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# POL - 01.04.2 Sexual Harassment Policy

**Authority:** Board of Trustees

**Responsible**Chancellor

**Office:**

**Contact:** Title IX Coordinator,  
[919-530-7944](tel:919-530-7944),  
[TitleIX@nccu.edu](mailto:TitleIX@nccu.edu)

**History:** Effective Date: November 16, 2016; Last Revised  
August 13, 2020

**Related Links:**

- [Title IX of the Education Amendments of 1972](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)  
([http://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html))
- [Clery Disclosure of Campus Security and Campus Crime Statistics Act](https://www.clerycenter.org/the-clery-act)  
(<https://www.clerycenter.org/the-clery-act>)
- [Violence Against Women Act](https://www.whitehouse.gov/sites/default/files/docs/vawa_factsheet.pdf)  
([https://www.whitehouse.gov/sites/default/files/docs/vawa\\_factsheet.pdf](https://www.whitehouse.gov/sites/default/files/docs/vawa_factsheet.pdf))
- [NCCU POL 40.13.1 Student Code of Conduct](https://www.nccu.edu/policies/retrieve/19)  
(<https://www.nccu.edu/policies/retrieve/19>)
- [Title IX Policy Statement](https://www.nccu.edu/administration/title-ix/about-title-ix) (<https://www.nccu.edu/administration/title-ix/about-title-ix>)

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- [Title IX Reporting Form \(https://cm.maxient.com/reportingform.php?NCCentralUniv&layout\\_id=15\)](https://cm.maxient.com/reportingform.php?NCCentralUniv&layout_id=15)
- [Title IX and Sexual Harassment Legal FAQs \(https://www.nccu.edu/administration/title-ix/title-ix-and-sexual-misconduct\)](https://www.nccu.edu/administration/title-ix/title-ix-and-sexual-misconduct)
- [NCCU POL - 80.06.2 Employment Policies for EHRA Non-Faculty Employees \(https://www.nccu.edu/policies/retrieve/29\)](https://www.nccu.edu/policies/retrieve/29)
- [NCCU POL 80.06.3 University SHRA Employee Grievance Policy \(https://www.nccu.edu/policies/retrieve/30\)](https://www.nccu.edu/policies/retrieve/30)
- [NCCU REG 80.04.1 Resolution Procedures for Complaints of Discrimination, Harassment and Retaliation Regulation \(https://www.nccu.edu/policies/retrieve/128\)](https://www.nccu.edu/policies/retrieve/128)
- [NCCU Faculty Handbook \(https://myeol.nccu.edu/sites/default/files/2020-06/NCCU-Faculty-Handbook.pdf\)](https://myeol.nccu.edu/sites/default/files/2020-06/NCCU-Faculty-Handbook.pdf)
- Appendix A: Privileged and Confidential Resources
- Appendix B: Additional Resources for Sexual Harassment

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## 1. Purpose

North Carolina Central University (“NCCU” or “University”) is committed to providing an inclusive and welcoming environment for all members of the University Community. The University is committed to providing an institutional environment free from unwelcome and unwanted sexual actions. The University strongly condemns all forms of sex discrimination, including, sexual harassment, sexual assault, dating violence, domestic violence, and stalking offenses. This Sexual Harassment Policy was created in compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, *et seq.*). As such, this Policy describes prohibited conduct, establishes procedures for responding to reports of sexual harassment, and sets forth resources available to students and employees. The University is committed to academic and professional excellence, which is evidenced by its intent to enhance and protect the educational process. Sexual harassment, sexual assault, dating violence, domestic violence, and stalking can hinder excelling academically and professionally. Any form of interpersonal intimacy requires mutual engagement in an environment of affirmative consent. Sexual harassment, sexual assault, domestic violence, dating violence, and stalking against anyone by another individual, whether non-stranger or stranger, is unacceptable.

## 2. Scope and Jurisdiction

The Sexual Harassment Policy applies to all members of the NCCU community, including students, faculty, staff, administrators, volunteers, vendors, independent contractors, and any individuals regularly or temporarily

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employed, studying, living, visiting, conducting business or having any official capacity with the University. Individuals are covered by the Policy regardless of sexual orientation or gender identity or expression. Everyone is encouraged to report alleged sexual harassment, sexual assault, dating violence, domestic violence, and stalking in accordance with this Policy as soon as they are able in order to maximize the University's ability to provide support and conduct a thorough, impartial and prompt investigation. Sexual harassment and other offenses set forth in this Policy may be reported whether the alleged offense happened on NCCU's property or at University-sanctioned events or programs that take place off campus, including domestic study abroad and internship programs. Additionally, off-campus conduct that is likely to have a substantial adverse effect on, or poses a threat of danger to, NCCU or any member of the University Community, is covered under this Policy.

### 3. **Definitions**

#### 3.1 Terms Used in the NCCU Sexual Harassment Policy

3.1.1 *Actual Knowledge* means notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator. Any person, whether such person is the Complainant, the Respondent, or a parent, friend, or bystander, has the right to report allegations of sexual harassment in order to provide the University with actual knowledge.

3.1.2 *Coercion* involves unreasonable and unwanted pressure to engage in sexual activity. Engaging in sexual activity should be the result of a freely given choice. An individual should engage in sexual activity because

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he/she/they want to, and not as the result of being pressured by someone else. Threatening, cajoling, badgering, or pressuring someone is not consent but examples of coercion.

3.1.3 Complainant is the term used for the individual who is alleged to be the victim of conduct that could constitute sexual harassment, regardless of gender.

3.1.4 Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely, willingly, and actively by all parties. Consent is informed, knowing, and voluntary. Consent is active, not passive. Silence or an absence of resistance cannot be interpreted as consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity. Consent to sexual activity may be withdrawn at any time. If consent is withdrawn, all sexual activity must immediately cease.

3.1.4.1 In the absence of mutually understandable words or actions (an agreement on what is to be done, where, with whom, and in what way), it is the responsibility of the initiator (the person who wants to engage in the specific sexual activity) to make sure that he/she/they has consent from the potential partner(s). Coercion, force, or threat of either invalidates consent.

3.1.4.2 Conduct will be considered “without consent” if no clear consent, verbal or nonverbal, is given. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during

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the sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. In the State of North Carolina, an individual cannot legally give consent if he/she/they are incapacitated due to alcohol or legal or illegal drugs, or under the age of 16.

3.1.4.3 Someone is not giving consent if she/he/they are: saying “no” or “stop”, crying, moving away, pushing the other(s) away, completely still/unengaged, intoxicated, drugged/high, asleep, unconscious, physically or psychologically pressured or forced, intimidated, coerced, manipulated, mentally or physically impaired, beaten, threatened, confined, or under the age of 16.

3.1.4.4 Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one’s responsibility to obtain consent. Silence, previous sexual relationships, and/or a current relationship with the initiator (or anyone else) may not be taken to imply consent.

3.1.5 Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. It is based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

3.1.6 Domestic Violence is an offense committed by a current or former spouse or intimate partner of the Complainant; or by a person who has a child in common with the Complainant; or by a person who is cohabitating

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with OR has cohabitated with the Complainant as a spouse or intimate partner, or is “similarly situated to a spouse” of the Complainant; or violence against an adult or youth who would otherwise be protected by domestic or family violence laws in that jurisdiction.

3.1.7 *Fondling* is the touching of the private body parts of another for the purpose of sexual gratification, without the consent of the victim, including any instance where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental incapacity.

3.1.8 *Formal Complaint* is an official document signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University initiate the formal grievance procedures set forth in this Policy.

3.1.9 *Hearing Officer* is the individual(s) designated by the University to preside over the live grievance hearing and render a decision regarding the responsibility of the Respondent, as set forth herein. For the avoidance of doubt or confusion, the Hearing Officer is a separate decision-maker, who is not the Title IX Coordinator, the Title IX Investigator or the individual making any appeal decisions.

