SEXUAL AND GENDER-BASED VIOLENCE, DISCRIMINATION, EXPLOITATION, STALKING AND HARASSMENT POLICY

I. STATEMENT OF NON-DISCRIMINATION

The University of the Arts does not discriminate on the basis of race, color, ethnicity, national origin, age, gender, sex, sexual orientation, gender identity or expression, physical or mental disability, religion, status as a veteran or special disabled veteran, or any other protected class.

II. PURPOSE OF POLICY

The University of the Arts is committed to creating and maintaining a safe, healthy, and respectful environment for its students, faculty, staff and guests. It is the responsibility of each member of the university community to respect the privacy and dignity of one another. The University recognizes that discrimination based on sex or gender, including sexual harassment, sexual violence, and other forms of sexual misconduct, is harmful to the well-being of our community and serves as a barrier to academic and professional success. To foster and maintain a safe learning, living and working environment, the University sets forth the below policy prohibiting any form of sexual or gender-based violence, exploitation, stalking and harassment. This policy outlines the University’s coordinated response to reports of sexual and gender-based violence, exploitation, stalking and harassment in compliance with Title IX of the Education Amendments of 1972 (“Title IX”), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Act (the “Clery Act”), and the Violence Against Women Reauthorization Act of 2013 (“VAWA”), and other applicable federal and Pennsylvania state laws.

III. APPLICATION OF POLICY

This policy applies to all members of the University community, including students, faculty, visiting faculty, affiliates, staff, contractors, vendors, visitors and guests without restriction. The University will consider the application of this policy on a case-by-case basis.

This policy applies to conduct that occurs:

1. On University premises or property; and/or

2. In the context of University employment, education, research, recreational, social or artistic activity, irrespective of the location of the occurrence, if the conduct has or can be reasonably predicted to have a continuing negative effect on the University and its students, faculty, visiting faculty, affiliates, staff, contractors, vendors, visitors or guests.

IV. TITLE IX COORDINATOR

The University’s Title IX Coordinator is responsible for monitoring compliance with Title IX; tracking and reporting annually on all incidents in violation of this policy; and coordinating the
University’s investigation, response and resolution of reports made under this policy. To contact the University’s Title IX Coordinator, please e-mail titleix@uarts.edu or visit www.uarts.edu/titleix.

V. REPORTING RESPONSIBILITIES OF UNIVERSITY EMPLOYEES

With the exception of the confidential resources listed in this policy, all University employees, full and part-time, regardless of tenure or contractual status, are considered “Responsible Employees” and are mandated to report any incidents of misconduct under this Policy to the University’s Title IX Coordinator. Responsible Employees are required to share with the Title IX Coordinator all known information, including the identities of any alleged Respondent (if known), the identities of any Complainants, the names of other witnesses involved in the alleged misconduct, as well as all other relevant facts of which the Responsible Employee is aware, including the date, time, and location of the incident and any statements made by parties or witnesses.

VI. STATEMENT ON PRIVACY AND CONFIDENTIALITY

The University is committed to protecting the privacy interests of all individuals involved in a report of sexual or gender-based harassment or misconduct. In any report, investigation or resolution of an allegation of sexual and gender-based harassment or misconduct, every effort will be made to protect the privacy interests of the individuals involved in a manner consistent with the need for a thorough review of the allegation and the protection of any individual or the broader campus community. Information related to a report of harassment or misconduct will be shared only with those University employees who “need to know” in order to assist in the investigation and/or resolution of the complaint. At all times, the privacy of the parties will be respected and safeguarded. All University employees who are involved in the review, investigation or resolution of a report, including conduct board members, have received specific training regarding the safeguarding of private information.

Students or employees wishing to obtain confidential assistance on or access to campus resources without making a report to the University may do so by speaking with professionals who are obligated by law to maintain confidentiality. These professionals, who are identified in the Resources and Reporting section of this policy, include individuals in the Student Health Services and the Student Counseling Center, and the Employee Assistance Program.

If a Complainant requests that their name or other identifiable information remain confidential, the University will at all times seek to respect the request of the Complainant, and where it cannot do so, the University will communicate with the Complainant about the reasons why the request for confidentiality cannot be honored. In all cases where confidentiality is requested, the University will balance this request with its obligation to provide a safe and nondiscriminatory environment for all University community members. The University will weigh the request for confidentiality against the following factors: the seriousness of the alleged conduct, any potential threats to community safety, the respective ages and positions of the Complainant and the Respondent, whether there have been other harassment complaints against the Respondent, and the Respondent’s right to receive information under applicable law. In all cases the University
will take reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to investigate may be limited by the request for confidentiality.

When the University honors a Complainant’s request for confidentiality after weighing all relevant factors, it will never-the-less continue to take appropriate steps to limit the effects of the alleged misconduct and to aid in the prevention of its recurrence.

If a report of misconduct discloses an immediate threat to the health or safety of the University campus community, the University will issue a timely notice of the conduct to the community to protect the health or safety of the broader campus community, pursuant to the Clery Act.

Immediately threatening circumstances include, but are not limited to, recently reported incidents of sexual misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to the University students, faculty, administrators, professional staff, or visitors.

All resolution proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and University policy. No information shall be released from such proceedings except as required or permitted by law or University policy.

VII. CONDUCT PROHIBITED BY POLICY

The following conduct is strictly prohibited under the terms of this policy. The below-defined conduct is not to be construed as an exhaustive or all-inclusive list of prohibited conduct. Conduct not specifically described below but which nonetheless implicates the purposes and application of this policy described above should be considered prohibited conduct for reporting purposes.

The University will evaluate reports of conduct prohibited by this policy on a case-by-case basis.

*Sexual Misconduct:*

Sexual misconduct refers to a range of behaviors that includes, but is not limited to, sexual or gender-based harassment, sexual violence, sexual exploitation, relationship and interpersonal violence, stalking, and retaliation. These various forms of sexual misconduct are defined in more detail below. Some of these prohibited forms of conduct may also be crimes under Pennsylvania and/or federal law.

The University considers a variety of factors in determining whether particular reported behaviors meet the criteria of prohibited conduct, including: the type, frequency, and duration of the conduct; the identity and relationship of the persons involved; the number of individuals involved; the location of the conduct and the context within which it occurred; and the degree to which the conduct affected the Complainant(s).
The University evaluates whether particular reported behavior(s) may meet the definition of Sexual Misconduct from both a subjective and objective perspective. Additional factors to consider include whether the conduct was unwelcome and whether a reasonable person in that individual’s position would have perceived the conduct as intimidating, hostile, offensive, or otherwise prohibited by this policy.

