

POLICY AND PROCEDURES FOR ALLEGATIONS OF SEX DISCRIMINATION, SEX-BASED HARASSMENT, AND RETALIATION

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I. Purpose

To set forth the policy and grievance procedures of Tricoci University of Beauty Culture University ("Tricoci University" or "University") with respect to alleged conduct involving students that meets the definition of sex-discrimination, sex-based harassment (including sexual harassment), and retaliation under the 2024 revised regulations implementing Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, issued by the U.S. Department of Education ("2024 Title IX Regulations"). Tricoci University also complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA) and applicable state laws, including [Illinois Human Rights Act](#) as well as the [Illinois Preventing Sexual Violence in Higher Education Act](#).

The University is committed to maintaining an educational and work environment free from discrimination and harassment based on religion, creed, national origin, alienage, color, race, ancestry, sex, sex stereotypes, sex characteristics, gender identity or expression, sexual orientation, pregnancy or related conditions, familial status, blindness, mental disability, physical disability, status as a veteran or status as a victim of domestic violence, criminal record, or any other characteristic protected by federal, state, or local law. In accordance with Title IX of the Education Amendments of 1972 and 34 C.F.R. Part 106, the University does not discriminate on the basis of sex, including in admissions and employment, nor will it permit or not tolerate sex discrimination, sex-based harassment, or retaliation as defined in this Policy ("Prohibited Conduct") in its education programs and activities against a student, employee, or other member of the University community.

The University will respond promptly and effectively to a report of Prohibited Conduct pursuant to this Policy and Procedures for Allegations of Sex Discrimination, Sex-Based Harassment, and Retaliation ("Policy"). The University will treat the parties equitably by offering supportive measures to a Complainant and by following the investigation and resolution process described in this Policy before imposing any sanctions or other disciplinary actions or other measures against a Respondent.

For the purposes of this Policy, the individual who is alleged to have experienced Prohibited Conduct is referred to as the "Complainant." Complainant also refers to an individual a person other than the individual who is alleged to have been subjected to conduct that could constitute Prohibited Conduct under this Policy and who was participating or attempting to participate in the University's education program or activity at the time of the alleged Prohibited Conduct. The "Respondent" is the individual who is alleged to have committed the Prohibited Conduct. "Parties" collectively means both the Complainant and the Respondent. In addition, for purposes of this Policy, complaint means an oral or written request to the University to investigate and make a determination about alleged Prohibited Conduct under this Policy.

II. Scope

This Policy addresses the University's responsibilities with sex discrimination, sex-based harassment, and retaliation as defined by the 2024 Title IX regulations and as set forth below. The Policy applies to Prohibited Conduct, defined below, that is alleged to have occurred on or after August 1, 2024.

This Policy covers all education programs and activities and locations of the University and conduct that is subject to the University's disciplinary authority. The University will address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the education program or activity or outside the United States. In addition, in accordance with state law, this Policy applies to incidents of sexual violence, domestic violence, dating violence or stalking, regardless of where the incident occurs.

This Policy applies to all employees, students, third-party individuals providing contracted services, applicants, and other individuals who are participating or attempting to participate in the University's education program or activity. All the University students and employees are expected to comply with this Policy.

Specialized grievance procedures apply to allegations of sex-based harassment when the Complainant(s) and/or Respondent(s) is a student, as detailed in the Policy.

The University will make the Policy available on the University website. Misconduct outside the scope of this Policy may be addressed as appropriate by other University policies. To the extent that other University policies overlap with this Policy, this Policy will control for cases alleging Prohibited Conduct. The University retains the right to revise this Policy in light of any changes to applicable law.

III. Prohibited Conduct

The following conduct is prohibited under this Policy:

- A. Sex Discrimination** - Sex discrimination refers to discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, gender expression, and transgender status.

- B. Sex-Based Harassment** - Sex-based harassment is a form of sex discrimination and includes sexual harassment. Sex-based harassment is any of the following types of conduct on the basis of sex:
 - 1. *Quid Pro Quo Harassment* - This occurs when an employee, agent, or authorized person conditions (either explicitly or impliedly) the provision of an aid, benefit, or service they are authorized to provide under the University's education program or activity, on another individual's participation in unwelcome sexual conduct.