3.1.10 *Hostile environment sexual harassment* occurs when a reasonable person would determine that the unwelcome conduct of a sexual nature is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity. A hostile environment can be created





by anyone, including a school employee, another student, or even someone visiting the school, such as a student or employee from another school.

3.1.11 *Incapacitation* is defined as being in a state in which a person sufficiently lacks the mental awareness that the situation is of a sexual nature, or cannot appreciate (rationally and reasonably) the nature and/or extent of a situation that may involve sex. Respondents of sexual assault often use alcohol or drugs as a tool to rape. Under NC law, no one can give consent if he/she/they are under the influence of drugs or alcohol. Further, being intoxicated or high is never an excuse to perpetrate sexual assault. The University encourages all bystanders to report to the police any act that could potentially lead to sexual assault.

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

3.1.13 *Intimidation* is the use of threats or promise of a threat to compel and/or deter someone from taking a particular action.

3.1.14 *Mandatory Reporters* include all NCCU faculty and staff members, with the exclusion of confidential resources. As Mandatory Reporters, all faculty and staff must report instances of sexual harassment, sexual assault, dating violence, domestic violence, and stalking to the University's Title IX Coordinator immediately upon learning of such allegations.

3.1.15 *Non-Consensual Sexual Contact* entails the touching of any sexual body parts (such as breasts, buttocks, groin, genitals, mouth, and/or clothing covering

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them); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts.

3.1.16 *Non-Consensual Sexual Intercourse* involves the unwilling or non-consensual penetration of any bodily opening with any objects or body part. This includes, but is not limited to, penetration of a bodily opening without consent through the use of coercion.

3.1.17 *Quid pro quo sexual harassment* occurs when a school employee causes a student to believe that he/she/they must submit to unwelcome sexual conduct in order to participate in a school program or activity. It can also occur when an employee causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct. For example, when a teacher threatens to fail a student unless the student agrees to date the teacher, it is *quid pro quo sexual harassment*.

3.1.18 *Rape* is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

3.1.19 *Retaliation* is intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's informal or formal complaint or participation in a school or U.S. Department of Education Office for Civil Rights investigation or proceeding related to sexual harassment for Title IX purposes. Title IX makes it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by the Title IX law.

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3.1.20 *Respondent* is the term used for the individual who has committed the alleged sexual harassment. Until the conclusion of the investigation, the sexual harassment is alleged.

3.1.21 *Sex or Gender-Based Discrimination and Harassment* is any intentional or unintentional unlawful distinction, preference, or detriment to an individual, as compared to others, that is based on the individual's sex or gender identity or expression, or sexual orientation that results in an individual being excluded from participation, denied the benefits of, or subjected to discrimination or harassment under any academic, extracurricular, research, or other education program or activity.

3.1.22 *Sexual Assault* is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program (<https://ucr.fbi.gov/>). Sexual assault also includes engaging in, or attempting to engage in oral, vaginal, or anal penetration through any means (such as a penis, tongue, finger, foreign object, etc.) without the consent of the other person.

3.1.23 *Sexual Harassment* occurs when either (i) an employee of the institution conditions the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct (called quid pro harassment); (ii) an individual engages in any type of unwelcome conduct on the basis of sex that is so severe, pervasive and objectively offensive that it effectively denies a person equal access to an education program or activity; or (iii) an individual's behavior constitutes sexual assault, as defined in the Clery Act (includes rape, fondling, incest

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and statutory rape), dating violence, domestic violence, and stalking (as defined by the Violence Against Women Act).

3.1.24 *Stalking* is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the his/her/their safety or the safety of others, or suffer substantial emotional distress.

3.1.25 *Statutory rape* is sexual intercourse with a person who is under the statutory age of consent. In North Carolina, the statutory age of consent is 16.

3.1.26 *Supportive Measures* are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge, to the Complainant or Respondent before or after the filing of a Formal Complaint, or when no Formal Complaint has been filed. The measures are not designed to punish or discipline either the Complainant or the Respondent and cannot unreasonably burden any one person. Supportive measures may include, but are not limited to, counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the Complainant and the Respondent; changes in work or housing locations; leaves of absence; increased security and monitoring of certain areas of campus; and other similar measures. The purpose of the supportive measures is to restore and preserve equal access to education, protect the safety and welfare of members of the University Community or deter sexual harassment.



3.1.27 *University Community*, for purposes of this Policy, refers to any individual who is a member of the student body, an employee, an independent contractor, or a volunteer at NCCU.

#### 4. **Prohibited Conduct**

NCCU prohibits sexual harassment as described in this Policy and other unwelcome behaviors of a sexual nature of any kind. Sexual harassment includes Sexual or gender-based discrimination and harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Sexual or gender-based harassment may include unwelcome sexual advances, requests for sexual favors and other verbal, physical, or electronic conduct of a sexual nature that creates a hostile, intimidating, or abusive environment. Sexual assault is a form of sexual or gender based harassment that involve having or attempting to have sexual contact with another individual without consent.

#### 5. **Title IX Coordinator**

The NCCU employee designated to coordinate the University's compliance with Title IX is the Title IX Coordinator in the Office of Legal Affairs. Inquiries or concerns about Title IX may be referred to:

Ciarra Joyner

Title IX Coordinator

North Carolina Central University

1801 Fayetteville Street

Durham, NC 27707

(919) 530-7944

[TitleIX@nccu.edu](mailto:TitleIX@nccu.edu) (<mailto:TitleIX@nccu.edu>)

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The role of the Title IX Coordinator is to ensure compliance with federal and state regulations on Title IX. The Title IX Coordinator oversees the University's compliance with Title IX. The duties and responsibilities of the Title IX Coordinator include, but are not limited to, serving as the chief investigator of Title IX allegations in all investigations in which the Title IX Coordinator is not the Complainant; coordinating investigation of Title IX violations and allegations by other duly trained investigators; coordinating the effective implementation of all Supportive Measures; preparing an investigation report summarizing the information obtained during the investigation and providing the report to the Hearing Officer; assisting in the development of relevant policy, regulations and rules; working to prevent and remediate sexual harassment; serving as the contact for government inquiries; ensuring that current and prospective members of the University Community, including prospective students and their parents or guardians, investigators, Hearing Officers, and informal resolution mediators, receive all necessary information related to this Policy; and providing, managing and/or coordinating all relevant training. Students with a concern about sexual harassment may contact the Title IX Coordinator to discuss options for handling the situation, including filing a complaint. Mandatory Reporters must promptly contact the Title IX Coordinator when notified of a concern that may implicate a violation of this Policy.

## 6. **Reporting Options and Confidentiality**

NCCU encourages reports of sexual harassment so the reporting party can receive the support they need, and so the University can respond appropriately. NCCU will uphold confidentiality as required by FERPA and other

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laws, policies and regulations. However, this does not preclude the Complainant or the Respondent from discussing the allegations, policies or procedures covered by or set forth in this Policy.

## 6.1 **Privileged Communications vs. Non-Privileged Communications**

6.1.1 The University encourages Complainants to talk to the Title IX Coordinator about what happened so the University can provide Supportive Measures and respond appropriately. Complainants may also talk to a University employee, as all University employees, except those who are permitted to have “privileged communications”, are considered to be Mandatory Reporters. Once a Mandatory Reporter is made aware of any potential allegations of sexual harassment, the Mandatory Reporter must report the information to the Title IX Coordinator and the Title IX Coordinator has an obligation to conduct a preliminary investigation into the allegations and take action in accordance with this Policy. Failure of a Mandatory Reporter to report sexual harassment allegations to the Title IX Coordinator may result in an adverse action related to the individual’s employment with the University. However, it is imperative to note that the University does not have Actual Knowledge of allegations of sexual harassment until the Title IX Coordinator is informed.