**Sexual Harassment:**

Sexual harassment is defined as any unwelcome verbal or non-verbal contact, sexual advance, request for sexual contact or sexual favors, or other unwanted conduct of a sexual nature where:

1. Submission to or rejection of such behavior is made implicitly or explicitly a term or condition of instruction, employment, advancement, evaluation or participation in any University activity, program or benefit (commonly referred to as *quid pro quo harassment*); or

3. Such behaviors are sufficiently severe, persistent, or pervasive to have the purpose or effect of unreasonably interfering with an individual’s academic or educational experience, working environment, or living conditions by creating an intimidating, hostile, or offensive environment (commonly referred to as *hostile environment harassment*). The purpose or effect will be evaluated based on the perspective of a reasonable person under similar circumstances.

Examples of conduct that could constitute sexual harassment include but are not limited to the following: unwelcome jokes or comments; the use of sexually explicit or offensive language; unwelcome and repeated flirtations, propositions, or advances; displaying sexually suggestive or offensive objects, posters or other depictions about sex, gender, or gender expression; unwelcome comments about appearance; offensive, insulting, derogatory or degrading remarks; threatening to take or taking actions if sexual favors are not granted or complied with, or said advances are otherwise rebuffed; demands for sexual favors in exchange for favorable or preferential treatment.

**Gender-Based Harassment:**

Gender-based harassment is defined as any unwelcome verbal or non-verbal contact or conduct based upon sex or gender, sexual orientation, gender identity or gender expression. Gender-based harassment need not be specifically sexual in nature to be prohibited by this policy.

Gender-based harassment includes, but is not limited to, the following: physical assault or physical interference intended to harass on the basis of gender; inappropriate graphics or other displays of gender-degrading materials; sexist jokes, anecdotes, or slurs; and insulting, demeaning or derogatory conduct direct toward a person on the basis of their gender.
**Discrimination:**

Gender or sex-based discrimination is defined as the prejudicial treatment of another person because of that person’s sex, gender, sexual orientation, gender identity, or gender expression. Discrimination may include, but is not limited to, unfavorable treatment, hiring, firing, and distribution of assignments, grades, accolades, benefits or other terms associated with an individual’s status, employment, relationship or placement within the University on the basis of their sex, gender, sexual orientation, gender identity, or gender expression.

**Sexual Exploitation:**

Sexual exploitation is defined as an act or acts committed through non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or other non-legitimate purpose.

Examples of conduct that could constitute sexual exploitation include, but are not limited to, the following: use of another person’s nudity or sexuality for personal gain; receipt of financial or other personal benefit from the sexuality or sexual acts of another; recording images, video, audio or any other depiction of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent; distributing images, video, audio or any other depiction of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the material did not consent to such disclosure and the objects of such disclosure; voyeurism, including but not limited to viewing another person’s sexual activity, intimate body parts, nakedness or otherwise viewing an individual in a place where that person would have a reasonable expectation of privacy without that person’s consent.

**Sexual Violence:**

Sexual violence is defined as having or attempting to have sexual contact with another person without that person’s consent. This may include sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where an individual does not consent to the sexual act, or where an individual is incapacitated.

- **Relating to non-consensual sexual intercourse:** having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral penetration involving genital-to-mouth contact.

- **Relating to non-consensual sexual contact:** having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one’s intimate parts, or disrobing or exposure of another for the purposes of sexual gratification, and without permission. Intimate parts may include the breasts, buttocks, genitals, mouth or any other part of the body that is touched in a sexual manner for the purpose of sexual gratification.
**Relationship and Interpersonal Violence:**

Relationship and interpersonal violence is defined as any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior. The existence of such a relationship may be determined based on the reporting party’s statement, the length and type of relationship at issue, and the frequency of interaction between the persons involved in the relationship.

Relationship and interpersonal violence can encompass a broad range of behavior, including, but not limited to, physical violence and sexual violence or the threat of such violence, emotional violence, and economic violence. Relationship and interpersonal violence may take the form of threats, assault, property damage, or violence, or threat of violence to oneself, one’s sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.

**Stalking:**

Stalking is defined as a course of conduct involving more than one instance of unwelcome conduct that causes a person to fear for their personal safety or to experience substantial emotional distress. Acts that together constitute stalking may include direct actions or actions communicated to or by a third party, or other means of communication. Substantial emotional distress is defined as significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking includes the concept of cyberstalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking may include, but are not limited to:

- unwelcome and repeated visual or physical proximity to a person;
- repeated oral or written threats;
- extortion of money or valuables;
- unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
- unwelcome/unsolicited communications to or about a person, their family, friends, or co-workers; or
- sending/posting unwelcome/unsolicited messages with an assumed identity; or
- explicitly or implicitly threatening physical contact; or
- any combination of these behaviors directed toward an individual person.

**Retaliation:**

Retaliation is defined as any adverse action taken or threat made against an individual or group of individuals for filing a complaint or report under this policy; filing an external complaint or report, including but not limited to reports to law enforcement; or participating in the
University’s investigative or disciplinary process related to a complaint or report under this policy.

Examples of retaliation include, but are not limited to: threatening reprisals or retribution against an individual who complained or cooperated with an investigation arising under the terms of this policy; unfairly changing the evaluations, assignments or working, studying, or living conditions of such an individual; acts of abuse or violence; and any other conduct that has or is intended to have a materially adverse effect on the working, academic, social or living environment of an individual.

VIII. RELATED DEFINITIONS

**Complainant:**

A Complainant is an individual who may have experienced conduct that violates this Policy. A Complainant may file a formal complaint under this Policy.

**Respondent:**

A Respondent is an individual who is alleged to have violated this Policy. A Respondent may be the subject of a formal complaint under this Policy.

**Consent:**

Consent is an affirmative, voluntary, and unambiguous communication indicating a willingness to engage in a mutually agreed upon sexual activity. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. Consent cannot be obtained through the use of coercion or force or by taking advantage of the incapacitation of another person.

Consent to engage in sexual activity may be withdrawn by any party at any time. Withdrawal of consent must also be outwardly demonstrated by words and/or actions that indicate a desire to end sexual activity. Withdrawal of consent may in some cases be demonstrated through nonverbal conduct alone. Once withdrawal of consent has been clearly expressed, sexual activity must cease. A previous sexual relationship and/or current relationship with a partner, do not, by themselves, imply consent.