 - 2. *Hostile Environment* - Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's education program or activity.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following factors: (i) the degree to which the conduct affected the Complainant's ability to access the University's education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the

parties' ages, roles within the University's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other incidents of sex-based harassment in the University's education program or activity.

Sex-based harassment does not refer to conduct and/or sexual activity that is consensual between the parties. The University is guided by the principles on consent as defined below.

3. *Other Specific Offenses*

a. Sexual Assault - An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI). The Uniform Crime Reporting System includes the following offenses as forcible or nonforcible sex offenses:

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object or instrument, or oral penetration by a sex organ of another person, without the consent of the victim or where the victim is incapable of giving consent, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. Attempted rape is included. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

B. Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on consideration of: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the individuals involved in the relationship.

C. Domestic Violence - A felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under applicable family

or domestic violence laws, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the applicable family or domestic violence laws.

D. Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress. This definition incorporates the concept of cyber-stalking, which employs the use of the internet, social media, blogs, texts, cell phones, or other similar devices or forms of communication.

E. Retaliation - Intimidation, threats, coercion, or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the individual person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including in an informal resolution process, in grievance procedures, and in any other actions taken by the University. Retaliation can be committed by or against any individual or group of individuals, including a Respondent or Complainant or their friends, relatives, or other affiliated individuals. Retaliation is still prohibited even when there is a finding of no responsibility for the allegation.

F. Related Definitions

Consent is a freely given agreement to sexual activity, (ii) a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent, (iii) a person's manner of dress does not constitute consent, (iv) a person's consent to past sexual activity does not constitute consent to future sexual activity, (v) a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another, (vi) a person can withdraw consent at any time, and (vii) a person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:

- A. the person is incapacitated due to the use of or influence of alcohol or drugs;
- B. the person is asleep or unconscious;
- C. the person is under age; or
- D. the person is incapacitated due to a mental disability.

IV. Title IX Coordinator

The Title IX Coordinator is responsible for coordinating the University's response to all Title IX complaints involving possible Prohibited Conduct, as well as monitoring and addressing barriers to reporting, assessing the campus climate, coordinating the effective implementation of supportive measures and remedies, as appropriate, along with other responsibilities. References to "Title IX Coordinator," throughout this Policy and Procedures include designees of the Title IX

Coordinator. Any inquiries regarding Title IX or the University's Title IX Policy and Procedures can be directed to the Title IX Coordinator.

The following person has been designated as the Title IX Coordinator at the University:

Emilie Boyce

Title IX Coordinator, Director of Compliance, ADA Compliance
Coordinator 6625 N. Avondale, Chicago, IL 60631
Phone: 630-528-3373
Email: eboyce@tricociuniversity.edu

Inquiries may also be directed externally to the Office for Civil Rights (OCR), U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202; www.ocr.gov.

When notified of conduct that reasonably may constitute Prohibited Conduct under this Policy, the Title IX Coordinator will notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the available grievance and the informal resolution process if available and appropriate.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a complaint of Prohibited Conduct that complies with the applicable grievance procedures. To make this fact-specific determination, the Title IX Coordinator will consider, at a minimum, the following factors:

1. The Complainant's request not to proceed with initiation of a complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a complaint is not initiated;
4. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another sanction or other disciplinary action to end the Prohibited Conduct and prevent its recurrence;
5. The age and relationship of the parties, including whether the Respondent is an employee of the University;
6. The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;
 - a. The availability of evidence to assist a decisionmaker in determining whether Prohibited Conduct occurred; and
 - b. Whether the University could end the alleged Prohibited Conduct and prevent its recurrence without initiating its applicable grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the University from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may

initiate a complaint. If initiating a complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures. The Title IX Coordinator will keep the parties timely informed of the status of any investigation and inform the parties of any extensions of time to complete the process and the reason(s) for the extensions.

Regardless of whether a complaint is initiated, the Title IX Coordinator will take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual Complainant, if any, to ensure that Prohibited Conduct does not continue or recur within the University's education program or activity.