6.1.2 The only exception to the requirement that an employee report such information to the Title IX Coordinator arises when the employee is required to maintain near complete confidentiality. In these instances, when a Complainant talks to these individuals, the communication is called a “privileged communication”.

Complete confidentiality can only be guaranteed when a

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concern is shared with an employee during a “privileged communication”. This person is considered a confidential resource. In most cases, information reported to a confidential resource will remain confidential and will not be shared with anyone. However, in certain limited circumstances, a confidential resource must report the information shared with him/her/them by a Complainant. For example, a confidential resource may need to share otherwise confidential information where an imminent danger to the student or another individual exists in the opinion of the professional staff or administrator. In addition, all University employees are required by North Carolina law to report abuse or neglect upon a child or any disabled person.

6.1.3 Privileged communication will exist in any conversations a client may have with his or her: (i) attorney; (ii) doctor; (iii) mental health counselor; or (iv) pastoral counselor, as long as the individuals are acting in their professional capacities during the conversation. This privilege protects both the Complainant and the Respondent, and protects against the use of such privileged information during any investigation or hearing conducted pursuant to this Policy. More specifically, no party, including the University, may ask, or permit questions to be asked, about privileged communications. However, at any time, an individual can voluntarily elect to waive his/her/their own privilege and introduce evidence or information from a privileged communication to support his/her/their allegations or arguments related to sexual harassment.

## 6.2 Obligations of the University Upon Receipt of a Complaint

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Once the Title IX Coordinator has Actual Knowledge of an allegation of sexual harassment, the University will immediately initiate the process and procedures set forth in Section 7 of this Policy. Any person seeking information or guidance concerning potential sexual harassment will be advised that the University may be required to take action once informed of an allegation whether or not the person wants to pursue a complaint. A Complainant who has a privileged communication with a confidential resource must understand that if the Complainant wants to maintain confidentiality, the University may be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged Respondent. However, in any such instance, the University will assist the Complainant with receiving Supportive Measures. It is also important to note that, at any time, a Complainant may report the incident to local law enforcement, and thus have the incident fully investigated. Assistance and support will be provided to the Complainant should he/she/they decide to pursue this course of action. If the Complainant chooses to file criminal charges, the University has an established relationship with University Police and local law enforcement in which the University and University Police collaborate to support the best interests of the Complainant. To avoid repetitive interviews and duplication, some information collected in the University's investigation may be shared with University Police.

### **6.3 U.S. Department of Education Formal Grievance Filing**

Individuals experiencing sexual harassment also have the right to file a formal grievance with the U.S. Department of Education's Office for Civil Rights:

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The U.S. Department of Education  
Office for Civil Rights  
District of Columbia Office  
400 Maryland Avenue, SW  
Washington, DC 20202  
Telephone: (202) 453-6100  
Facsimile: (202) 453-6021  
Email: ocr@ed.gov

Website: <https://www2.ed.gov/about/offices/list/ocr/index.html>  
(<https://www2.ed.gov/about/offices/list/ocr/index.html>)

## **7. Formal Grievance Procedures and Protocols (Notice, Intake, Complaints, Investigations, Hearings and Appeals)**

### **7.1 Notice and Reporting**

Once the Title IX Coordinator has Actual Knowledge of an allegation of sexual harassment, the University will immediately initiate the procedures set forth below. The Title IX Coordinator will have Actual Knowledge of an allegation of sexual harassment if information is reported to him/her/them in a variety of ways. Complainants or Respondents may self-report incidents of sexual harassment directly to the Title IX Coordinator. Additionally, Complainants or Respondents may also self-report incidents of sexual harassment to a Mandatory Reporter; once a Mandatory Reporter is made aware of allegations of sexual harassment, the Mandatory Reporter will be required to immediately report such information to the Title IX Coordinator. Once the Title IX Coordinator has been informed of such allegations, he or she has Actual Knowledge. Third party complaints of sexual harassment may also be reported to the Title IX Coordinator or any Mandatory Reporter from a variety of sources, including

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students, faculty and staff. Additionally, the Title IX Coordinator may receive anonymous reports of allegations of sexual harassment.

The University encourages a Complainant to include his/her/their name on a Title IX claim to aid and assist the University in providing appropriate Supportive Measures to the Complainant and to assist the University in carrying out the formal grievance procedures set forth in this Policy. However, an anonymous report may be submitted to the Title IX Coordinator via telephone, email, or the public incident report form found on the University's website. Anonymous reports will be addressed in the same manner as those reported directly to the Title IX Coordinator or a Mandatory Reporter.

Individuals can make a report to the Title IX Coordinator through the University's website, in person, by telephone, by mail, and by email. Reports can also be made to Mandatory Reporters through the same modes of communication.

## 7.2 Intake

Immediately upon receiving Actual Knowledge of allegations of sexual harassment, the Title IX Coordinator will contact the Complainant to confidentially discuss a variety of options, including, but not limited to, the availability of Supportive Measures; the Complainant's right to file a formal complaint; the formal grievance process established by this Policy; the informal resolution process; and the Complainant's right to refrain from filing a formal complaint. The Title IX Coordinator or his/her/their designee will promptly contact the Complainant upon receiving Actual Knowledge of allegations of sexual harassment to initiate this discussion.

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### 7.3 Supportive Measures

When a report of alleged sexual harassment is received, the University may provide both the Complainant and the Respondent with Supportive Measures. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge, to either party. They can be provided both before or after a formal complaint is filed. They can also be provided in instances where a formal complaint is not filed. The purpose of Supportive Measures is to ensure a safe and stable environment pending the final outcome of the formal grievance process. These measures will allow the parties involved to have equal access to educational programs and activities and are designed to deter sexual harassment. The Title IX Coordinator, in conjunction with campus stakeholders, which may include the University's Sexual Assault Response Team (SART) and The Women's Center, will consider the wishes and requests of the Complainant, make an immediate assessment of any risk of harm to the parties, any other individuals, or to the broader campus community and will take the necessary steps to provide the appropriate Supportive Measures. Supportive Measures may include, but are not limited to, counseling; a change in work schedules; a change in or to work assignments; a change in work locations; a change in or to housing or dining facilities; altering academic schedules; withdrawing from/retaking a class without penalty; access to academic support, such as tutoring; issuing mutual no contact orders; giving special consideration for absences related to the incident(s) (e.g. medical appointments, mental health appointments, police interviews, legal proceedings, campus judicial proceedings, grievance and



appeals procedures for employees); campus escort services; and a change in living arrangements or course schedule. Supportive Measures may be adjusted at any time based on an assessment of the evolving needs of the parties. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

#### 7.4 **Emergency Removal**

In certain, limited circumstances, the University may remove a Respondent from the University's educational programs or activities prior to the conclusion of the formal grievance process, on an emergency basis, in order to protect the health, safety and welfare of the Complainant or the University Community. In these circumstances, the Title IX Coordinator, in conjunction with campus stakeholders, which may include the University's Threat Assessment Team, the University Police Department, and the Office of Legal Affairs, will conduct an individualized safety and risk analysis, make an assessment of any immediate threat or risk of harm and will take the necessary steps to remove the Respondent if the assessment determines that such a risk is posed. In the event that the University determines that it should pursue emergency removal, the Respondent will be immediately notified of the University's decision and will be given an opportunity to challenge the emergency removal.