**Incapacitation:**

Incapacitation is a state in which an individual is unable to make an informed and rational decision to engage in sexual activity because the person lacks conscious awareness of the nature of the act or is physically helpless. Engaging in sexual activity with an individual who one knows, or based on the circumstances should reasonably know, to be mentally or physically incapacitated constitutes a violation of this Policy.

*A note on the use of alcohol and drugs:*
Incapacitation may result from the use of alcohol or drugs, whether voluntary or involuntary, if an individual’s level of impairment is such that they are unable to make conscious decisions or are physically helpless. Alcohol and drugs impair a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important that anyone engaging in sexual activity be aware of the other person’s level of intoxication. Consumption of drugs or alcohol may diminish one’s ability to give consent to engage in sexual activity, but being intoxicated or impaired due to consumption of drugs or alcohol is never an excuse for sexual misconduct, and does not diminish one’s responsibility to obtain consent.

**Coercion:**

Coercion is verbal and/or physical conduct used to compel another individual to engage in sexual activity against their will. Coercion may include a wide range of behaviors, including manipulation, abuse of trust or power, intimidation, or express or implied threats of physical or emotional harm.

**Force:**

Force is the use or threat of physical violence or intimidation to overcome an individual’s free will to choose whether or not to consent to engage in sexual activity.

**IX. RESOURCES AND REPORTING**

**Immediate/Emergency Assistance Resources:**

The University encourages those who have experienced sexual or physical violence to utilize emergency assistance.

**Law Enforcement:**

In the event of an emergency, please call 911, then notify Public Safety on the emergency line: 215-717-6666.

You may also make a report directly to a University Public Safety Officer (PSO). Public Safety officers are stationed in University buildings. When a PSO receives a report of sexual misconduct, they will notify the Professional On-Duty (POD) staff member, who is trained to inform reporting parties of the options and resources available.

**Medical:**

Those who have experienced conduct prohibited by this Policy are strongly encouraged to seek medical treatment. A medical provider can provide emergency and/or follow-up medical services, and the opportunity to discuss any health care concerns in a confidential medical setting. A medical exam following a sexual assault has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted...
infection or pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence.

**On-Campus:**

**Student Health Services** can provide confidential medical services to University students, such as evaluation and treatment of minor injuries, pregnancy tests, and HIV and STI testing.

*Location:* Gershman Hall, Room 306  
*Hours:* M-F, 9am-5pm  
*Phone:* 215-717-6230  
*Website:* www.uarts.edu/students/health-services

**Off-Campus:**

**The Philadelphia Sexual Assault Response Center (PSARC)** is designated to provide forensic rape examinations to victims of sexual assault. It is recommended that individuals who wish to pursue legal action receive this examination, which includes a collection of evidence. You do not need to file a police report to receive services at PSARC. PSARC is located within the same building as the Philadelphia Police Department Sexual Victims Unit. During this examination, you can receive treatment for injuries and sexually transmitted infections (STIs) as well as emergency contraception. You are not responsible for payment of the medications or medical forensic examination.

*Location:* 300 E. Hunting Park Avenue, Philadelphia, PA 19124  
*Phone:* 215-800-1589  
*Transportation to PSARC can be provided by the Philadelphia Police Department.*

**Support Resources:**

The following resources are available to assist members of the University’s community to provide counseling and support, as well as with making a report, filing a complaint pursuant to this Policy, and/or participating in the University’s investigative process as a reporting party, Complainant, Respondent, or witness.

**Confidential Resources:**

The following resources maintain confidentiality. Generally, any information disclosed to the resources listed below will be held in confidence unless the individual sharing the information gives their consent to the disclosure of that information.

Confidential resources are not obligated to share information with the University’s Title IX Coordinator and disclosure to a confidential resource does not constitute a report to the University. However, this commitment to confidentiality does not preclude the
sharing of information among University administrators, as appropriate, to ensure the safety of the members of the University community.

On-Campus:

**Student Counseling Center** - Services at the University Counseling Center are available to all University students, free of cost. Counseling provides a safe, confidential place to talk and discuss varying issues in a private and confidential setting. Therapists in the Counseling Center are trained to assist students impacted by sexual, physical, and emotional abuse, including those students who may have witnessed or have been accused of sexual misconduct.

*Location:* Gershman Hall, 307  
*Walk in Hours:* M-F 11am-1pm  
*Phone:* 215-717-6630  
*Website:* www.uarts.edu/counseling

**Student Health Services**  
*Location:* Gershman Hall, Room 306  
*Hours:* M-F, 9am-5pm  
*Phone:* 215-717-6230  
*Website:* www.uarts.edu/students/health-services

**Employee Assistance Program (for employees only)** - All University employees are entitled to use the confidential Employee Assistance Program (EAP). Through EAP, employees can access counseling services via telephone and in-person. University employees can obtain more information about EAP through the Human Resources page on the University Portal.

Off-Campus:

**Philadelphia Center Against Sexual Violence (formerly known as WOAR)** – The Philadelphia Center Against Sexual Violence provides free and confidential individual and group counseling to children and adults who have experienced sexual violence: this includes sexual abuse, sexual assault, rape/date rape, and incest.  
*Website:* www.woar.org  
*24-Hour Hotline:* 215-985-3333

**Women Against Abuse** - Women Against Abuse provides a number of services to victims of abuse, including 24-hour emergency safe havens, legal advocacy and representation, long-term housing and supportive services, and more.  
*Location:* 100 South Broad Street, Suite 1341, Philadelphia, PA 19110  
*Phone:* 215-386-1280  
*Website:* www.womenagainstabuse.org

**The Philadelphia Domestic Violence Hotline**
24-Hour Hotline: 1-866-723-3014

**National Sexual Assault Hotline**  
24-Hour Hotline: 1-800-656-4673

**National Domestic Violence Hotline**  
24-Hour Hotline: 1-800-799-7233

**Law Enforcement:**

Members of the University’s community are encouraged, but not required, to report incidents of prohibited conduct under this policy to local law enforcement. At the Complainant’s request, the University will assist the Complainant in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process.

**To file a criminal complaint directly with the Philadelphia Police Department:** call 911 for an emergency, and 311 for a non-emergency.