V. Reporting Prohibited Conduct

The University strongly encourages the prompt reporting of all incidents of Prohibited Conduct under this Policy regardless of where the incident occurred. Any person may report alleged Prohibited Conduct at any time, including during non-business hours, by using the telephone number or e-mail address of the Title IX Coordinator, or by meeting with or submitting a complaint to the Title IX Coordinator. For emergency or immediate assistance 24-hours a day, 7-days a week, please contact local law enforcement. Please note that reports may be made either to the University and/or local law enforcement. The Title IX Coordinator and/or the investigator will keep the parties timely informed of the status of any investigation and inform the parties of any extensions of time to complete the process and the reason(s) for the extensions.

The Title IX Coordinator will contact the Complainant within 24 hours of receiving a reported concern. A Complainant will be informed that they may pursue a criminal complaint with the appropriate law enforcement agency, if applicable; pursue a complaint through this Policy and Related Grievance Procedures; or pursue both processes consecutively or concurrently. A Complainant may withdraw a complaint or involvement from the University process at any time. If a Complainant pursues a criminal complaint, the University may temporarily defer the investigation and/or resolution process for a reasonable time to allow law enforcement to complete their factual finding. The University will maintain documentation of the date of deferral. The University may continue its investigation where it has reason to believe that the Respondent may be an imminent threat to the safety of the Complainant and/or other individuals. The University will provide written notice to the Complainant and Respondent when it resumes its investigation and resolution process as appropriate.

If someone believes they are the victim of sexual violence, including sexual assault, dating violence, domestic violence, or stalking, their first priority should be to get to a place of safety and obtain any necessary medical treatment. Information about the alleged offense should be provided to the University's Title IX Coordinator as quickly as possible.

The University strongly advocates that a potential Complainant of alleged sexual violence report the incident to police in a timely manner as well, and if requested, the Title IX Coordinator can provide contact information for appropriate law enforcement. Filing a police report does not obligate the potential Complainant to prosecute, nor will it subject the victim to scrutiny or judgement from the investigating officers.

Filing a police report will ensure that the potential Complainant receives the necessary medical

treatment and tests (at no expense to the victim), provide the opportunity for collection and preservation of evidence in prosecution or establishing a no contact order (which can also be obtained later), and assures the potential Complainant has access to free confidential counseling and community resources from advocates and therapists specifically trained in the area of sexual assault crisis intervention.

Potential Complainants have the right to notify or decline to notify law enforcement, including local and state police, of an alleged incident of sexual misconduct; receive assistance from campus authorities in making any such notification; obtain a court-issued protective order or a no-contact order issued by the University against an alleged Respondent; and concurrently utilize the University's process for investigating complaints of Prohibited Conduct and any external civil or criminal processes available to the potential Complainant.

When a police report is filed, the victim may choose for the investigation to be pursued through the criminal justice system. The Title IX Coordinator can help guide the victim through the available options and provide support to the victim in their decision. The Title IX Coordinator will also ensure that various supportive measures are provided (see Supportive Measures section).

A. Confidential Resources

It is important for individuals who have been the alleged victim of Prohibited Conduct to seek immediate and appropriate medical treatment. Such treatment is also important to preserve evidence that may be necessary for proving the Prohibited Conduct or obtaining an order of protection.

B. Responsibilities of Employees to Report, Inform, and Cooperate

All members of the University community are expected to assist and cooperate in the application of this Policy, in particular by cooperating in any investigation under this Policy. Any person who knowingly misrepresents the truth, or whose willful action or inaction obstructs the application of this Policy may be subject to sanctions and other disciplinary actions, up to and including termination.

The following employees are required to immediately report alleged Prohibited Conduct to the Title IX Coordinator upon receiving a complaint or information about alleged Prohibited Conduct, observing what may be Prohibited Conduct, or suspecting for any reason that Prohibited Conduct is occurring:

- Employees with administrative leadership responsibilities, including supervisors and managers;
- Faculty members and other employees with teaching responsibilities; and
- Employees with advising responsibilities.

All other employees who have information about conduct that reasonably may constitute Prohibited Conduct under this Policy, must either: (i) immediately notify the Title IX Coordinator, or (ii) provide the reporting individual with the Title IX Coordinator's contact information and information about how to make a complaint of Prohibited Conduct with the University.