#### 7.5 **Formal Complaint Procedures**

7.5.1 After the Title IX Coordinator has contacted the Complainant to discuss Supportive Measures and potential options for the University to address the allegations, if the Complainant chooses to pursue the

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formal grievance process set forth in this Policy to address the alleged sexual harassment, the Complainant must file a Formal Complaint. Formal complaints must be filed with the Title IX Coordinator. Formal Complaints must also be submitted in a written document signed (either electronically/digitally or physically) by the Complainant, and include as much of the following information as possible:

7.5.1.1 Date of incident;

7.5.1.2 Location of incident;

7.5.1.3 A description of the incident in as much detail as possible;

7.5.1.4 Name, position/title, and contact information (address, email address, and phone number) of the Complainant;

7.5.1.5 Time of incident;

7.5.1.6 Name(s) and identifying information (gender, email address, date of birth, phone number, residence hall/address) of person(s) responsible for the alleged violations or other witnesses and involved parties;

7.5.1.7 Any background information that the Complainant believes to be relevant, including possible witnesses, photos, videos, emails, text messages, or other supporting documents; and

7.5.1.8 A clear statement that the Complainant wants the University to conduct an investigation and initiate the formal grievance procedures set forth in this Policy.



7.5.2 The Complainant may use the Title IX complaint form, which can be found on the University's website, to provide the requested information. The Complainant may also submit a Formal Complaint to the Title IX Coordinator by mail or email.

7.5.3 Complainants are encouraged to file a Formal Complaint as soon as possible; however, a Formal Complaint may be filed at any time, regardless of the length of time between the alleged misconduct and the decision to file a Formal Complaint. Complainants should be aware that the more time between the alleged misconduct and the filing of a Formal Complaint may result in the loss of relevant evidence and testimony and may impair the University's ability to effectively conduct the formal grievance process.

7.5.4 Upon receipt of a Formal Complaint, the Title IX Coordinator will review the complaint to determine whether the University can initiate the formal grievance process established by this Policy. Upon review, the Title IX Coordinator may arrive at one of the following conclusions: (i) the University will investigate and adjudicate the allegations pursuant to this Policy; (ii) the University will investigate and adjudicate the allegations pursuant to a different University rule, regulation and/or policy; (iii) the Formal Complaint must be dismissed because the alleged conduct does not constitute sexual harassment and cannot be investigated or adjudicated pursuant to any University rule, regulation and/or policy; or (iv) the University, in its discretion, has elected to dismiss the Formal Complaint.



7.5.4.1 Mandatory Dismissal of a Formal Complaint: In accordance with the Federal Title IX legislation, the Title IX Coordinator must dismiss a Formal Complaint for the following reasons: (i) the alleged conduct does not constitute sexual harassment because it fails to meet the definition of sexual harassment; (ii) the alleged conduct did not occur within the University's education program or activity; or (iii) the alleged conduct did not occur in the United States. In the event that the University must dismiss the Formal Complaint, and cannot investigate the allegations pursuant to a different University rule, regulation or policy, the Title IX Coordinator will promptly send written notice of the dismissal, and the reason(s) for such dismissal, to both the Complainant and Respondent. In the event that the University must dismiss the formal complaint, but elects to investigate and adjudicate the allegations pursuant to a different University rule, regulation and/or policy, the University will promptly send written notice of such decision, and the reason(s) for such decision, to both the Complainant and Respondent. In both instances, the University will also provide the Complainant and the Respondent with an opportunity to appeal the University's decision. The bases for appeal are set forth in Section 7.9 below. In all such cases, the University will provide Supportive Measures and resources to the parties, and target resources at preventing the recurrence of the alleged prohibited conduct.

7.5.4.2 Discretionary Dismissal of a Formal Complaint: At any time during the formal grievance process, the University may, in its discretion, elect to dismiss a Formal Complaint for the following reasons: (i) the Complainant informs the Title IX Coordinator, in writing, that he/she/they wishes to withdraw the Formal Complaint.





(ii) the Respondent is no longer enrolled in or employed by the University; or (iii) circumstances prevent the University from gathering sufficient evidence to reach a determination regarding the Formal Complaint or the allegations of sexual harassment. In the event that the University elects to dismiss a Formal Complaint, and refrain from investigating the allegations pursuant to a different University rule, regulation or policy, the Title IX Coordinator will promptly send written notice of the dismissal, and the reason(s) for such dismissal, to both the Complainant and Respondent and provide both parties with an opportunity to appeal the University's decision. The bases for appeal are set forth in Section 7.9 below. In all such cases, the University will provide Supportive Measures and resources to the parties, and target resources at preventing the recurrence of the alleged prohibited conduct.

7.5.4.3 If the Title IX Coordinator determines that the formal grievance process can proceed, the Title IX Coordinator will establish a preliminary timeline for the formal grievance process and will communicate this timeline to both parties. The timeline will be determined based on an estimation of the time necessary to conduct a fair, impartial investigation and live hearing in a timely matter in order to provide all parties with resolution.

#### 7.5.5 Title IX Coordinator as the Complainant

In certain, limited instances, the Title IX Coordinator may be required to investigate and take reasonable action in response to the information provided by the Complainant. In these instances, the Title IX Coordinator will inform the Complainant that the University may need to proceed with investigating the allegations and will weigh the question!



Complainant's request(s) against the following factors: the seriousness of the alleged sexual harassment and whether there have been other complaints of sexual harassment against the same Respondent. This may also occur when the Title IX Coordinator receives an anonymous report of allegations of sexual harassment. If the Title IX Coordinator determines that an investigation is necessary in order to protect the health, safety and welfare of the University Community, the Title IX Coordinator will file a Formal Complaint. In all instances where the Title IX Coordinator files the Formal Complaint, the Title IX Coordinator will not be permitted to investigate the allegations of sexual harassment and a separate investigator will be selected to perform the investigation duties and responsibilities of the Title IX Coordinator. However, in these matters, the Title IX Coordinator is not considered to be the Complainant or a witness to the matter; instead, he/she/they are always considered to be impartial towards all involved parties.

7.5.6 Notification of Respondent(s): Upon receipt of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the pending formal grievance process. The Title IX Coordinator's notice shall include the following information, to the extent that such information has been provided:

7.5.6.1 Date of the alleged incident;

7.5.6.2 Location of the alleged incident;

7.5.6.3 A description of the allegations and the facts that constitute sexual harassment;

7.5.6.4 Time of the alleged incident;

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7.5.6.5 A clear statement that the Respondent is presumed not responsible for the alleged conduct and that he/she/they can only be found responsible after the formal grievance process has concluded;

7.5.6.6 A clear statement that, throughout the entire formal grievance process, the Respondent is entitled to have one (1) attorney and one (1) non-attorney advisor/support person of his/her/their choice (for a total of two (2) persons), who can be present during any meeting, hearing or other proceeding related to the matter; and

7.5.6.7 A clear statement that, at any time, the Respondent can request to inspect and review information relevant to his/her/their grievance and the allegations contained therein.

The University will also provide the Respondent with a copy of this Policy.

The Respondent, upon receiving notification of the complaint, will have ten (10) business days to contact the Title IX Coordinator to provide a response or discuss next steps.

## 7.6 **Voluntary Informal Resolution**

7.6.1 After a Formal Complaint has been filed by the Complainant, and the Respondent has been notified of the filing of such a Formal Complaint, the parties may elect to engage in Voluntary Informal Resolution of the matter. Voluntary Informal Resolution, when selected and agreed to, in writing, by both parties and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent its recurrence,

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and remedy its effects in a manner that meets the safety and welfare of the University Community. Voluntary Informal Resolution does not involve an investigation and is not appropriate for all forms of conduct alleged under this Policy. For example, voluntary resolution is not available in Formal Complaints alleging that a University employee engaged in sexual harassment against a student.

7.6.2 The University retains the discretion to determine which cases are appropriate for voluntary resolution. If the Title IX Coordinator concludes that voluntary resolution is appropriate, and both the Complainant and Respondent request voluntary resolution, the Title IX Coordinator will designate one or more duly-trained persons to facilitate the informal resolution process.