Note: The filing of a criminal complaint does not reduce or eliminate the University’s responsibility to address a report of misconduct under this Policy. Though the University may need to delay temporarily the fact-finding portion of an investigation while the police are gathering evidence, the University will not delay its investigation until the ultimate outcome of the criminal investigation or the filing of any charges, and may need to take interim measures to protect the Complainant and campus community.

**Reporting Sexual Misconduct to the University**

Individuals may report prohibited conduct to a Responsible Employee (as defined above), directly to the University and/or to outside law enforcement agencies. Disclosures to a confidential resource, such as individuals in the Student Counseling Center, will not be considered a report to the University. Please note that making a report of prohibited conduct is not the same as filing a formal Complaint.

**To make a report to the University, contact:**  
The University of the Arts Title IX Coordinator  
titleix@uarts.edu  
215-717-6362  
Using the link on www.uarts.edu/titleix

**X. ** AMNESTY

The University encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report or provide information in connection with an investigation under this Policy because of the perceived potential for disciplinary consequences for their own conduct. When
information is uncovered through the Title IX investigative process that involves alcohol or drug usage in violation of the Student Handbook, this information \textbf{will not be used} to pursue any disciplinary action for alcohol or drug use, provided that any such violations did not and/or do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

Student health and safety are of primary concern of the University. As such, in cases of significant intoxication as a result of alcohol or other substance abuse, we encourage individuals to seek medical assistance for themselves or others. Please see the Medical Amnesty Policy in the Student Handbook for more information.

**XI. REPORTS INVOLVING MINORS**

For purposes of this Policy and relevant law, a child is defined as an individual under the age of 18. Any University employee who has reasonable cause to suspect abuse of a child that the employee has come into contact with during the course of employment must make a report to the Title IX Coordinator, who will facilitate a report to local law enforcement and the Pennsylvania Department of Public Welfare division of Child Welfare Services. This requirement applies to an employee’s suspicion of past or present abuse of a person who is a child at the time of the report. All other members of the University community (students, visitors, guests, etc.) are strongly encouraged to report whenever child abuse is suspected.

In the interest of protecting the safety and welfare of a child, any uncertainty about whether reporting is required or whether abuse has actually occurred should always be resolved in favor of making a report. Do not investigate, attempt to obtain proof, or try to solicit information from the child. This responsibility lies with the Pennsylvania Department of Human Services. If the child is in immediate danger, please call 911 immediately.

Employees may submit a report of suspected child abuse directly to the Pennsylvania Department of Human Services by submitting an online report (preferred method) to the Pennsylvania Department of Human Services at \url{www.compass.state.pa.us/cwis} or calling Pennsylvania’s Child Line at 800-932-0313 (alternative method). Please Note: If you call Childline, you must also submit a written report within 48 hours. Once an employee submits a report to the Pennsylvania Department of Human Services, they must then notify the University’s Title IX Coordinator by calling (215) 717-6362 or emailing titleix@uarts.edu.

**XII. INITIAL REVIEW OF A REPORT**

Upon receipt of a report of prohibited conduct under this Policy, the Title IX Coordinator and/or other appropriate University administrators will make an initial review of the known information and respond to any immediate health or safety concerns raised by the report, including but not limited to the possible use of interim measures described below. An initial review may lead the Title IX Coordinator to determine that it is necessary for the University to proceed with a formal investigation regardless of whether there is a formal complaint, also described in further detail below.
An individual making a report of sexual misconduct under this Policy can expect information regarding:

- The right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- The right to contact law enforcement or to decline to contact law enforcement;
- The right to seek a protective order;
- The available University and community resources;
- The right to request reasonable academic, housing, employment, and other accommodations;
- The right to seek informal resolution or formal resolution under this Policy;
- The University’s prohibition against retaliation; and
- Any other relevant information that may address the particular individual’s safety or procedural questions and concerns.

XIII. INTERIM MEASURES

The University may provide reasonable interim support and protective measures to prevent further acts of misconduct under this Policy and to provide a safe educational and work environment. Although individuals may find interim measures most useful during the time period in which the University investigates a complaint arising under this Policy, interim measures may be implemented at any time and may include:

- Academic accommodations;
- University employment accommodations;
- Medical and mental health services, including counseling;
- Change in campus housing;
- Assistance in finding alternative housing;
- Assistance in arranging for alternative University employment arrangements and/or changing work schedules;
- A No Contact Directive that serves as a notice to both parties that they must not have verbal, electronic, written, or third party communication with one another;
- Providing a Public Safety escort to ensure that the individual can move safely between school programs and activities;
- Transportation accommodations;
- Interim separation from University employment or University-related activities, including housing; or
- Assistance in identifying additional resources including off-campus and community advocacy, support, and services.

The University may provide interim measures regardless of whether a Complainant seeks to pursue the University’s formal resolution process. Interim measures may be requested by both Complainants and Respondents. The University determines which measures are appropriate on a case-by-case basis.
• Student Respondents wishing to contest an interim separation action may do so by notifying the AVP for Student Affairs. Employee Respondents wishing to contest an interim separation action may do so by notifying Human Resources. The Respondent’s appeal must be in writing and include the following information:
  o Name
  o Rationale for the request
  o Any documentation that supports that the Respondent would not pose an immediate threat to others or would not pose an imminent threat of disruption to normal campus operations
• The Respondent will be notified of the decision within five (5) business days of receipt of the request. The interim separation will remain in effect while any review is pending. There will be no further appeals to this decision. If the interim separation is lifted, other interim restrictions (e.g., removal from university housing, limited access to campus, cessation of any organizational activities, or changes to work duties) may be assigned until the outcome of any related case.
• The interim separation does not replace the regular conduct or discipline processes, which shall proceed as normal.

XIV. RIGHT TO AN ADVISOR

All parties to a report under this Policy have the option to choose an advisor to participate in any meeting regarding alleged incidents of sexual misconduct. An approved advisor is required to meet with the Title IX Coordinator or their designee prior to participating to receive information about University Policy and procedures.

The advisor is present to provide support; they do not actively participate in the process, nor may they ask questions or speak on behalf of a party. An advisor may be cautioned or asked to leave if their conduct serves to delay, disrupt or otherwise interfere with the integrity of a meeting or adjudication. The University has the right at all times to determine what constitutes appropriate behavior on the part of the advisor and whether an advisor may remain at a meeting or adjudication proceeding.

