POLICY ON SEXUAL VIOLENCE AND SEXUAL HARASSMENT

1. Introduction

In accordance with Title IX of the Education Amendments of 1972 and state civil rights law, Briar Cliff University does not discriminate on the basis of sex in its education programs and activities. Discrimination on the basis of sex can include sexual harassment or sexual violence. Briar Cliff University pledges to maintain an environment that promotes the development of healthy relationships and respect for individuals.

The University prohibits sexual violence and sexual harassment in any form, (including sexual assault, sexual misconduct, dating and domestic violence and stalking). Sexual violence and sexual harassment are often misunderstood and under-reported. It is important that individuals understand these issues so they can avoid committing or being victims of such behavior.

If sexual violence or harassment occurs, it should be reported so the University can take prompt and appropriate action to investigate. The University has a duty to attempt to end sexual violence and harassment, prevent its recurrence, and address its effects.

The University has appointed a Title IX Coordinator, Louise Paskey, Vice President for Student Development, who can be reached at (712) 279-5494; Student Development Office, Stark Student Center, louise.paskey@briarcliff.edu.

Any questions about an individual’s rights under Title IX, (the federal law that prohibits discrimination on the basis of sex in education programs and activities) can be directed to Louise Paskey, Title IX Coordinator, or the Office of Civil Rights for the Department of Education.

2. Definitions

Coercion: unreasonable pressure for sexual activity.

- NOTE: Coercing someone into sexual activity is comparable to physically forcing someone into a sexual activity.
- Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another.
- When someone makes clear that he/she does not want to engage in sex or a sexual activity, that he/she wants to stop, or that he/she does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Complainant: the individual who has experienced an alleged instance of sexual misconduct.

Consent: the mutual, deliberate and voluntary agreement to engage in sexual activity. Consent is a clear YES to the sexual act. Consent is an ongoing process and must be obtained for each level of sexual contact. Even if a victim does not resist or if the victim knows the offender, the law does not presume consent.
• **NOTE:** In order to give effective consent, one must be of legal age; in most circumstances, 16 is the legal age for consent in Iowa.

• Under Iowa law, the following persons are considered unable to give consent:
  - A child;
  - A victim who is procured by threats of violence;
  - A victim who is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness;
  - A victim who lacks the mental capacity to know right from wrong concerning sexual matters or is suffering from any type of mental or physical incapacity or disability that precludes consent;
  - A victim who is incapacitated (further defined below)

• Consent cannot be gained by force, coercion, by ignoring or acting without regard to the objections of another, or by taking advantage of the incapacitation of another, where the respondent knows or should have reasonably known of such incapacitation.

• Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

• Silence, in and of itself, cannot be interpreted as consent.
  - Previous relationships or prior consent cannot imply consent to future sexual acts.

**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 shall be determined by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;

• For the purpose of this definition,
  - Dating violence includes sexual or physical abuse or the threat of such abuse;

**Domestic Violence:** a felony or misdemeanor crime of violence between:

• family or household members who resided together at the time of the assault;
• separated spouses or persons divorced from each other and not residing together at the time of the assault;
• persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time;
• persons who have been family or household members residing together within the past year and are not residing together at the time of the assault;
• persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the following factors may be considered;
  - The duration of the relationship;
  - The frequency of interaction;
  - Whether the relationship has been terminated;
  - The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement.
**Force:** the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

- **NOTE:** There is no requirement that a person resists a sexual advance or request, but resistance is a clear demonstration of non-consent.
- The use of force is not “worse” than the subjective experience of violation of someone who has experienced sexual contact or intercourse without consent.
- The use of physical force constitutes a stand-alone, non-sexual misconduct offense as well, and it is the University’s expectation that those who use physical force (e.g. assault, restricting movement or activity, battery, etc.) would face not just the sexual misconduct charge but also charges under the University Regulations for the additional assaultive behavior.

**Incapacitation:** a state in which someone cannot make rational, reasonable decisions because she/he lacks the capacity to give knowing consent (i.e., to understand the “who, what, when, where, why, or how” of his/her sexual interaction).