7.6.3 Voluntary resolution may include: conducting mediation or arbitration proceedings with the Complainant and Respondent; conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; facilitating a meeting with the Respondent, with the Complainant present; and any other remedy that can be tailored to the involved individuals to achieve the goals of this Policy. In some forms of voluntary resolution, the remedies imposed will focus on supporting the Complainant. In other forms of voluntary resolution, the remedies imposed may constitute disciplinary action designed to punish the Respondent for his/her/their conduct and behavior.



7.6.4 Voluntary resolution may also include restorative principles that are designed to allow a Respondent to accept responsibility for misconduct and acknowledge harm to the Complainant or to the University Community.

7.6.5 The University will not compel either party to engage in Voluntary Informal Resolution. As the title implies, participation in voluntary resolution is a choice, and either party may elect to terminate the Voluntary Informal Resolution process and pursue an investigation and adjudication of this matter at any time prior to reaching an agreement during the informal resolution process. If voluntary resolution is unsuccessful, or the parties elect to end voluntary resolution, the University will immediately resume the formal grievance process set forth in this Policy.

7.6.6 If the parties agree to engage in Voluntary Informal Resolution, the time frame for completion may vary, but the University will seek to complete the process within thirty (30) calendar days of the start date of the Voluntary Informal Resolution process.

7.6.7 The Title IX Coordinator will maintain records of all reports and conduct addressed through voluntary resolution. Information disclosed during the voluntary resolution process may be considered during a subsequent investigation or adjudication under this Policy, in the event that the formal grievance process occurs.

## 7.7 **Investigation**

7.7.1 The University, through the Title IX Coordinator or another duly-trained Title IX Investigator selected by the University, will conduct a prompt, equitable and impartial investigation of each Formal Complaint. The investigation

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will consist of conducting interviews with all parties and witnesses, compiling statements, verifying statements, fact-gathering/obtaining documentation and evidence, if such exists, conducting research, and drafting a final investigation report. The final investigation report must fairly summarize the information the Title IX Coordinator or Investigator received during his/her/their fact-finding investigation.

## 7.7.2 Initial Meetings with Parties

7.7.2.1 After the Title IX Coordinator has conducted his/her/their initial intake meeting with the Complainant, and the Complainant has filed a Formal Complaint, the Title IX Coordinator or assigned Title IX Investigator will notify the Complainant in writing to initiate the formal grievance process. The Title IX Coordinator will provide this notification to the Complainant within ten (10) business days of receiving a Formal Complaint and schedule an initial meeting with the Complainant, if the initial intake meeting has not already occurred. The written notification to the Complainant shall contain the following: (i) a clear statement that the Respondent is presumed not responsible for the alleged conduct and that he/she/they can only be found responsible after the formal grievance process has concluded; (ii) a clear statement that, throughout the entire formal grievance process, the Complainant is entitled to have one (1) attorney and one (1) non-attorney advisor/support person of his/her/their choice (for a total of two (2) persons), who can be present during any meeting, hearing or other proceeding related to the matter; and (iii) a clear statement that, at any time, the Complainant can request



to inspect and review information relevant to his/her/their grievance and the allegations contained therein. The Complainant will also receive a copy of this Policy.

During the initial intake meeting, the Complainant will be given an overview of the investigative process, an explanation of his/her/their rights and options, and information on support resources, including Supportive Measures (if needed and requested). The Complainant has the right to bring one (1) attorney and one (1) non-attorney advisor/support person of his/her/their choice (for a total of two (2) persons) to the initial intake meeting, and to have one or both of these individuals present throughout the course of the investigation, including during the hearing and appeal process, as set forth herein. For each person, the Complainant must submit the Notice of Representation form and the FERPA Authorization and Certification form to the Title IX Coordinator no later than four (4) business days before a scheduled meeting or hearing. The Notice of Representation must include the identity of the attorney, advisor or support person and specification of that person's status, address, telephone number, and email address where he/she/they may be contacted and reached. A University employee who may accompany a Complainant to a scheduled meeting or hearing is reminded of the University policies regarding leave for SHRA and EHRA Non-Faculty employees. University policy and procedure related to privacy will be discussed to ensure the Complainant understands the University's obligations and limitations regarding protection of his/her/their identity.

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7.7.2.2 During the initial meeting with the Respondent, the Respondent will be given an overview of the investigative process, an explanation of his/her/their rights and options, and information regarding support resources, including Supportive Measures (if needed and requested). The Respondent has the right to bring one (1) attorney and one (1) non-attorney advisor/support person of his/her/their choice (for a total of two (2) persons) to the initial meeting, and to have one (1) or both of these individuals present throughout the course of the investigation, including during the hearing and appeal process, as set forth herein. For each person, the Respondent must submit the Notice of Representation form and the FERPA Authorization and Certification form to the Title IX Coordinator no later than four (4) business days before a scheduled meeting or hearing. The Notice of Representation must include the identity of the attorney, advisor or support person and specification of the person's status, address, telephone number, and email address where he/she/they may be contacted and reached. A University employee who may accompany a Respondent to a scheduled meeting or hearing is reminded of the University policies regarding leave for SHRA and EHRA Non-Faculty employees. University policy and procedure related to privacy will be discussed to ensure the Respondent understands the University's obligations and limitations regarding protection of his/her/their identity.

The Respondent may also provide a written summary statement regarding the allegations that resulted in the complaint prior to or during the initial meeting. However, in the event that the Respondent does not provide such a

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summary statement, a summary statement will be generated by the Title IX Coordinator or Title IX Investigator at the conclusion of the initial meeting.

### 7.7.3 Witness Contact

All additional witnesses or affiliated individuals will be contacted for a statement prior to the conclusion of the investigation. The Title IX Coordinator or Title IX Investigator reserves the right to interview all witnesses necessary to conduct a thorough investigation.

### 7.7.4 Status Updates/Investigation Report

7.7.4.1 Both the Complainant and Respondent will be given periodic status updates, as available, throughout the investigation. Each case is unique, and the process for handling the incident will be impacted by factors such as the complexity of the investigation, the scope of the allegation, the parties' schedules and availability, the academic calendar and any concurrent criminal investigation. Although the University will make best efforts to complete the process in a timely manner, in the event that the investigation and resolution exceed the timeframe initially established by the Title IX Coordinator, the Title IX Coordinator will notify all parties of the need for additional time, the reason that extended time is required, and an estimated timeframe for completion of the process. In no case will these timeframes or any extensions of time delay University-provided support services, resources or other measures for either party.

7.7.4.2 Prior to completion of the investigation report, the Title IX Coordinator or Title IX Investigator will send a final notice to both parties informing them of the information that has been collected during the course of the

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investigation and will provide both parties an opportunity to respond to the evidence or supplement any information, as necessary. The parties will have ten (10) business days to submit such a response. If either party submits a response, the Title IX Coordinator or Title IX Investigator will consider the information contained in the response prior to finalizing the investigation report. Upon completion of the investigation, the Title IX Coordinator or Title IX Investigator will share the results of his/her/their investigation findings with the Complainant, Respondent and Hearing Officer. The Title IX Coordinator or Title IX Investigator will send an investigation report to the Complainant, the Respondent and the Hearing Officer, simultaneously, within ten (10) business days of completion of the Title IX investigation. The Complainant and Respondent will have ten (10) business days to review the investigation report and prepare for the live hearing.

## 7.8 **Live Grievance Hearing**

7.8.1 Upon receipt of the investigation report, the Hearing Officer will contact both the Complainant and the Respondent to schedule a live grievance hearing. Unless extenuating circumstances are presented, the live grievance hearing will take place no less than five (5) but no more than fifteen (15) business days after the Hearing Officer receives the investigation report from the Title IX Investigator or Title IX Coordinator. The Hearing Officer will be a separate decision-maker whose sole role will be to preside over the live grievance hearing. Therefore, neither the Title IX Coordinator nor the Title IX Investigator will serve as the Hearing Officer.