XV. NOTE ON PRE-COLLEGE SUMMER INSTITUTE STUDENTS

Complaints of misconduct filed under this Policy against students taking part in the Pre-College Summer Institute will be addressed administratively by the Title IX Coordinator and AVP for Student Services, in partnership with the College of Critical and Professional Studies. The adjudication process outlined in this Policy may not apply to allegations made against students taking part in the Pre-College Summer Institute.

XVI. INFORMAL RESOLUTION PROCESS

Informal resolutions are alternative means of resolving reports under this Policy that do not involve the formal resolution/complaint and adjudication process. Informal resolutions generally are pursued when the Complainant, having been fully informed of all available options, has
explicitly made that choice. An informal resolution process must be voluntary for both parties, and either party can ask to end the informal resolution process at any time before its completion.

A Complainant who pursues a formal resolution under this Policy may request an informal resolution at any point up to and including the charging meeting with the Associate Vice President for Student Services.

Once a complaint has been resolved through an informal resolution process, the matter will be considered closed, and a future complaint cannot be filed based on the same allegations.

For some limited types of alleged violations of this Policy, an informal resolution may include mediation. Mediation may not be appropriate for complaints of sexual violence, intimate partner or dating violence, and/or other types of misconduct depending on the particular circumstances surrounding each complaint. Even if both parties otherwise agree to engage in an informal resolution process, the University retains ultimate discretion as to whether such a process would be appropriate in any individual case.

XVII. FORMAL RESOLUTION PROCESS FOR FACULTY AND STAFF RESPONDENTS

In the Absence of a Formal Complaint:

In order to protect the safety of the campus community, the Title IX Coordinator may determine that it is necessary to investigate allegations of violations of this Policy even absent the filing of a formal complaint or report or if a formal complaint has been withdrawn.

In some cases, the Title IX Coordinator may need to proceed with an investigation even if a Complainant specifically requests that the matter not be pursued. In those circumstances, the Title IX Coordinator will take into account the Complainant’s articulated concerns, the best interests of the University community, fair treatment of all individuals involved, and the University’s obligations under Title IX/VAWA. A formal resolution that occurs as a result of this analysis will follow the procedures described below.

Formal Complaints:

When a Complainant, having been made fully aware of all informal and formal resolution options under this Policy, chooses to pursue a formal complaint against the Respondent(s), the below procedures will follow.

Investigation:

If the University receives a formal complaint under this Policy, or the University deems it necessary to proceed with a formal investigation absent a formal complaint, a formal investigation will commence promptly. The investigation will be conducted by a qualified individual who receives annual training on issues related to sexual and gender-based harassment,
sexual assault, dating violence, domestic violence, and stalking, as well as training on how to conduct an investigation that is fair, impartial, and thorough.

The Respondent will receive written notice of any allegations against them prior to their interview. The investigator will interview the parties separately and will make reasonable attempts to gather any available relevant physical or medical evidence, including documents, communications between parties, and other electronic records as appropriate. Parties are permitted to submit written statements in addition to, or in lieu of, participating in an interview. The investigator will determine the relevancy of any proffered information. The investigator may not consider statements of personal opinion and statements as to any party’s general reputation for any character trait.

At the conclusion of the fact-gathering stage of the investigation, the investigator will prepare an investigative report which will be made available to both parties for review. Each party will have an opportunity to provide additional written information to the investigator, to request the collection of additional information, and to identify individuals who may possess relevant information and request that such individuals be interviewed. If any additional information is gathered, a summary of that information will be shared with both parties and each will have the opportunity for further response. The investigator will designate reasonably prompt deadlines to ensure a timely completion of the process while also providing an adequate opportunity for both parties to provide thorough information in the investigation.

Investigations and resolutions of formal complaints under this Policy will be reasonably prompt. Factors that may contribute to the timeframe of an investigation and resolution include, but are not limited to: a need comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, a request to accommodate the availability of witnesses, a need to account for University breaks or vacations, or a need to account for the complexities of a particular case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The University will communicate with the parties any expected delays in the investigation or resolution of a complaint and the reasons for any delay.

Adjudication:

At the discretion of the Title IX Coordinator, in consultation with other relevant University constituents such as the Provost or Human Resources, the University may utilize either an external adjudicator or a single investigator model to adjudicate formal complaints filed under this policy against faculty or staff Respondents. In making the determination to select an appropriate adjudicative process, the Title IX Coordinator may consider, among other factors: the nature of the report; the complexity of the facts involved; whether the report implicates any issues of actual or apparent conflicts of interest; the availability of trained University adjudicators; the University’s academic or administrative calendars (including whether the University is in session or on break); or any other relevant factors.

Regardless of the use of a single investigator or external adjudicator, determinations regarding responsibility will be made by considering whether, based on the information set forth in the
investigative report, there is sufficient information to determine that the Respondent violated University Policy by a preponderance of evidence.

Sanction:

In determining an appropriate sanction for a violation of this Policy, the University may consider a range of factors, including but not limited to: the nature of the conduct; the degree of violence, if any, involved; the impact of the conduct on the Complainant or other parties; the impact or implications of the conduct on the community or the University; prior misconduct by the Respondent; maintenance of a safe and respectful educational and employment environment; and any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

For faculty Respondents: If a determination has been made that the actions of a faculty Respondent violated this Policy, the dean of the college or division and/or other appropriate administrators, in consultation with Human Resources and the Title IX Coordinator, will determine the appropriate disciplinary action to be taken against the faculty member to address the violation, to prevent its reoccurrence, and to address its effects.

For staff Respondents: If a determination has been made that the actions of a staff Respondent violated this Policy, the Respondent’s immediate supervisor and/or other appropriate administrators, in consultation with Human Resources and the Title IX Coordinator, will determine the appropriate disciplinary action to be taken against the staff member to address the violation, to prevent its reoccurrence, and to address its effects.

The University will provide written notice of the outcome of any formal resolution proceedings, including the determination of a Policy violation and the imposition of any sanction(s) to both parties.

Sanctions that may be imposed under this Policy include, but are not limited to:

- **Verbal Warning:** An in-person meeting with the Title IX Coordinator, the Respondent’s supervisor or other appropriate administrator, to discuss behavioral expectations and standards for University community members.
- **Written Warning:** Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- **Educational Requirements:** Completion of training, projects, programs, or requirements designed to help the employee manage behavior and understand why it was inappropriate. Includes appropriate and relevant community service opportunities.
- **Suspension:** Exclusion from University premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the employee’s file. Conditions for return to work may be specified in the suspension notice.
• **Termination:** Permanent termination of employment status and exclusion from University premises, privileges, and activities. This action will be permanently recorded in the employee’s file.