- **NOTE:** Sexual activity with someone who one should know to be—or based on the circumstances should reasonably have known to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, or blackout) is prohibited. The question of incapacitation is determined on a case-by-case basis that will include an analysis of whether the respondent knew, or a sober, reasonable person in the position of the respondent should have known, that the complainant was incapacitated.
- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or the ingestion of substances or drugs that result in incapacitation.
- When alcohol or other drugs are being used, a person will be considered to be incapacitated and unable to give effective consent if he/she cannot fully understand the details of a sexual interaction (i.e., who, what, when, where, why, or how) because he/she lacks the capacity to reasonably understand the situation.
- Consumption of alcohol or drugs alone is insufficient to establish incapacitation.
- Possession, use, and/or distribution of any substances such as Rohypnol, Ketamine, GHB, Burundanga is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at [http://www.911rape.org](http://www.911rape.org).

**Respondent:** an individual who has been accused of sexual misconduct.

**Retaliatory Harassment:** intentional action taken by an individual or allied third party that harms an individual and is done as reprisal for filing a complaint or for participating in an investigation or complaint proceeding.
Sexual Abuse: any sex act between persons performed under any of the following circumstances: a) the act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep, or is otherwise in a state of unconsciousness, the act is done against the will of the other; b) the other person is suffering from a mental defect or incapacity which precludes consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters; c) the other person is a child. (Iowa Code Section 709.1).

Sexual Assault: any offense that meets the federal or state definitions of that term, including rape, sodomy, sexual assault with an object, fondling, incest, or statutory rape. Iowa law broadly defines “sex act” to include intercourse, oral or anal sex, or any contact between the genitals, hands, or fingers of one person and the genitals or anus of another. Violent sexual conduct may also be prosecuted as an assault (an act intended to cause pain, injury, or offensive physical contact, or place another in fear of pain or injury); for example, using any object to sexually penetrate another.

Sexual Harassment: unwelcome gender-based statements, gestures, or physical contacts which are so frequent or severe that it creates a hostile or offensive work environment, or interferes with a student’s ability to participate in or benefit from the university’s educational program or activities. Sexual harassment may be against a person of the opposite or same gender.

Examples of sexual harassment:
- Demanding or soliciting sexual favors accompanied by implied or overt threats;
- Creating an offensive interpersonal environment;
- Comments or jokes referencing sex or sexual orientation;
- Unnecessary touching or leering at another’s body; and,
- Sexist remarks about clothing, body, or sexual activities.

Sexual Violence: includes sexual assault, sexual harassment, sexual exploitation, and sexual intimidation and can be committed by men or women. It can occur between people of the same or different sex. It may include any touching or fondling of the victim’s genitals, breasts, thighs or buttocks directly or through the clothing without the victim’s consent. In addition to being forbidden by this policy, such conduct may be a violation of state criminal law and of other University policies.

Stalking: a course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress. Examples of prohibited stalking can include but are not limited to (a) non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, and other social networking communications, letters, gifts, or any other communications that are undesired and/or place another person in fear; (b) Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by the victim.
3. Policy Statement

Members of the Briar Cliff University community, guests, and visitors have the right to be free from sexual violence and sexual harassment. Briar Cliff University believes in a zero-tolerance policy for gender-based misconduct, including sexual harassment, sexual violence, domestic or dating violence, and stalking and the University is committed to fostering a community that promotes the prompt reporting of sexual misconduct and timely and fair resolution of sexual misconduct complaints. As a result, Briar Cliff University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, related educational (Online educational training for students and employees, Resident Assistant, PAL and Academic Peer Mentor training, Sexual Violence Awareness Week, New Student Orientation Programs) programs, and procedures for addressing sexual assault, sexual harassment, domestic violence, dating violence, and stalking, whether an incident occurs on or off campus and when it is reported to a University official.

Briar Cliff University reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

Briar Cliff University believes that in order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. This policy has been developed to reaffirm these principles, to educate our community on issues pertaining to sexual violence, and to provide a procedure for investigating and addressing violations of this policy.

4. Scope

This policy applies to all members of the University community and its guests. Its scope is inclusive of, but is not limited to, any individuals regularly or temporarily employed, studying, living, visiting, or with an official capacity at Briar Cliff University (i.e.: volunteers and contractors).

This policy applies to any allegation against a Briar Cliff University community member (staff, administrator, faculty or student) that affects the Briar Cliff University campus environment and which is construed as sexual harassment, sexual misconduct and/or sexual violence regardless of geographical location of the alleged incident.