Employees can be disciplined, up to and including termination, if they engage in Prohibited Conduct; fail to notify the Title IX Coordinator; or fail to provide appropriate information to any person who provides them with information about conduct that reasonably may constitute Prohibited Conduct under this Policy. All employees have a responsibility to prevent Prohibited Conduct and cooperate in the grievance procedures of this Policy.

C. Alcohol and/or Drug Use Amnesty for Students

The University strongly encourages students to report alleged Prohibited Conduct to the Title IX Coordinator. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that Prohibited Conduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Students whose conduct did not place another person's health or safety at risk and who, acting in good faith, disclose Prohibited Conduct to the University officials or law enforcement will not be subject to the University's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the alleged Prohibited Conduct.

D. Confidentiality and Privacy

At the beginning of the process, the University will inform the Complainant(s) and Respondent(s) about confidentiality standards and privacy concerns. The University will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These reasonable steps will not restrict the parties' ability to obtain and present evidence (such as speaking to witnesses, consult with their family members, confidential resources, or Advisors), the ability of either party to discuss an investigation with other individuals, or otherwise prepare for or participate in the grievance process.

In all cases, privacy of information about complaints and investigations will be maintained to the extent required by law and to the extent possible given the University's obligations under the law and under this Policy. The identity of the parties and any witnesses, as well as information about the investigation, will only be shared with those involved in the complaint process to the extent possible.

The Complainant may request that the Title IX Coordinator not share their name (or other identifiable information) with the Respondent, or that the Title IX Coordinator take no action in response to a report or complaint. While absolute confidentiality cannot be promised, the University will treat the concerns of the Complainant with sensitivity and respect. A Complainant will be informed that a request for confidentiality may limit the University's ability to respond. The University will not disclose the identity of the parties, except as necessary to carry out the grievance procedures or as permitted under state or federal law.

VI. Supportive Measures

The University will offer non-punitive and non-disciplinary supportive measures without fee or charge, as appropriate, and to the extent reasonably available to the Complainant and/or to the Respondent upon receipt of a report or complaint alleging Prohibited Conduct under this Policy regardless of whether a complaint is filed. Supportive measures are individualized measures

offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or (2) provide support during the University's grievance procedures, including specialized grievance procedures, or during the informal resolution process. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include but are not limited to:

Referrals to counseling, victim services, crisis centers, and shelters; in-house academic support services such as tutoring; extensions on assignments and tests; campus escorts to and from a student's vehicle to ensure that the Complainant can move safely between classes or to and from their mode of transportation; ensuring the Complainant and Respondent do not share classes; mutual restrictions on contact between both parties; an order of protection, no contact, restraining order or similar lawful order from the institution; increased monitoring and supervision of certain common areas on campus or while on campus property; and other measures as requested by either party and deemed necessary to provide equal access to the institution's educational programs and activities.

The University does not have professional counselors on staff. The Title IX Coordinator can provide referrals for outside agencies for confidential counseling services and rape crisis centers. Information for these referral agencies or services are posted on campus, listed in the Student Catalog, and available on the University website.

For a link of other professional resources in a specific zip code, as well as a list of professional agencies, please use: <https://findahealthcenter.hrsa.gov/>

- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse, Incest National Network: <http://www.rainn.org/>
- National Domestic Violence Hotline: 1-800-799-7233
- Center for Changing our Campus Culture: changingourcampus.org

The Title IX Coordinator will coordinate supportive measures and appropriately address reasonable concerns about the party's safety or the safety of others. Both parties will be informed in writing of the applicable supportive measures available to them no later than issuance of notice that an investigation will be conducted. The University may, as appropriate, choose to extend, modify, or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process. A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

Both the Complainant and Respondent may submit a written request to the University Chief Operations Officer ("COO"), Larry Foster to seek a modification or reversal of the Title IX Coordinator's decision to provide, deny, modify, or terminate an applicable supportive measure that directly affects him or her, and shall be allowed to submit evidence in support of his or her request. The University COO will issue a determination if the Title IX Coordinator's decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of

supportive measures within five (5) business days of the receipt of such a request.