• **Other discipline** may be imposed instead of, or in addition to, those specified above. More than one of the disciplinary outcomes listed above may be imposed for any single violation.

**Appeal:**

Either party may appeal the outcome or the sanction of a matter resolved under this Policy (including a finding that there was insufficient evidence to determine a policy violation occurred) within ten (10) calendar days of receiving written notice of the outcome and sanction. The appeal shall consist of a concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal.

Appeals are limited to the grounds of:

- new evidence that could affect the finding of the responsibility/non-responsibility and that was not reasonably available at the time of the investigation;
- procedural error(s) that had a material impact on the fairness of the adjudication; and
- the imposed sanctions were grossly disproportionate to the violation committed.

Faculty appeals should be submitted to the Provost; Staff appeals should be submitted to the Vice President of Finance and Administration. Appeals are not intended to be a full rehearing of the allegations. This is not an opportunity for the Appellate Authority to substitute their judgment for that of the original adjudicator, but rather to make a determination regarding the specific grounds on which the appeal was made. The Appellate Authority shall make a determination of the appeal within ten (10) calendar days of receipt of the appeal. The decision of the Appellate Authority is final.

**XVIII. FORMAL RESOLUTION PROCESS FOR STUDENT RESPONDENTS**

**In the Absence of a Formal Complaint:**

In order to protect the safety of the campus community, the Title IX Coordinator may determine that it is necessary to investigate allegations of violations of this Policy even absent the filing of a formal complaint or report or if a formal complaint has been withdrawn.

In some cases, the Title IX Coordinator may need to proceed with an investigation even if a Complainant specifically requests that the matter not be pursued. In those circumstances, the Title IX Coordinator will take into account the Complainant’s articulated concerns, the best interests of the University community, fair treatment of all individuals involved, and the University’s obligations under Title IX. A formal resolution that occurs as a result of this analysis will follow the procedures described below.

**Formal Complaints:**
When a Complainant, having been made fully aware of all informal and formal resolution options under this Policy, chooses to pursue a formal complaint against the Respondent(s), the below procedures will follow.

**Investigation:**

If the University receives a formal complaint under this Policy, or the University deems it necessary to proceed with a formal investigation absent a formal complaint, a formal investigation will commence promptly. The investigation will be conducted by a qualified individual who receives annual training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, as well as training on how to conduct an investigation that is fair, impartial, and thorough.

The Respondent will receive written notice of any allegations against them prior to their interview. The investigator will interview the parties separately and will make reasonable attempts to gather any available relevant physical or medical evidence, including documents, communications between parties, and other electronic records as appropriate. Parties are permitted to submit written statements in addition to, or in lieu of, participating in an interview. The investigator will determine the relevancy of any proffered information. The investigator may not consider statements of personal opinion and statements as to any party’s general reputation for any character trait.

At the conclusion of the fact-gathering stage of the investigation, the investigator will prepare an investigative report which will be made available to both parties for review. Each party will have an opportunity to provide additional written information to the investigator, to request the collection of additional information, and to identify individuals who may possess relevant information and request that such individuals be interviewed. If any additional information is gathered, a summary of that information will be shared with both parties and each will have the opportunity for further response. The investigator will designate reasonably prompt deadlines to ensure a timely completion of the process while also providing an adequate opportunity for both parties to provide thorough information in the investigation.

Investigations and resolutions of formal complaints under this Policy will be reasonably prompt. Factors that may contribute to the timeframe of an investigation and resolution include, but are not limited to: a need comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, a request to accommodate the availability of witnesses, a need to account for University breaks or vacations, or a need to account for the complexities of a particular case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The University will communicate with the parties any expected delays in the investigation or resolution of a complaint and the reasons for any delay.

**Threshold Determination:**
Upon completion of the investigative report, the investigator will make a threshold determination regarding the allegation(s). The determination will consider whether the investigative report contains sufficient information for an adjudicator to make a determination as to whether or not there was a violation of this Policy based on the preponderance of the evidence. If a determination is made that this threshold has not been reached, the investigator will notify the parties in writing of this determination. If a determination is made that the threshold has been reached, the investigator will notify the parties of this determination and submit the investigative report to the AVP for Student Services.

**Adjudication:**

**Role of AVP for Student Services in Adjudication:**

The AVP for Student Services is responsible for ensuring that the adjudication procedures are followed as outlined in this Policy. The AVP for Student Services will be reasonably available to the parties and advisors to answer questions throughout the hearing process, and may interject as needed during the hearing.

**Selection of an Adjudicative Body:**

The Title IX Coordinator and AVP for Student Services, in consultation with other relevant University constituents, will select an adjudicative body to conduct a hearing.

The University may, at its sole discretion, select from the following options:

- A single external adjudicator;
- A Campus Standards Board panel comprised of four (4) University faculty and staff members (three voting panel members and one individual serving as a non-voting Chair);
- A hybrid Campus Standards Board panel comprised of three (3) faculty and staff members (serving in a voting capacity) and one (1) external participant to serve as a non-voting Chair; or
- A Student Conduct Administrator (see Section 5 of the Student Handbook).

In making the determination to select an appropriate adjudicative body, the University may consider, among other factors: the nature of the report; the complexity of the facts involved; whether the report implicates any issues of actual or apparent conflicts of interest; the availability of trained panel members for a hearing; the University’s academic or administrative calendars (including whether the University is in session or on break); or any other relevant factors.

Either the Complainant or Respondent may submit a written request to the AVP for Student Services to contest the individual(s) participating in adjudication if there are reasonable articulated grounds to suspect bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within four (4) business days of receipt of notification of the selected adjudicative body.
Anyone who participates in adjudication under this Policy receives specific training regarding sex discrimination, sexual misconduct, intimate partner and dating violence, stalking, and retaliation. Students are not permitted to serve on an adjudicative body.

**Notice of Charges and Meeting with the AVP for Student Services:**

The AVP for Student Services will notify the parties, in writing, of the formal charges under this Policy. The parties will have the opportunity to meet with the AVP for Student Services to review the charges, options under the Policy, and hearing process.

As noted above, the Complainant has the opportunity to request an Informal Resolution at any point up to and during this meeting with the AVP for Student Services.