5. Reporting Sexual Violence

5.1. Reporting to Law Enforcement

The University encourages victims of all crimes, including sexual violence (which includes date/acquaintance rape) to report such actions to the local police department. The Campus Security Office (Heelan Hall, Rm. G-30) 712-898-1888, will assist students in making such
reports if they so choose. Judicial no-contact orders or restraining orders may be available through the legal system.

5.2. In the Event of Sexual Assault

Go to a safe place. Call 911, 1-800-982-SAFE (7233) or the Rape Crisis Center (712-258-7233).
- Tell the first person you see what happened. This account could corroborate your testimony if you decide to report or prosecute.
- Seek medical attention at an emergency room at Unity Point St. Luke’s for access to a Sexual Assault Nurse Examiner (SANE) 712-279-3500 or Mercy Medical Center 712.279.2010. Request tests for pregnancy and sexually transmitted diseases.
- Do not shower, bathe, or douche. Preserve physical evidence, such as clothing. Resist the urge to change clothes or clean up the area until medical and legal evidence is collected.
- Request a urine test as quickly as possible to detect the presence of sedating substances.

5.3. Preservation of Evidence

Evidence should be preserved, even in cases involving non-violent conduct. Such evidence may include documentation, emails, photos and the like.

5.4. Confidential Reporting/ Support

There are people on campus that victims or witnesses can talk to confidentially. You can call or approach any of the following professional staff confidentially and tell them what happened. They will listen and explain options, including, where deemed appropriate, the option of reporting a crime on a confidential basis for purposes of the University’s annual crime report. Talking to a “Confidential Support Contact” listed below does not constitute reporting the incident to the University.

Confidential Support Contacts:

- Director of Counseling Services: Jessica Dominowski
- Director of Health Services: Jo Morgan
- Director of Campus Ministry: Sister Janet May

5.5. Responsible Employees

Any University faculty, administrator, and staff - including Resident Assistants (RAs), Peer Assistant Leaders (PALs), and Academic Peer Mentors who takes such a report or who is aware of sex-based harassment, including sexual assault and relationship violence, is required to report the information to one of the reporting Contacts specifically listed below. (This does not apply to those employees identified as Confidential Support Contacts).
5.5.1. Reporting to University Officials

Affected individuals or witnesses should immediately report any incidents of Sexual Violence or Harassment to an appropriate University staff member. Any of the following persons may be contacted:

- Title IX Coordinator/Vice President for Student Development: Louise Paskey, 712.279.5494
- Deputy Title IX Coordinator/Director of Human Resources: Beau Sudtelgte, 712.279.1633
- Deputy Title IX Coordinator/Assistant Dean of Students: Dave Arens, 712.279.1715
- Director of Campus Security: 712.898.1888

Upon receipt of such a report, the University contact will assist the victim in getting to a safe place and may seek the assistance of Campus Security. Additionally, the University contact will encourage the victim to seek prompt medical attention for treatment of injuries and preservation of evidence, discuss the reasons why prompt medical treatment is important, and arrange for transportation to the hospital if the victim agrees to such medical treatment. The University contact will notify the Title IX Coordinator and other responsible University officials of the report taking into consideration the victim’s desire for confidentiality. The Title IX Coordinator will inform Campus Security of the alleged crime and unless the individual requests confidentiality, will provide the name of the reporting party. The victim will have the option to file a criminal report. Campus Security will offer to provide assistance if the student elects to contact the police. Campus Security may contact law enforcement independently where circumstances warrant, such as where there may be a danger to the campus or the community. Declining to speak with Campus Security or the police at the time of the initial report does not preclude the student from filing a criminal report at a later date. The University contact or Title IX Coordinator will offer and coordinate counseling and other support services for the student. The student shall also receive written information regarding their rights under this policy to file a complaint and initiate the University’s complaint process. Even if a formal complaint is not filed or the individual requests confidentiality, the University must promptly investigate the report and take appropriate steps under the circumstances.