The University will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure to restore or preserve a party's access to the education program or activity, and subject to the following exceptions: (i) when the University has obtained prior written consent to the disclosure from the applicable party; (ii) when the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the party; (iii) to carry out this Policy, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX; (iv) as required by Federal law, regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or (v) to the extent such disclosures do not otherwise conflict with Title IX and are permitted or required under federal, state or local law, such as the Family Educational Rights and Privacy Act, at 20 U.S.C. § 1232g with implementing regulations at 34 CFR Part 99. The Title IX Coordinator may consult, as appropriate, with designated officials or offices to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures.

On an emergency basis, the University may remove a student Respondent from the University's education program or activity, which includes but is not limited to denied access to the campus, facilities, events, classes, research laboratories, student housing or dining facilities, and/or all other activities or privileges for which the student Respondent might otherwise be eligible. Alternative coursework or research options may be offered by the Title IX Coordinator to ensure as minimal impact as possible to the Respondent and Complainant. Prior to such removal, the University will undertake an individualized safety and risk analysis and determine that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Prohibited Conduct justifies removal. The University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

In the event that a Respondent employee is accused of a violation, which also constitutes grounds for immediate dismissal as defined pursuant to other employee policies, processes, and procedures, the University may place the employee on administrative leave paid or unpaid, from employment responsibilities pending the grievance process of this Policy. In the event that a Respondent employee is accused of a violation that does not constitute grounds for immediate dismissal under other employee policies, processes, and procedures, but the continued presence of the employee is disruptive to the work environment, the Title IX Coordinator may recommend that the employee be placed on administrative leave pending resolution of the matter. During such leave, an employee may be denied access to the University's campus, facilities, or events. At the discretion of the Title IX Coordinator, alternative work options may be pursued to ensure as minimal an impact as possible on the Respondent employee and Complainant or potential Complainant.

The University will provide the Respondent with written notice of an opportunity to appeal the decision to remove a student Respondent on an emergency basis or place an employee Respondent on administrative leave. The written appeal request should state the reasons why

the Respondent believes the removal or administrative leave should be overturned. The appeal request must be received by the University COO within five (5) business days of the written notification. The University COO will review the appeal to determine whether the decision was supported. The University COO's appeal determination shall be sent to the Respondent within five (5) business days of receipt of the initial appeal request. The appeal determination by the University COO is final.

The University will promptly address any violation of the emergency removal or administrative leave. The University will take immediate and responsive action to enforce any violation of an emergency removal or administrative leave.

VII. Grievance Procedures

The University will promptly and equitably resolve complaints of alleged Prohibited Conduct in accordance with the grievance procedures set forth in this section of the Policy. Consistent with the requirements of the Title IX regulations, the University has also established specialized requirements for complaints of alleged sex-based harassment involving a student Complainant or student Respondent. These specialized requirements are denoted in textboxes within this section.

When Complainant(s) and/or Respondent(s) have dual roles as student-employees, the University will make a fact-specific determination and inform the parties of the applicable grievance process in writing. In making this determination, the University will consider the student-employee's primary relationship to the University and whether the alleged conduct occurred as part of educational- or employment-related work.

A. Basic Requirements

The University's grievance procedures for resolving complaints of alleged Prohibited Conduct under this Policy ensures the following basic requirements:

1. Equitable treatment of the Complainant and Respondent.
2. Individuals implementing the grievance procedures will be free of any conflict of interest or bias for or against Complainants or Respondents, either generally or individually. All such individuals will be annually and appropriately trained on issues related to this Policy, investigatory procedures, and hearing procedures.
3. The Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the grievance procedures.
4. Major stages of the grievance process will be completed according to reasonably prompt timeframes, which the University estimates as follows:
 - Complaint evaluations will be completed within ten (10) business days of the date in which the University received the report of alleged conduct;
 - Appeals of an emergency removal, administrative leave, or complaint dismissal will be

completed within five (5) business days of the date in which the University receives the written request for such appeal.