7.8.2 Once a hearing date has been established, the parties will receive written notice about the grievance proceeding, in accordance with Section 8.1 of the Policy, and the parties will have no less than three (3) calendar days to prepare for the hearing. The parties will also be informed that either party may request that the entire hearing take place with the parties located in separate rooms. In the event such a request is made, the University will make accommodations to ensure that, during the hearing, each party is located in a separate room with an ability to see and hear the other party through technological means.

7.8.3 During the live grievance hearing, one advisor for each party (either the party's attorney or his/her/their non-attorney advisor/support person) will cross-examine the other party and all witnesses. At no time will the Complainant or Respondent be permitted to cross-examine the other party or any witnesses. For the avoidance of doubt or confusion, during cross-examination the advisors will be allowed to ask questions that might challenge the other party's allegations, statements, behaviors, reports, or denials. However, prior to the live hearing, the Hearing Officer, the Title IX Coordinator or another University-designated individual(s) will meet with each party's attorney and/or non-attorney advisor/support person to discuss hearing decorum and expectations, including, but not limited to, the cross-examination process, the types of questions that may be asked, the relevance of potential questions, and the scope of potential questions that may be asked of the parties during cross-examination.



7.8.4 In the event that a party does not have an attorney or a non-attorney advisor/support person of his/her/their choice, the University will provide that party with an advisor, free of charge, solely for the purpose of conducting cross-examination on that party's behalf during the live hearing. In the event that the University provides a party with an advisor, the University will select such an advisor in its sole and absolute discretion, and the advisor does not have to be an attorney.

7.8.5 The purpose of the live grievance hearing is to provide each party with an opportunity to present a detailed version of the events, answer questions about his/her/their version of the events, and then allow the neutral, unbiased decision-maker (Hearing Officer) to reach a determination regarding responsibility.

7.8.6 It is important to note that neither the Complainant nor the Respondent nor any witness is required to participate in the live grievance hearing. However, if a party or witness chooses not to appear at the live hearing, or chooses not to answer questions during cross-examination, the Hearing Officer may be prevented from considering that person's statements during his/her/their evaluation of the evidence related to the alleged sexual harassment because the statements were not subject to cross-examination. In the event that either the Respondent or his/her/their advisor fails to appear before a live hearing, if the Complainant appears, the University must provide an advisor on behalf of the Respondent so that the Complainant can still be subject to cross-examination. Similarly, in the event that the Complainant or his/her/their advisor fails to appear before a live hearing, if the Respondent appears, the University must provide an advisor on behalf of the

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Complainant so that the Respondent can still be subject to cross-examination. In the event this occurs, the Hearing Officer can consider the information provided by the Complainant or the Respondent (as appropriate) in reaching his/her/their outcome regarding responsibility.

7.8.7 For all live hearings, the University will create an audio or audiovisual recording, or transcript of the hearing and make it available to both the Complainant and the Respondent for inspection and review, upon request.

7.8.8 Following the conclusion of the live hearing, the Hearing Officer will objectively evaluate all relevant evidence, to include information contained in the investigation report and the information presented during the live hearing, and reach a determination regarding whether the Respondent is responsible for the alleged sexual harassment.

7.8.9 Evidentiary Standard: the evidentiary standard of proof that the Hearing Officer will use in reaching a determination regarding responsibility is the “preponderance of the evidence” standard, which means that the Respondent will be found responsible for the alleged sexual harassment if it is more likely than not (more than 50% likely) that the sexual harassment occurred.

7.8.10 For matters involving students only, the Hearing Officer will provide a written determination regarding whether the Respondent is responsible for the alleged sexual harassment, and the sanctions to be administered if the Respondent is found to be responsible. For matters involving either a SHRA employee, a Faculty member or an EHRA Non-Faculty employee, the Hearing Office will

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provide a written determination regarding whether the Respondent is responsible for the alleged sexual harassment and, if found to be responsible, a recommendation regarding the sanctions to be administered. For the avoidance of doubt or confusion, this applies in any and all instances where the SHRA employee, the Faculty member or the EHRA Non-Faculty employee is the Respondent. In instances where the SHRA employee, the Faculty member or the EHRA Non-Faculty employee is the Complainant, but the Respondent is a student, the Hearing Officer will provide a written determination and sanctions to be administered. The Hearing Officer will provide the written determination to the Title IX Coordinator who will distribute the decision to the appropriate parties. The written decision must include the following information:

7.8.10.1 The portion of the University's Sexual Harassment Policy that was violated;

7.8.10.2 A description of the procedural steps taken by the University in arriving at the determination regarding responsibility (from receipt of the Formal Complaint through the determination of responsibility);

7.8.10.3 A brief description of all notices and notifications sent to the parties, interviews and meetings conducted with parties and witnesses, site visits, methods used to gather evidence; and the hearing that took place as part of the University's formal grievance process;

7.8.10.4 A findings of fact section that explains all facts introduced and addressed during the live hearing;



7.8.10.5 A detailed explanation of the Hearing Officer's application of the facts to the applicable portions of the Policy and a rationale for the conclusion reached as it relates to the allegations set forth in the Formal Complaint.

7.8.10.6 A detailed explanation of and rationale for the Hearing Officer's ultimate determination of responsibility;

7.8.10.7 Any disciplinary sanctions the University will impose on the student Respondent or, in the alternative, any recommendations for disciplinary sanctions to be imposed on a SHRA employee, a Faculty member or an EHRA Non-Faculty employee;

7.8.10.8 A statement regarding whether the University will provide remedies or Supportive Measures to the Complainant and the rationale for any remedies provided. The statement and rationale must address how these remedies will restore or preserve the Complainant's equal access to the University's educational programs or activities. In the event that the Respondent is found to be responsible for the alleged sexual harassment, any remedies or Supportive Measures provided to the Complainant may be punitive in nature (against the Respondent) and may also impose a burden on the Respondent. Examples of such remedies may include, but are not limited to, the issuance of a no contact order against the Respondent, suspension or expulsion; and

7.8.10.9 A statement regarding the student's right to appeal the finding of responsibility, and the sanctions to be administered, and the bases for appealing the finding and sanctions to be administered. In the alternative, if the Respondent is a SHRA employee, Faculty member or EHRA Non-Faculty employee, the written decision will

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include a statement noting that the Hearing Officer is merely recommending sanctions to the employee's supervisor and that the supervisor will ultimately be responsible for determining and administering the sanctions. It will also note that the employee may appeal the Hearing Officer's finding of responsibility directly to the Hearing Officer. However, in the event that the employee does not appeal the Hearing Officer's finding of responsibility directly to the Hearing Officer, the Hearing Officer's finding of responsibility will be deemed final. However, if the SHRA employee seeks to appeal the sanctions administered by his/her/their supervisor, he/she/they may do so in accordance with the SHRA Disciplinary Action Policy. Similarly, a Faculty member may appeal the sanctions administered by his/her/their supervisor in accordance with the procedures set forth in the Faculty Handbook and the EHRA Non-Faculty Employee may appeal to the individual to whom his/her/their department reports on the Chancellor's Executive Leadership Team.

The Title IX Investigator will send a Notice of Outcome to both the Complainant and the Respondent, simultaneously, within fifteen (15) business days of completion of the live hearing. In the event that the Formal Complaint was filed by the Title IX Coordinator, the Title IX Investigator assigned to the matter will send a Notice of Outcome to both the Title IX Coordinator and the Respondent simultaneously within fifteen (15) business days of completion of the live hearing.

7.8.11 The decision of the Hearing Officer will be final if neither the Complainant nor the Respondent file an appeal or at the conclusion of the appeal process, if an appeal is filed.

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## 7.9 Appeals

7.9.1 Both the Complainant and Respondent will have the right to appeal the University's mandatory dismissal of a Formal Complaint, the University's discretionary dismissal of a Formal Complaint and/or the Hearing Officer's final determination regarding responsibility and administered sanctions.