6. Interim Measures

Upon receipt of a report, the Title IX Coordinator will seek a meeting with the complainant to discuss internal and external support services, and other interim measures such as options regarding changes in academic or work schedules, living arrangements, transportation, or a campus no-contact order or interim suspension of the perpetrator. These options, if requested and reasonably available, will be made available regardless of whether the individual proceeds with a formal complaint under University policy or a criminal report to the police. Failure to adhere to any of the interim measures taken during an investigation is a violation of policy and may lead to independent disciplinary action(s).
7. Investigation

Upon receipt of a report, the University will initiate a prompt and equitable investigation and will work with both parties (the complainant and respondent) to assign a designated support person throughout the investigation process. Either party may refuse the assistance of a support person, but the offer will be made.

The filing of a complaint under this policy is independent of any external criminal investigation or court proceeding, and the University will not necessarily wait for the conclusion of any such investigation or proceeding to commence its own investigation and to take immediate steps to ensure the safety and well-being of members of the University community.

Role of Title IX Coordinator

The Title IX Coordinator will remain a neutral administrator in the investigation and any disciplinary process involving sexual misconduct allegations. The Title IX Coordinator will work with all involved parties, and will be responsible for directing compliance with this Policy. The Title IX Coordinator will not ultimately determine if a policy violation occurred. The Title IX Coordinator will:
• Maintain Title IX investigative/hearing records.
• Guide the process and involve only people with a legitimate need to know.
• Assess the University’s responsibility to issue timely warnings in accordance with the Clery Act for reported incidents that may pose a threat to members of the University community.

University Investigation is Independent of Law Enforcement Investigation

In cases of reported sexual violence or misconduct, the University will continue its internal investigation regardless of whether or not the complainant files a criminal complaint and/or wants the school to take action. If the University knows about a possible sexual harassment or sexual violence incident, it will promptly investigate the allegations to determine what occurred and to decide if further action is necessary.

Requests for Confidentiality/Impact on University’s Investigation

In instances where a complainant requests confidentiality, it may limit the University’s ability to respond. Depending upon the circumstances, the University may not be able to ensure confidentiality because of its obligation to provide a safe and non-discriminatory environment for all students. Factors that may impact the request include the seriousness of the alleged conduct, whether there have been other complaints about the same perpetrator, and the alleged perpetrator’s rights to receive information maintained in education records relevant to the accusation.
8. University Complaint Procedure

The University has two approaches for resolving complaints of alleged violations of this policy: informal resolution and the formal complaint process. The informal resolution process will NOT be used for any sexual violence complaint. Informal resolution efforts and the formal complaint processes are not mutually exclusive, and neither is a prerequisite for the other. Moreover, the informal resolution process may be ended at any time in order to initiate a formal complaint.

8.1 Informal Resolution: Seeking Mediation (Not applicable for sexual violence complaints)

8.1.1 Informal resolution procedures are intended to allow the complainant and the respondent to provide detailed information about the alleged incident(s) of discrimination or harassment and reach a mutually agreeable resolution. The mediation process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties.

8.1.2 With consent of both the complainant and the respondent, the Office of Human Resources (if the complaint involves only faculty, staff, or administration) or the Student Development Office (if a student is involved) will appoint a mediator. The mediator is not an advocate for either the complainant or the respondent. The role of the mediator is to aid in the resolution of problems in a non-adversarial manner.

8.1.3 The informal resolution process ends when a resolution has been reached or when the complainant or the respondent has terminated the process. At any time during the mediation process, the complainant and the respondent are free to withdraw from the process.

8.1.4 The mediator shall notify the Human Resources Director or the Vice President for Student Development of the result of the mediation process. If the dispute is not resolved through mediation, the Human Resources Director or the Vice President for Student Development shall immediately inform all affected parties and discuss with the complainant other alternatives for achieving resolution. The complainant may file a formal complaint at that time or withdraw the informal complaint. The informal resolution process, if unsuccessful, will not prejudice the rights of the parties involved.