**Acceptance of Responsibility by the Respondent:**

After receiving the formal charge(s) from the AVP for Student Services, the Respondent may choose not to contest the charge(s) and give up the right to a hearing by accepting responsibility for all charges. If a Respondent accepts responsibility, the Complainant will be notified in writing and both parties will have the opportunity to submit written information for consideration in sanctioning; a Complainant may submit an impact statement, and a Respondent may submit a mitigation statement.

The AVP for Student Services will impose the appropriate sanction(s) (see below for guidelines and range of permissible sanctions). The Complainant and Respondent will be simultaneously notified of the sanction(s) and rationale for the sanction in writing, and this sanction decision may only be appealed by both parties based on the grounds of “the imposed sanction(s) were grossly disproportionate to the violation committed.” If there is no appeal by either party, the sanction imposed will be final.

**Scheduling the Hearing:**

The hearing will be scheduled with reasonable consideration of the schedules of the parties, advisors, and the University’s calendar. The parties will be given notice of the date of the hearing at least ten (10) business days prior to the hearing.

Either party may request to have an adjudication rescheduled. Absent extenuating circumstances, requests to reschedule must be submitted to the AVP for Student Services at least three (3) business days prior to the adjudication. A request to reschedule an adjudication must be supported by a compelling reason for the delay. A determination as to whether compelling reason(s) exist to justify reschedule a hearing will be made by the AVP for Student Services and will not be subject to appeal. The University may also reschedule the adjudication, without a request by the parties, when there is reasonable cause to do so. The parties will be notified promptly of any changes to the scheduled adjudication.
Failure to attend one’s own hearing does not preclude the case from being heard and a decision from being rendered.

**Parties’ Access to Information Prior to the Hearing:**

The parties will be given access to the investigative report and any supporting evidence ten (10) business days leading up to the hearing.

**Requesting the Presence of Witnesses at the Hearing:**

Witnesses may be present only at the request of the parties. Requests for witnesses must be made, in writing, to the AVP for Student Services at least five (5) calendar days prior to the date of the hearing. Witnesses are limited to those individuals who were formally interviewed by the investigator. Similarly, parties may not refer to evidence during the hearing that was not considered by the investigator during the investigation.

**Options for Alternative Presence:**

For reasons of privacy or safety, either party may request the presence of a partition or to attend the hearing via videoconference (or other means that do not entail physical presence). All such requests will be considered and decided at the discretion of the AVP for Student Services.

**Restriction on Direct Communication Between the Parties:**

Parties are entitled to ask questions of one another, of witnesses, and of the panel during the hearing, however they may not address each other directly. Parties may submit any questions to be asked at the hearing in advance of or during the hearing to the AVP for Student Services, who will then ask the questions. The AVP for Student Services will use reasonable discretion to determine appropriateness and relevance of each question posed and may rephrase or decline to ask any particular question.

**Recording of the Hearing:**

There shall be a single recording of all hearings under this Policy (not including deliberations). The recordings shall be property of the University and will be maintained in accordance with FERPA. In case of an appeal, an audio file of the transcript is available to either the Complainant or Respondent for review in a space approved by the AVP for Student Services and in the presence of a University administrator. The recordings will typically be destroyed at the conclusion of the adjudicative process, including any internal appeals.

**Hearing Procedures:**
• A hearing will be called to order by the Chair. The AVP for Student Services will then explain the adjudication process and make introductions of those present at the hearing.
• The Chair will read the charges and the responding party will provide a preliminary indication of whether they are responsible or not responsible for those charges.
• If appropriate, the investigator will provide a summary of the investigation. The adjudicative body members, the Complainant, and the Respondent, may ask questions of the investigator.
• The Complainant may present an opening statement. The adjudicative body members and the Respondent may pose questions to the Complainant.
• The Respondent may present an opening statement. The adjudicative body members and the Complainant may pose questions to the Respondent.
• The AVP for Student Services will identify and call relevant witnesses. The adjudicative body members and the parties may pose questions to the witnesses.
• The AVP for Student Services may call back any participant for additional questions or clarifications.
• The Complainant may present a closing statement.
• The Respondent may present a closing statement.
• At the conclusion of the hearing, all parties except the adjudicative body members and the AVP for Student Services shall be excused from the hearing room.

**Deliberation:**

The adjudicative body will determine a Respondent’s responsibility by a preponderance of the evidence. This means that the adjudicative body will decide whether it is “more likely than not,” based upon the information provided at the adjudication, that the Respondent is responsible for the alleged violation(s) of this Policy. A majority vote is required to establish a finding.

The AVP for Student Services will remain for deliberation but does not vote. The adjudicative body members will first try to reach a determination by consensus; but a simple majority vote as to responsibility will suffice.

The findings of the adjudicative body will be reduced to writing by the Chair of the adjudicative body. The findings will detail the findings of fact and determination of responsibility, making reference to the evidence that led to the finding and will serve as the record of the proceeding. The vote of individual adjudicative body members shall not be shared with any parties.

**Sanctions:**

The AVP for Student Services is responsible for determining appropriate sanctions for findings of responsibility under this Policy. In doing so, they may consult with the Title IX Coordinator. Factors considered in determining appropriate sanctions may include:

- The Respondent’s prior discipline history, if any;
- How the University has sanctioned similar incidents in the past;
• The nature and severity of the conduct at issue;
• The impact of the conduct on the Complainant, and their desired sanctions, if known;
• The impact of the conduct on the University community, its members, or its property;
• Whether the Respondent appears to understand the severity of their actions; and
• Any other mitigating or aggravating circumstances, including the University’s values.

Any Respondent who is determined to have engaged in any form of prohibited conduct may receive a sanction ranging from a warning to expulsion and appropriate educational requirement. The University may broaden or lessen any sanctions based on significant mitigating circumstances or egregiously offensive behavior. The University may issue a single sanction or a combination of sanctions. Sanctions may include, but are not limited to, the following:

• **Warning**: A written notification that a violation of the Student Code of Conduct occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are typically recorded for internal purposes only and are not considered part of a student’s permanent student conduct record. Though disclosed with a student’s signed consent, a student who receives a warning is still considered in good standing*.

• **Probation**: A written notification that indicates a serious and active response to a violation of the Student Code of Conduct. Probation is for a designated period of time and includes the probability of more severe sanctions, if found responsible for additional violations of the Student Code of Conduct, including suspension or expulsion from the University. Notification of probation is considered a change in good standing*¹ status.

• **Loss of privileges**: Denial of the use of certain University facilities or the right to participate in certain activities, events, programs, or to exercise certain privileges for a designated period of time.

• **Restitution**: A student may be required to make payment to an individual or to the University related to the misconduct for damage, destruction, defacement, theft, or unauthorized use of property.

• **Fines**: The University of the Arts reserves the right to impose fines, as appropriate, in addition to requiring payment for costs resulting from or associated with the offenses.

• **Relocation or removal from (University-operated) housing**: Relocation is the reassignment of a student from one living space to another. Removal from housing is the removal of a student from all University-operated housing. Relocation and removal from housing are typically accompanied by the loss of privileges regarding the visitation to specific residential areas for a specified period of time. The University may take such action for remedial, rather than disciplinary purposes.

• **Revocation of Affiliation**: Revocation of affiliation is the permanent removal of a student as a member of a specific organization and/or the permanent removal of an organization's recognized affiliation with the University.

---

* Good Standing - A student is not in good standing when the student has been found responsible for a student conduct policy violation and as a result is serving a sanction of probation, suspension, or expulsion. Students employed as a Resident Assistant or First Year Guide must be in and remain in good standing throughout their employment.
- **No Contact Directives**: No Contact Directives are directives to students that restrict the contact and/or communication between or among designated parties. No Contact Directives may be the result of a student conduct process or put in place temporarily. No Contact Directives are not legal protective orders as those are issued by a court of law.

- **Persona Non Grata**: Persona Non Grata prohibits an individual from a specific or all campus property. Violation of a persona non grata may subject the violator to arrest for trespass.

- **Educational/Assessment/Referrals**: The University reserves the right to impose counseling or substance assessments or other required educational sanctions.

- **Suspension**: The separation of a student from the University for a specified period of time, after which the student is eligible to return. Conditions for re-enrollment may be required and will be included in the notification of suspension. During the period of suspension, the student may not participate in University academic or extracurricular activities and may be barred from all property owned or operated by the University. Suspension from the University will result in automatic “W” grades in all classes for the semester in which suspension was sanctioned. Students who are suspended may not be on campus without specific, written permission of the Assistant Vice President for Student Services or designee. Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if found responsible for violations of the Student Code of Conduct. Notification of suspension will normally be sent to parents, as it results in a change in good standing status.

- **Expulsion**: Expulsion is the permanent separation of the student from the University. Expulsion from the University will result in automatic “W” grades in all classes for the semester in which expulsion was sanctioned. Students who are expelled may not be on campus without specific, written permission of the Assistant Vice President for Student Services or designee. Notification of expulsion will normally be sent to parents, as it results in a change in good standing status.

The following sanctions, among others, may be imposed upon student groups or organizations:

- **Deactivation**: Loss of privileges, including University recognition, for a specified period of time.

More than one of the above sanctions listed may be imposed for any single violation. Other than University expulsion, disciplinary sanctions shall not be made part of the student’s academic transcript but shall become part of the student’s permanent record. A student’s permanent record is, subject to review only by those authorized to request it, such as transfer higher-education institutions and future employers and in other cases when the student initiates the disclosure.

**Notice of Outcome and Sanction, if any:**

The AVP for Student Services will notify both the Respondent and the Complainant, in writing, of the outcome, rationale, and any sanctions, if applicable, within five (5) business days. The notice will include notification of appeal options. Typically, the imposition of sanctions will take effect immediately and will not be stayed pending the resolution of the appeal.
Appeal:

Either party may appeal the determination of responsibility or sanction(s). The Vice President for Enrollment Management and Student Affairs hears appeals of non-academic decisions, except in cases where the Vice President is the reporting party or a witness in the matter. (In such instances, appeals will go to the Vice President for Academic Affairs).

Appeals must be filed within ten (10) business days of receiving the written notice of outcome.

Dissatisfaction with the outcome of the hearing is not grounds for appeal.

The limited grounds for appeal of an outcome are as follows:

- New evidence that could affect the finding of responsibility and that was unavailable at the time of the investigation; and/or
- Procedural error(s) that had a material impact on the fairness of the adjudication.

The limited grounds for appeal of a sanction(s) are as follows:

- The imposed sanction(s) were inappropriate under University sanctioning guidelines.

If the respondent accepts responsibility, and no hearing is convened, the limited grounds for appeal are as follows:

- The imposed sanctions were inappropriate under University sanctioning guidelines.

The appeal shall consist of a concise and complete written statement outlining the grounds for the appeal. Upon receipt of an appeal, the Assistant Vice President for Student Services (or their designee) will notify both parties. Each party has an opportunity to respond in writing to the appeal. Any response to the appeal must be submitted to the appropriate appeal review party (see above) within two (2) business days of notice of the appeal.

The appeal consideration will be conducted in an impartial manner by the appeal review party. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter.

The appeal review party shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original hearing. The appeal review party can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal.

If the appeal is granted based on procedural error(s) that materially affected the outcome of the matter, the appeal review party will order that a new hearing be conducted by a new adjudicative body.
In the case of new and relevant information, the appeal review party can recommend that the case be returned to the original adjudicative body to assess the weight and effect of the new information and render a determination after considering the new facts.

Typically, the appeal review party will communicate the result of the appeal to the parties within ten (10) business days from the date of the submission of all appeal documents by both parties, but the time may be longer or shorter depending on the nature of the case. Appeal decisions are final.

XIX. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

All University community members are expected to provide truthful information in any report or proceeding under this Policy. Knowingly submitting or providing false or misleading information in bad faith or with a view to personal gain, to cause intentional harm to another, or to obstruct or delay the University’s process in connection with an alleged Policy violation is prohibited and subject to disciplinary sanctions. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not ultimately substantiated.

XX. STATEMENT OF ACADEMIC FREEDOM

The free expression and study of ideas are essential to the pursuit of a higher education. At times, it will be necessary to consider ideas that some community members may find unpleasant or offensive, for the simple reason that offensive ideas are part of our history and culture. All University community members must be empowered to discuss any topic or idea that is germane to the subject at hand, while at the same time acting as good citizens and participants in a shared endeavor with people of all political and social worldviews and with varied backgrounds. This calls for honest discussion, the asking of questions to clear up misconceptions, and a search for the universal growing from careful examination of the specific contexts of studied works. It calls for treating other community members as human beings with individual sets of experiences and opinions, treating them with dignity, but also extending to them the respect not only of their experiences and opinions, but also of their intellectual curiosity and resilience.

Additionally, this Policy adopts the Statement of Academic Freedom found in the University’s Faculty Handbook.