- Investigations will be completed within ninety (90) business days of the date in which the University received the report of alleged conduct;
- Determinations will be completed within fourteen (14) business days of the date in which the investigation report and evidence is submitted to the decisionmaker;
- Appeals of the determination will be completed within fourteen (14) business days after receipt of the written request for an Appeal Officer.
- Informal resolution, if applicable, will be completed within thirty (30) business days.

The time frames for each major stage of the grievance process are subject to reasonable extensions of time for good cause, which the University will determine on a case-by-case basis. The University will send the parties written notice of any causes or reasons for the delay.

5. The University will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These reasonable steps will not restrict the parties' ability to obtain and present evidence (such as speaking to witnesses, consult with their family members, confidential resources, or Advisors) or otherwise prepare for or participate in the grievance process.
6. The University will objectively evaluate all inculpatory and exculpatory evidence that is relevant and not otherwise impermissible in the grievance process. The University will exclude evidence, and questions seeking evidence, that are not relevant and that is impermissible regardless of relevance.

Relevant evidence means related to the allegations of Prohibited Conduct under investigation. Evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred.

Impermissible evidence refers to:

- a. Evidence that is protected under a privilege as recognized by federal or state law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness's voluntary, written consent for use in the recipient's grievance procedures; and
- c. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove

that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

7. The University will not conduct credibility determinations based on a person's status as a Complainant, Respondent, or witness.
8. The University will use consistent principles for the applicability of the grievance process under this Policy and The University's Equal Employment Opportunity and Discrimination, Harassment, and Retaliation Prevention Policy.

B. Complaint Evaluation

Upon receipt of a report or complaint, the Title IX Coordinator will promptly contact the Complainant for an intake meeting to discuss the availability of supportive measures under this Policy, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a report and explain to the Complainant the process for submitting a complaint. If the potential Complainant is unknown, the Title IX Coordinator will make reasonable efforts to identify the potential Complainant and reach out to that person. During the intake meeting, the Title IX Coordinator will seek to get a basic understanding of the reported conduct so that the Title IX Coordinator can appropriately assess key facts to determine how to proceed. Follow-up intake meetings will be held as deemed necessary by the Title IX Coordinator.

The Title IX Coordinator will also meet with the Respondent separately to discuss the complaint and the process.

The Title IX Coordinator will make an initial determination as to whether the reported conduct, if true, could constitute a violation of the Policy. The Title IX Coordinator may dismiss a complaint of Prohibited Conduct if: (i) the University is unable to identify the Respondent after taking reasonable steps to do so; (ii) the Respondent is not participating in the University's education program or activity and is not employed by the University; (iii) the Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the University determines that without the withdrawn allegations, the remaining alleged conduct would not constitute Prohibited Conduct even if proven; and (iv) the University determines the alleged conduct in the complaint, even if proven, would not constitute Prohibited Conduct. The Complainant must submit in writing to the Title IX Coordinator any voluntary withdrawal of the complaint or allegations.

In all other instances, if the Title IX Coordinator determines that the allegations, if true, could constitute a violation of the Policy, and that an investigation will commence, the matter will proceed to an investigation. The Title IX Coordinator or designee will conduct an investigation to determine if the Policy may have been violated.

The parties have the option of using the grievance procedures or the informal resolution procedures described in this Policy. Under both options, the Title IX Coordinator will meet with the Complainant and the Respondent separately to discuss the complaint and the process.

The Title IX Coordinator will simultaneously provide the Complainant and Respondent with written notice of any decision(s) to dismiss a complaint, in whole or in part, the basis for the dismissal, the availability of supportive measures notwithstanding the complaint dismissal, and each party's opportunity to appeal the dismissal decision. The University will make reasonable efforts to clarify the allegations with the Complainant prior to dismissing a complaint, in whole or in part, and the Title IX Coordinator will take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur. In circumstances where the Title IX Coordinator has reasonable concerns for the safety of any person as a result of providing written notice to the Respondent and has delayed such notice, the Title IX Coordinator may forgo issuing written notice to the Respondent of any decision(s) to dismiss a complaint.

The University may consolidate complaints of alleged Prohibited Conduct under this Policy against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. If one of the complaints to be consolidated is a complaint of sex-based harassment involving a student as either Complainant or Respondent, the University's specialized grievance procedures will apply.