7.9.2 In order to appeal, the appealing party must file a written request for appeal by 5:00 PM on the third (3rd) business day after receiving written notification of the decision of responsibility or no responsibility. The appealing party's written request for appeal must include all information contained in Section 7.9.4 below.

7.9.3 Appeals may only be brought under three (3) grounds: (1) on a claim of error in the formal grievance procedure that affected the outcome; (2) on a claim that new evidence or information material to the case, which was not reasonably available during the investigation or live hearing, has been discovered; or (3) that a conflict of interest or a bias on the part of the Title IX Coordinator, Title IX Investigator or Hearing Officer affected the outcome.

7.9.4 The written request for appeal should include the following information: (i) a statement for the grounds for appeal which, at a minimum, should contain a list of alleged errors in the decision or procedure, statement of why the decision or sanctions are in error and supporting documentation, including specific dates, details, and any other information in support of the claim if newly available information is the grounds for appeal.



7.9.5 Upon receipt of a written appeal, the Title IX Coordinator will notify the other party, in writing, that an appeal has been filed and that he/she/they will implement the appeal procedures. Appeals will be shared with the other party, who will then have three (3) business days upon receipt of such written notification to provide a written response to the information presented in the appeal. For all appeals related to a finding of responsibility against a student, a final decision will be rendered by the Vice Chancellor for Student Affairs within ten (10) business days following the receipt of any written response to the information presented in the appeal. The Title IX Coordinator will provide the parties with a written copy of the final decision of the Vice Chancellor for Student Affairs simultaneously. If the Hearing Officer's determination regarding responsibility is not appealed, the Hearing Officer's determination is final.

#### 7.10 **SHRA Employees, Faculty and EHRA Non-Faculty Employees**

If the Title IX matter involves allegations against a SHRA employee, a Faculty employee, or an EHRA-Non-Faculty Respondent, and the Hearing Officer determines that the University employee is responsible for the alleged sexual harassment, the Title IX Coordinator will forward a copy of the Hearing Officer's written determination regarding responsibility, and a recommendation for sanctions to be administered, to the appropriate supervisor in the Respondent's department, division, or academic unit, and the supervisor will take any and all disciplinary action in accordance with the applicable employment policies. Referrals for disciplinary action of faculty members will be handled in accordance with the NCCU *Faculty Handbook* in effect at the time of the referral.



## 7.11 **University Contractors and Visitors**

Allegations of sexual harassment by University contractors and visitors will be investigated and addressed in conjunction with the University's Title IX Coordinator and Campus Police. Contractors, visitors, or others unaffiliated with the University who have been found in violation of this Policy may be subject to sanctions to include, but not be limited to, an interim or permanent trespass from campus.

## 8. **Notice and Recordkeeping**

### 8.1 **Notice**

Throughout the duration of the formal grievance process, for every meeting, hearing, interview, or other event set forth herein, the Title IX Coordinator will provide the appropriate parties with written notice of the date, time, location, participating parties, and purpose of the meeting, hearing, interview or other event, and provide the parties with no less than five (5) but no more than ten (10) business days to prepare for the meeting, hearing, interview or other event.

### 8.2 **Recordkeeping**

A file will be created for each Title IX report submitted and each Title IX investigation that takes place pursuant to this Policy. The file will consist of the complaint; statements of the parties and witnesses; investigator notes; all documentation and evidence (including exculpatory and inculpatory evidence); the investigation report, which summarizes the information obtained during the investigation; the Hearing Officer's report, which summarizes all of the information obtained during the investigation!



investigation and the live hearing and supports a finding of responsibility that the Respondent has or has not violated this Policy; any and all audio or audiovisual content and related transcripts; any and all information related to any appeal; any and all information related to Supportive Measures taken or provided; any and all information related to any sanctions imposed on a Respondent; and any and all information related to Voluntary Informal Resolution, if applicable. The University will create, maintain, and make all information available to the Complainant and Respondent for seven (7) years.

## 9. **Responsible Action**

The welfare of students in our community is of paramount importance. Students both on and off-campus may need assistance. NCCU encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others for fear that they may get in trouble. For example, a student who has been drinking underage might hesitate to help take a sexual harassment complainant to University Police. It is in the best interest of this community that as many Complainants as possible choose to report sexual harassment to University officials. NCCU pursues a policy of limited immunity for Complainants and students who offer help to others in need in accordance with the University's Medical Amnesty Regulation (<http://www.nccu.edu/policies/retrieve.cfm?id=384>).

## 10. **Retaliation**

Retaliation against an individual who reports or complains of sexual harassment or who provides information in a sexual harassment investigation or proceeding, including

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witnesses, is prohibited. Any allegations of retaliation will be promptly investigated and will result in disciplinary action if substantiated.

11. **False Claims**

An individual who knowingly makes false allegations of sexual harassment, or who knowingly provides false information in a sexual harassment investigation or proceeding, shall be subject to disciplinary action.

12. **Training**

The University will ensure that the Title IX Coordinator and all investigators, Hearing Officer(s), informal resolution facilitators, and other decision-makers involved in the processes set forth in this Policy receive training on the definition of Title IX sexual harassment, the scope of the University's education programs or activities, how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable, and how to serve as an impartial, non-biased manner (without any conflict of interest) that ensures due process protections for all parties, and promotes accountability. Training will include information on any technology to be used during a live hearing and issues of relevance related to questions and evidence. The University will maintain a file of all training materials for a period of seven (7) years and will make the training materials publicly available on the University's website, subject to any intellectual property ownership rights of any training materials provided by third parties.

13. **Options for Assistance and Support Services**



Students who have experienced an act of sexual harassment may receive support from a variety of sources, including the Office of the Dean of Students, Office of Student Conduct and Community Standards, the Women's Center, Student Health Center, Counseling Center, NCCU School of Law Office of Wellness, Durham Crisis Response Center, and the Victim Assistance Program for the City of Durham. NCCU provides 24-hour assistance to those who have been affected by any form of sex discrimination through the NCCU University Police (Dial Ext. 6106 from a campus phone or (919) 530-6106 from a non-campus phone) and the Durham Crisis Response Center Crisis Line ((919) 403-6562).

NCCU urges all of its students to become familiar with the available support services and to obtain this support as needed. University students are eligible to receive support regardless of whether they elect to pursue criminal, civil, or administrative remedies under these procedures. A more detailed resource list is provided in **Appendix B**.

All reports and information concerning conduct that is inconsistent with this Policy will be handled discreetly, with the facts made available to those who need to know to respond, investigate, and/or resolve the matter.

#### **14. Education and Prevention Programs**

The University is committed to offering educational programs to promote awareness and prevention of sexual harassment. Educational programs will include information on the University's policies and procedures; prohibited conduct; discussion of relevant definitions, including consent; resources and reporting options, and information about risk reduction. Incoming first year students and new employees will receive primary prevention and awareness

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programming as part of their orientation. Returning students and employees will also have ongoing opportunities for training and education.

## 15. **Annual Review**

This Policy is maintained by the Chancellor's Office. The Policy will be reviewed annually by the Title IX Coordinator with the assistance of an advisory group. The annual review will capture evolving legal requirements, updated support and resources available, and assess the effectiveness of the Policy in the NCCU community. The review will include members of the NCCU community to provide feedback to be updated in the policy as well. Annually, the Title IX Coordinator will create a report regarding the persons affected by sexual harassment and the effectiveness of the Policy throughout campus.

## **Appendix A**

### **Privileged & Confidential Resources**

#### **NCCU Counseling Center**

Hours: Monday – Friday, 8:00 AM to 5:00 PM

Location: Student Health Building, 2nd Floor

Daytime Phone: 919-530-7646

After Hours Phone: 919-530-6106

Website: <https://www.nccu.edu/life-nc-central/health-and-well-being/counseling-center> (<https://www.nccu.edu/life-nc-central/health-and-well-being/counseling-center>)

Counseling Center Counselor Contact List:

<https://www.nccu.edu/directory/dept/Counseling%20Center>

(<https://www.nccu.edu/directory/dept/Counseling%20Center>)

Ask a question! ▶



## **NCCU School of Law - Office of Wellness**

Hours: Monday – Friday, 8:00 AM to 5:00 PM

Location: NCCU School of Law

640 Nelson Street, Legal Clinic (lower level),  
Room 36

Durham, NC 27707

Daytime Phone: 919-530-5156 and 980-288-5288 (for  
daytime emergencies)

After Hours Phone: 919-530-6106

Website: <http://law.nccu.edu/students/office-of-wellness/>  
(<http://law.nccu.edu/students/office-of-wellness/>)

## **Department of Spiritual Development and Dialogue**

### **Ms. Gloria Winston-Harris**

Director

919-530-6201

[gwharris-t@mail.nccu.edu](mailto:gwharris-t@mail.nccu.edu) (<mailto:gwharris-t@mail.nccu.edu>)

## **Appendix B**

### **Additional Resources for Sexual Harassment**

Anyone who has experienced sexual harassment, sexual violence or dating violence is encouraged to seek help immediately, including medical assistance, confidential counseling, and legal assistance. NCCU Campus Police will provide a safe place, arrange medical assistance, and offer information regarding on and off campus resources. Information on resources that are available on and off campus are listed below. Please feel free to contact the Title IX Coordinator if additional assistance is needed.

### **Emergency Response**

Ask a question! ▶





Local Emergency Response

Dial 911

NCCU Campus Police

919-530-6106

<https://www.nccu.edu/administration/university-police>

(<https://www.nccu.edu/administration/university-police>)

Durham County Sheriff's Office

919-560-0897

<https://www.durhamsheriff.com/about-us/contact-information/sheriff-s-office-locations>

(<https://www.durhamsheriff.com/about-us/contact-information/sheriff-s-office-locations>)

Orange County Sheriff's Office

919-245-2900

<http://www.ocso.com/> (<http://www.ocso.com/>)

Wake County Sheriff's Office

919-856-6900

<http://www.wakegov.com/sheriff/Pages/default.aspx>

(<http://www.wakegov.com/sheriff/Pages/default.aspx>)

## **Medical Treatment**

NCCU Student Health Center

919-530-6317

After hours: 919-698-6309

\*Testing for pregnancy and sexual transmitted diseases

\*For testing without police involvement, ask for  
Gynecological exam with full STD screening

Duke Regional Hospital

3643 N. Roxboro Road

Durham, NC 27704

Ask a question! ▶



919-470-5345

[www.dukeregional.org/](http://www.dukeregional.org/) (<http://www.dukeregional.org/>)

Duke University Hospital

2301 Erwin Road

Durham, NC 27710

919-684-2413

[www.dukemedicine.org](http://www.dukemedicine.org/) ([http://www.dukemedicine.org](http://www.dukemedicine.org/))

Duke Raleigh Hospital

3400 Wake Forest Road

Raleigh, NC 27609

919-954-3000

[www.dukeraleighhospital.org](http://www.dukeraleighhospital.org/)

([http://www.dukeraleighhospital.org](http://www.dukeraleighhospital.org/))

### **Employee Assistance**

Compsych Guidance Resources

866-301-9634

NCCU Department of Human Resources

919-530-6334

### **Support Services**

NCCU Women's Center

919-530-6811

<http://www.nccu.edu/womenscenter/>

(<http://www.nccu.edu/womenscenter/>)

NCCU Counseling Center

919-530-7646

After Hours: 919-698-9914

[https://www.nccu.edu/life-nc-central/health-and-well-](https://www.nccu.edu/life-nc-central/health-and-well-being/counseling-center)

[being/counseling-center](https://www.nccu.edu/life-nc-central/health-and-well-being/counseling-center) ([https://www.nccu.edu/life-nc-](https://www.nccu.edu/life-nc-central/health-and-well-being/counseling-center)

[central/health-and-well-being/counseling-center](https://www.nccu.edu/life-nc-central/health-and-well-being/counseling-center))

Ask a question! ▶



NCCU School of Law Office of Wellness

919-530-5156

<http://law.nccu.edu/students/office-of-wellness/>

(<http://law.nccu.edu/students/office-of-wellness/>)

Durham Crisis Response Center

206 N. Dillard Street

Durham, NC 27701

919-403-6562

[www.durhamcrisisresponse.org/](http://www.durhamcrisisresponse.org/)

(<http://www.durhamcrisisresponse.org/>)

Legal Aid of NC Durham

201 West Main Street, Suite 400

Durham, NC 27701

919-688-6396

[www.legalaidnc.org](http://www.legalaidnc.org) (<http://www.legalaidnc.org>)

Durham County Clerk of Court (Criminal Filings Division)

921 Holloway Street

Durham, NC 27701

919-808-3002

<http://www.nccourts.org/county/durham/staff/clerk.asp>

(<http://www.nccourts.org/county/durham/staff/clerk.asp>)

Office of Student Conduct and Community Standards

919-530-6311

[https://www.nccu.edu/division-student-affairs/student-conduct-](https://www.nccu.edu/division-student-affairs/student-conduct-and-community-standards)

[and-community-standards](https://www.nccu.edu/division-student-affairs/student-conduct-and-community-standards) ([https://www.nccu.edu/division-](https://www.nccu.edu/division-student-affairs/student-conduct-and-community-standards)

[student-affairs/student-conduct-and-community-standards](https://www.nccu.edu/division-student-affairs/student-conduct-and-community-standards))

Office of Spiritual Dialogue and Development

919-530-6380

[https://www.nccu.edu/division-student-affairs/spiritual-](https://www.nccu.edu/division-student-affairs/spiritual-development-and-dialogue)

[development-and-dialogue](https://www.nccu.edu/division-student-affairs/spiritual-development-and-dialogue) ([\[student-affairs/spiritual-development-and-dialogue\]\(https://www.nccu.edu/division-student-affairs/spiritual-development-and-dialogue\)\) <sup>Ask a question!</sup> ▶](https://www.nccu.edu/division-</a></u></p></div><div data-bbox=)



LGTBA Resource Center

919-530-5545

<https://www.nccu.edu/life-nc-central/health-and-well-being/lgbta-center> (<https://www.nccu.edu/life-nc-central/health-and-well-being/lgbta-center>)

RAINN (sexual assault hotline)

800-656-HOPE

<https://www.rainn.org/> (<https://www.rainn.org/>)

### Libraries (/library)

Campus Map (<https://myeol.nccu.edu/map>)

Police Department (/administration/university-police)

Visit Us (<https://eaglepromise.nccu.edu/tourpicker.asp>)

Careers (<https://jobs.nccu.edu/>)

Policies (<http://www.nccu.edu/policies>)

Public Records (<https://nccu.nextrequest.com/>)

Transcript Services (/registrar/ordering-nc-central-transcript)

Clery Act (/administration/university-police/clery-act)

Title IX (/administration/title-ix)

### Information

Alumni & Friends (/institutional-advancement/office-alumni-relations)

NCCU Foundation (/nccu-foundation)

### Contact

1801 Fayetteville St.

Durham, NC 27707

(919) 530-6100

Facebook (<https://www.facebook.com/NCCUEagle/>)

Twitter (<https://twitter.com/NCCU>)

YouTube (<https://www.youtube.com/channel/UCzhzd9p9BKS7Qf5N84mlEQ>)

Instagram (<https://www.instagram.com/nccueagle/>)



LinkedIn (<https://www.linkedin.com/school/nc-central-university/>)

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Ask a question!  