8.2 Formal Complaint Process

A formal complaint process may be initiated in person or in writing. For all faculty, staff, and administration complainants this process is handled by meeting with the Deputy Title IX Coordinator/Human Resources Director or Title IX Coordinator. For all student complainants this process is handled by meeting with the Title IX Coordinator or a Deputy Coordinator/Assistant Dean of Students.
8.2.1 A formal complaint must identify and include the following information, if known:

- Name of the accused individual (respondent), his or her position or status, and contact information, if known;
- Clear and concise description of the alleged incident(s), what, when and where it occurred with supporting documentation and evidence, if any;
- Description of all informal efforts, if any, to resolve the issue(s) with the person involved (except in the case of sexual violence allegations). This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
- Names of witnesses or individuals who may have direct and relevant information about the specific allegation (with accompanying addresses, email addresses, and telephone numbers).
- Complainant’s signature and the date signed;

8.3 Preliminary Review of Complaint and Notice of Receipt

8.3.1 Upon receipt of a complaint, the Title IX Coordinator/Designee will review the complaint for appropriateness. Title IX Coordinator/Designee will provide the complainant with written notice of receipt of the complaint within 5 working days, and will provide the complainant with written information of the University’s complaint procedures.

8.3.2 Formal complaint requires that the respondent be advised of the allegations and the source of the complaint by the Title IX Coordinator/Designee. Title IX Coordinator/Designee, as appropriate, will provide the respondent with a copy of the formal complaint (by hand delivery or certified mail) within 5 working days of receipt of the complaint, and will advise the respondent of the University complaint policy and procedures.

8.3.3 Title IX Coordinator/Designee, as appropriate, shall discuss with the complainant whether or not the alleged incidents of discrimination, harassment, gender-based misconduct and/or sexual misconduct if proven, would constitute a violation of the University’s policy, and whether or not it is appropriate to convene a Hearing Panel.

8.3.4 The Hearing Panel membership shall consist of three trained faculty/administrators representatives appointed by Title IX Coordinator, one of whom will be appointed as Chair.

8.3.5 The Title IX Coordinator will appoint a designee to serve as a University Representative to attend the Hearing as a non-voting member. The University Representative will facilitate the preparation of the hearing and presentation by the Investigator(s) of the case to the Hearing Panel.
8.4 Hearing Procedures

8.4.1 The complainant and respondent are entitled to the same rights including, to appear in person, hear all information presented, present any relevant information, have a support person present, call witnesses, or make a statement to the Hearing Panel. In appropriate cases, the complainant and respondent will be in separate hearing rooms.

8.4.2 A witness must be a person who has firsthand knowledge of the event or actions in question.

8.4.3 The complainant/respondent must submit in writing the names of any witnesses that he/she wishes to give testimony. The list of witnesses must be submitted to Deputy Title IX Coordinator at least 24 hours prior to the scheduled hearing.

8.4.4 Prior to the hearing, both the complainant and the respondent will be given notice of the date, time and place of the hearing; the names of the Hearing Panel members (and opportunity to raise any conflict of interest concerns); their right to have a support person of their choice attend the hearing; their right to present witness testimony and other evidence; and their right to submit written statements to the Hearing Panel detailing the charges or any defense.

8.4.5 A support person can be anyone the respondent and/or the complainant wishes to fulfill that role, with the exception of any individual participating in the hearing or called upon to serve as a witness for either party. The role of the support person will be to consult with the individual he/she is there to support at reasonable intervals during the course of the conference. The support person generally may not address the Hearing Panel or other persons at the hearing. She/he may only address the chair of the Hearing Panel and only with explicit approval in an exceptional circumstance by the chair of the Hearing Panel. The parties may choose an attorney for their support person at their own expense; however, an attorney will be subject to the same rules as other support persons.

8.4.6 If the respondent/complainant elects not to appear at the hearing, the hearing shall be conducted in his/her absence.

8.4.7 If the respondent/complainant refuses to answer any questions or make a statement, the Hearing Panel will proceed to make its decision on the basis of information available to it at the time of the hearing.

8.4.8 All hearings shall be conducted in a confidential setting. All statements, information, or comments given during the hearing will be kept confidential by the complainant, the respondent, the Hearing Panel, the University personnel, and witnesses and advisors before, during and after deliberation. The University will comply with any legal obligations that require the disclosure of information.

8.4.9 The Panel will formulate specific procedures to deal with the orderly presentation of information and witnesses as well as any other matters as appropriate to the conduct of the hearing.

8.4.10 The proceedings shall be preserved by means of written and audio records.
9. Possible University Sanctions

The University’s primary concern is safety for members of our community. Students are encouraged to report suspected violations of this policy to promote the health and welfare of our community. In general, a student reporting an incident or complaint under this policy will be given amnesty for potential code violations (e.g. alcohol or drug use) that are related to the reported incident.