C. Notice of Allegations

The Title IX Coordinator will notify the Complainant and Respondent, if known to the University, in writing of its decision to proceed to investigation of any alleged violation of this Policy. The University will provide the parties with sufficient time to review the written notice and prepare a response before any initial interview.

The Written Notice of Alleged Prohibited Conduct will provide the following information to the parties whose identities are known:

- a. The grievance process under this Policy and the informal resolution process.
- b. Sufficient information available at the time to allow the parties to respond to the factual allegations. Sufficient information includes the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct under this Policy, and the date(s), time(s), location(s), and factual allegation(s) of the alleged incident(s), to the extent that information is available to the University.
- c. A statement that retaliation is prohibited.
- d. Information explaining that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence (and the parties' equal opportunity to request access to the relevant and not otherwise impermissible evidence if provided an investigative report).

For sex-based harassment complaints <i>involving a student Complainant or student Respondent</i>, the written notice must <i>also</i> include:

- e. Information explaining that the Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures and that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- f. Information explaining that the parties may have an advisor of their choice to serve in the cross-examination role during the hearing, and that the advisor may be, but is not required to be, an attorney; and
- g. Information explaining that the University prohibits knowingly making false statements or knowingly submitting false information during the grievance procedure.

If, in the course of an investigation, the University decides to investigate additional allegations of Prohibited Conduct, the University will provide notice of the additional allegations to the Complainant, Respondent, and other parties whose identities are known.

The Title IX Coordinator will notify the Complainant and Respondent, in writing and simultaneously, of its decision to proceed to investigation of any alleged violation of this Policy. The University will provide the parties with sufficient time to review the written notice and prepare before any initial interview.

To the extent the University has reasonable concerns for the safety of any person as a result of providing written notice, the University may reasonably delay providing written notice of the allegations (and forgo any related written notice of a subsequent dismissal of the complaint) in order to address the safety concern appropriately. Reasonable concerns will be based on an individualized safety and risk analysis and not on mere speculation or stereotypes.

D. Investigation

The University will respond promptly and effectively to reports or complaints of Prohibited Conduct. The University will provide an adequate, reliable, and impartial investigation of the alleged Prohibited Conduct. The investigation will include the following steps:

- a. The University will ensure that the burden is on the University (not the parties) to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred;
- b. The Title IX Coordinator or designee will conduct the investigation;
- c. The University will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
- d. The University will provide a process that enables the Title IX Coordinator or designee to question the parties and witnesses to adequately assess credibility to the extent that credibility is in dispute and relevant to evaluating the alleged conduct. At a minimum, this process will:
 - Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
 - Allow each party to propose such questions that the party wants asked of any

- party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.
- e. The University will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance;
 - f. The University will provide each party with an equal opportunity to access the evidence that is relevant and not otherwise impermissible to the allegations of Prohibited Conduct, and issue to the parties a written investigative report that accurately summarizes this evidence;
 - g. The University will provide the parties with a reasonable opportunity to review and respond to the evidence and/or the investigative report prior to the determination whether Prohibited Conduct occurred; and
 - h. The University will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance process, which does not include authorized disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Prohibited Conduct.

For sex-based harassment complaints involving a student Complainant or student Respondent, the following additional provisions apply:

- i. The University will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate;
- j. The University will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the Advisor. The University may establish restrictions regarding the extent to which the Advisor may participate in the grievance procedures, and any such restrictions will apply equally to the parties.
- k. The University will provide the parties with the same opportunities, if any, to have persons other than the Advisor of the parties' choice present during the investigations or related meetings;
- l. The University will decide whether the parties may present expert witnesses during the investigation, and this decision will apply equally to the parties.

VIII. Recordkeeping

The University will maintain for seven years or the extent they are required by law:

- Records documenting the informal resolution process or the grievance process under this Policy, as applicable, and the resulting outcome for each complaint of sex-based harassment involving students.
- Records documenting the actions the University took to meet its obligations under this

Policy for each notification the Title IX Coordinator receives of information about conduct that reasonably may violate this Policy.

- All materials used to provide training to officials responsible for implementing this Policy. The materials will be available for public inspection upon request.