.; or
- actively aiding or assisting another person in committing an act of sexual exploitation.

Sex Discrimination: excluding individuals from participation in, denying them the benefits of, or subjecting them to discrimination under any education program or activity based on their sex.

Sexual Harassment: *Sexual harassment is conduct based on sex that satisfies one or more of the following:*

Quid Pro Quo Sexual Harassment –

Conduct where a faculty or staff member of the University, an authorized agent of the University or another person authorized by the University to provide aid, benefit or services under the University’s Education Program or Activity, explicitly or impliedly conditions a provision of such aid, benefit or service on an individual’s participation in unwelcome sexual conduct.

Hostile Environment Sexual Harassment –

Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity. Such conduct involves unwelcome conduct of a sexual nature and may include unwelcome conduct based on sex or sex stereotyping. In evaluating whether the unwelcome conduct is so severe, pervasive, and objectively offensive that it effectively denies a person equal access, the University uses a reasonable person standard that takes into consideration the

totality of the known circumstances, including but not limited to:

- a. The frequency, nature, and severity of the conduct.
- b. The age, disability status, and other characteristics of the parties.
- c. Relationship between the parties.
- d. Whether the conduct was physically threatening.
- e. The effect of the conduct on the Complainant’s mental or emotional state.
- f. Whether the conduct was directed at more than one person.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety or the safety of others; or suffer substantial emotional distress. Examples include, but are not limited to:

- a. Following, monitoring, or repeatedly appearing at a person’s location.
- b. Repeated unwanted communications (e.g., calls, texts, emails, or social media messages).
- c. Threats, intimidation, or unwanted confrontations.
- d. Property damage, interference with personal relationships or reputation, or other acts intended to harass or control.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Supportive Measures: non-disciplinary, non-punitive individualized services offered to the Complainant or the Respondent (or one who may become a Respondent) before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

Violence Against Women & Children Act (VAWA): is a United States federal law that provides support for protections for individuals impacted by Dating Violence, Domestic Violence, Sexual Assault or Stalking, regardless of sex, sexual orientation, or gender. See the individual definitions for Dating Violence, Domestic Violence, Sexual Assault and Stalking above.



Title IX Coordinator

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