The University’s decision to impose sanctions will depend on the nature and severity of the incident and whether or not it can be determined by a preponderance of the evidence that a policy violation has occurred. If it appears that a policy violation has occurred, the range of responses includes, but is not limited to:

- Intervention by supervisor or appropriate authority
- Individual meeting with option of support person in attendance
- Facilitated conversation or mediation (not available for sexual assault cases)
- Educational or University sponsored activities
- No contact order between complainant and respondent.
- Change in academic or work schedules or arrangements
- Change in living situation on an interim or permanent basis.
- Disciplinary action, including but not limited to:
  - Suspension
  - Dismissal, termination or expulsion.
  - Discipline short of dismissal, termination or expulsion such as verbal or written warnings or probation.
- Public Service.
- Referral to law enforcement when there is danger or threat to community and/or when requested by complainant.

10. Standard of Proof/Evidence of Prior Sexual History

According to Title IX requirements, Briar Cliff University will apply a preponderance of the evidence standard. A preponderance of evidence is described as enough evidence to make it more likely than not that the accused has violated this Policy. In general, information about a person’s prior sexual behavior or history will not be considered to determine whether a violation has occurred. However, information regarding a prior intimate or sexual relationship between the parties involved in the hearing may be considered relevant depending upon the issues presented.

11. Time Frame

Upon receiving a report, Briar Cliff University will respond promptly and equitably. Both parties will be given periodic status updates during the process and both the complainant and the respondent will be given notice of the outcome and an opportunity to file an appeal, if applicable. Absent unusual circumstances, sexual misconduct investigations as well as hearings will be completed within 60 calendar days following receipt of the complaint.
12. Notice of Outcome

The parties will be concurrently notified, in writing, about the outcome of the investigation/hearing. In a hearing involving sexual violence allegations both parties will be notified of the final determination and of any sanctions imposed on the perpetrator. In all other types of hearings, the complainant will only be notified as to whether the alleged conduct was found to have occurred, and any individual remedies offered or provided to the complainant or any sanctions imposed on the respondent that directly relate to the complainant as well as any other steps the University has or will take, for example, to eliminate a hostile environment.

13. Appeals

Either party may elect to appeal the decision and/or sanction rendered by the Hearing Panel. Both parties will be informed of any appeal, the status of the appeal and the outcome. Appeals may be filed only on grounds of previously unavailable new evidence or procedural error that has a material impact on the outcome, or where there is substantial evidence that the sanction imposed is disproportionate to the findings of facts established during the hearing process. Disagreement with the finding or sanctions is not, by itself, grounds for appeal. An appeal of a disciplinary outcome must be made, in writing, to the Title IX Coordinator within five business days after the decision has been made. Failure to file a timely appeal to the Title IX Coordinator/Designee constitutes waiver to file an appeal.

If the appeal is based on approved ground(s) for appeal and has been timely filed, the Title IX Coordinator will name an Appeal Panel to review the written appeal. The Appeal Panel will be composed of three trained designees that were not involved in the original decision.

After receiving an appeal and reviewing the hearing record and any allowable new evidence, the Appeal Panel may elect to: affirm the finding and sanction, affirm the finding and change the sanction, or reverse the finding. The decision of the Appeal Panel is final and will be communicated in writing to both parties as well as appropriate University officials.

14. Complaint Falsification

The University recognizes the right of all parties involved in a complaint to a fair framework for encouraging resolution of complaints. Falsification, malicious accusations, distortion, or misrepresentation of information during the course of a complaint process may be grounds for disciplinary action.

15. No Retaliation

Any attempt by an employee or student to penalize, threaten, coerce, intimidate, discriminate, or retaliate in any way against a person who makes a report of, or who is otherwise involved in, a report or proceeding under this policy is completely prohibited and will not be tolerated. If you believe that you have been a victim of retaliation during an investigation, please contact the Title IX Coordinator.
16. Public Recordkeeping

The University will take steps to maintain confidentiality of persons reporting incidents of sexual misconduct and relationship violence in records that are required to be available for public inspection by using alternative means of identification and not including personally identifiable information in the annual campus security report, campus crime log, and emergency warning notices under the Clery Act.

17. Resources

For additional on and off campus resources visit: