



Title IX Rights & Reporting Options

Because the University of Montana Title IX Coordinator received a report that you may have experienced sexual harassment, dating violence, domestic violence, sexual assault, or stalking, that occurred on or off campus, this notification will provide you with information about your rights and options¹ including:

- Steps you can take after experiencing sexual harassment, dating violence, domestic violence, sexual assault, or stalking;
 - Information about reporting to the University or to law enforcement;
 - Information about confidentiality;
 - Written information about supportive measures and other resources at the University and in the community; and
 - An explanation of the procedures for institutional disciplinary action
- A. **What to do if you experienced sexual harassment, dating violence, domestic violence, sexual assault, or stalking**

Your safety is important. What happened was not your fault. The following are options you can consider.

1. Seek Support from Confidential Resources: As a first step to take care of yourself and learn about options, you can access confidential resources at [SARC](#) and [Curry Health Center](#). SARC and Curry Health Center can provide counseling, may be able to direct you to other resources and may help you decide how and to whom to report. Additional resources are included in the [Resource and Supportive Services Guide](#), linked here and attached to this email.
2. Seek Medical Attention: After an incident of sexual assault, dating violence, or domestic violence, you should consider seeking medical attention as soon as possible to treat any injury, get screened for sexually transmitted infections, pregnancy or to seek the medical collection of evidence (see below).
3. Preserve Evidence: Evidence may assist in proving a criminal offense occurred, a campus policy was violated, or may be helpful in obtaining an Order of Protection which is a civil court order that puts limits on contact between you and the person who harmed you. Evidence might include pictures of injuries, social media posts, text messages, emails, or other photographs. In cases of sexual assault, medical forensic evidence may be collected within 120 hours of the assault by specially trained sexual assault nurse examiners. In Missoula, Montana, you can get a

¹ Non-affiliated individuals may not qualify for University of Montana resources. Please contact the Title IX Coordinator at (406) 243-5710 if you need assistance determining whether you qualify for resources included in this packet.

medical forensic exam at [First Step Resource Center](#). Prior to an examination by a sexual assault nurse examiner, if you can avoid it, it is best not to use the bathroom, shower, change clothing, brush hair, smoke, brush teeth or clean up the area where the assault occurred; this can help to preserve the perpetrator's DNA. If you do change clothes, put all clothing you were wearing at the time of the assault in a paper bag (no plastic bags). You may request an exam and forensic evidence collection at no cost and without having to file a police report. In the state of Montana, evidence may be collected and held for a year even if you choose not to make a report to law enforcement.

4. Develop a Safety Plan: Speak with a campus or community counselor or advocate to talk about things to do to help you feel safe on campus; for an appointment contact the Student Advocacy Resource Center at 406-243-4712. You may also contact the University's Title IX Coordinator for assistance with a safety plan at: eoaa@umontana.edu.
5. Make a Police Report: It is your choice whether to report to police. Reporting to police and requesting a criminal investigation can potentially lead to criminal consequences for the person who harmed you. The University Title IX Coordinator can assist you in notifying police if you so choose; this is up to you and you may decline to report to police. Please be aware that as time passes, evidence may become lost or unavailable, thereby making investigation, possible prosecution, or obtaining a court Order of Protection related to the incident more difficult. If you do not wish to immediately start a criminal investigation, you should nevertheless consider speaking with police to preserve evidence in the event you may later wish to pursue an investigation.
6. Report to the University Title IX Coordinator: The University takes sexual assault, stalking, domestic violence and dating violence very seriously. Choosing to file a Formal Complaint to move forward with a campus disciplinary process can lead to University Student Conduct Code or personnel consequences for the individual who harmed you. Whether or not you choose to file a Formal Complaint, or report to police, the Title IX Coordinator will discuss your options with you, explain how to file a Formal Complaint and will discuss potential supportive measures such as academic accommodations, help changing a living, working, or transportation situation, assistance obtaining a no-contact directive on campus or provide information about a civil protective court order, referral to a counselor on or off campus, referral to medical care on or off campus, or assistance finding information about immigration or legal issues. The University will provide appropriate supportive measures if you request them and if they are reasonably available, regardless of whether you choose to file a Formal Complaint or report the crime to the police.

B. How to Report to the University Title IX Coordinator

Reports of sexual assault, domestic violence, dating violence and stalking to the Title IX Coordinator may be made in several ways:

Call: (406) 243-5710 and leave a private voice message
Email: eoaa@umontana.edu

Online reporting: <https://www.umt.edu/eo/take-action/report.php>
Visit: University Hall 006, University of Montana, Missoula, MT 59812

Amnesty

Students who report information about sexual assault, domestic violence, dating violence or stalking involving themselves or other students will not be disciplined for any violation of the University's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident. This statement regarding amnesty can be found in Section VIII of the University's [Discrimination, Harassment, and Retaliation Policy](#).

Retaliation

You should not experience retaliation for coming forward for help. Retaliation essentially means any adverse action, including efforts to intimidate, threaten, coerce or discriminate, and any adverse employment or educational actions, that would discourage a reasonable person from disclosing protected-class harm or participating in a University process designed to address such harm. If you feel like you are experiencing retaliation, notify the Title IX Coordinator so they can discuss options with you and could investigate that report separate from any other report.

C. How to Report to Law Enforcement

You have the option to notify law enforcement. Contacting police will be confidential and does not require that you file a report or pursue criminal charges against the offender. It is your choice whether to make such a report. Furthermore, you have the right to decline to notify law enforcement. However, SARC or the Title IX Coordinator will assist you with notifying law enforcement if you wish.

1. City and County Law Enforcement Offices

City and county law enforcement officers are available 24 hours a day to respond to emergency and nonemergency calls about crimes of interpersonal violence. After you call the police, you will receive a call back from an officer, officers can explain the options for medical exams, resources, and the processes for reporting assaults as crimes, police will arrange for a victim advocate. At your request they will begin a criminal investigation. ***You can reach local law enforcement by dialing 9-1-1 in an emergency.***

University of Montana Police Department

Phone: (406) 243-4000

Location: University of Montana, Physical Plant, Bldg. 032

Website: <http://www.umt.edu/police/>

Missoula Police Department:

Phone: (406) 552-6320 (Monday-Friday 8am-5pm); (406) 552- 6300 (24 hours per day)

Location: 435 Ryman Street Missoula, Montana 59802-4297

Website: <https://www.ci.missoula.mt.us/332/Police-Department>

MDP Resources: [MPD Complaint Procedure](#); [File a Complaint](#); and [Form Center](#)

Missoula County Sheriff's Office:

Phone: (406) 258-4810

Location: 200 W. Broadway Street, Missoula, MT 59802

Website: <https://www.missoulacounty.us/government/public-safety/sheriff-s-office>

2. Victims have the right to:
 - Pursue action through both the University's process and the criminal process
 - Pursue action only through the University's process
 - Report to the police and decline to pursue further action by law enforcement
 - Seek confidential support on campus through confidential resources listed below
 - Report to the Title IX Coordinator and decline to pursue further action
 - Report anonymously
 - Do none of the above (victims are still encouraged to seek support)
3. Your Rights and Court Issued Orders of Protection, Campus Issued "No Contact" Directives, or Similar Lawful Orders Issued by a Criminal, Civil, Tribal Court or by the Institution

An **Order of Protection** is a civil court order that is designed to stop violent and harassing behavior by placing limits on the conduct of and contact from the abuser. It is meant to protect a victim and their family members from someone who has harmed or threatened to harm them, who has stalked them or who has sexually assaulted them, and of whom the victim is afraid. The University complies with Montana law and federal law to give full faith and credit to Orders of Protection issued by the State of Montana or any other state, tribal authority, or territory. Any individual who already has or obtains a court Order for Protection should provide a copy of the Order to Office of the Title IX Coordinator and UM Campus police.

A person may meet with the Title IX Coordinator, UM Campus Police and Crime Victim Advocates before or after obtaining an Order of Protection to develop a **Safety Plan**, which is a plan to identify ways the University can assist you to reduce risk of harm while on campus, or when coming and going from campus. This plan may include, but is not limited to: campus escort, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. Police can enforce a court Order for Protection on University property and may be able to arrest a person for violating it.

The University cannot apply to the court system for an Order of Protection for a victim. The victim is required to apply directly for these services themselves. They can receive assistance from the campus office/contact info and the community resource/contact info.

Type of Order	Who Can File	Court	Based Upon
Order of Protection https://dojmt.gov/victims/orders-of-protection/ A document issued by a court and signed by a judge to protect from:	A victim may file a petition for an Order of Protection if the person abusing you or threatening you is	You can file a petition for an Order of Protection in: Missoula City Municipal Court,	It is against the law for a partner or family member to cause you bodily harm or cause you

<ol style="list-style-type: none"> 1. Abuse or threats from family member, intimate partner, or former intimate partner. 2. Stalking 3. Person who has sexually assaulted you whether you have had an intimate relationship or not. 	<p>a family member, intimate partner, or former intimate partner. You can also ask for an Order of Protection if someone is stalking you, or has physically or sexually assaulted you, or has assaulted you, whether or not you have had an intimate relationship with that person.</p>	<p>Missoula County Justice Court, or Fourth Judicial District Court (Missoula County).</p>	<p>to fear bodily harm. An Order of Protection is a court order. It is signed by a judge. It can prohibit your partner from contacting you or being a certain distance from you or your children. It says the person who has hurt you or threatened you cannot do that again or they may be arrested.</p>
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The University may, if deemed appropriate, be able to issue a campus **Trespass Notice** to keep a person from entering or remaining on the university campus, in specific university buildings or at University sanctioned events.

The University may issue an institutional **No Contact Directive** between individuals if deemed appropriate. The No Contact Directive is a warning to individuals not to contact the other in any manner on or off campus. If the University receives a report that such an institutional No Contact Directive has been violated, the University will initiate disciplinary proceedings. If the accused is found responsible for violating the no contact directive, there can be sanctions. Consequences for violating a no contact directive will depend on facts and circumstances of each particular situation. Contact the Title IX Coordinator at (406) 243-5710 or via email at: eoaa@umontana.edu to discuss these University options and to make a Safety Plan.

D. Written Notification of Campus and Community Resources

There are several resources available on campus and in the community that provide free, confidential support to victims of sexual harassment, sexual assault, dating or domestic violence, and stalking. These resources can help you report to the University or to the police if you so choose.

ON CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling	Curry Health Center; SARC	UM	(406) 243-4712
Health	UM is unable to provide forensic examinations of campus at this time. For forensic exams, visit First Step Resource Center	N/A	N/A
Mental Health	Curry Health Center; SARC	UM	(406) 243-4712; (406) 243-4429

Victim Advocacy	SARC	UM	(406) 243-4429
Legal Assistance	ASUM Legal Services	UM / ASUM	(406) 243-6213
Visa and Immigration Assistance	https://www.umt.edu/global-engagement/international-student-scholars/admitted-students/visa.php	UM; may need to contact off-campus sources	iss@umontana.edu
Student Financial Aid	http://www.umt.edu/finaid/	UM	(406) 243-5373
Other	Disability Services for Students	UM	(406) 243-2243

OFF CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling	YWCA's Missoula Pathways	YWCA	(406)542-1944 or (800)483-7858 (24-hours)
Health	For forensic exams, visit First Step Resource Center	Providence Hospital	(406)329-5776
Mental Health	SAFE - Ravalli County ; see YWCA	SAFE; YWCA	(406)363-2793 or (406)363-4600 (24-hours)
Victim Advocacy	Missoula Crime Victim Advocate Program	Missoula County	(406)258-3830 or (866)921-6995
Legal Assistance	Montana Lawyer Referral Service	Montana State Bar	(406)449-6577
Visa and Immigration Assistance	Please contact the Title IX Coordinator for additional information regarding this resource.	N/A	N/A
Student Financial Aid	Please contact the Title IX Coordinator for additional information regarding this resource.	N/A	N/A

E. Written Notification about University Supportive Measures and How to Request Them

The Title IX Coordinator is responsible to coordinate Supportive and Protective measures. Supportive and Protective measures are non-disciplinary, non-punitive individualized services and tools offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent before, during or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive and Protective measures are designed to restore or preserve equal access to the University's Programs and Activities without unreasonably burdening the other party, and includes measures designed to protect the safety of all parties or the University's campus environment, or prevent or deter potential Prohibited Conduct.

Supportive and Protective measures may include:

- counseling,
- extensions of deadlines or other course-related adjustments,
- modifications of work or class schedules,

- campus escort services,
- changes in work or housing locations,
- leaves of absence,
- increased security and monitoring of certain areas of campus,
- safety planning,
- referrals to on and off-campus services,
- trainings,
- mutual restrictions on contact, and
- other similar measures.

The University will provide interim supportive measures if requested and if they are reasonably available regardless of whether you choose to report to the police or start a formal University investigation.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, you should contact the Title IX office. If you wish to receive assistance in requesting supportive measures you can contact the Title IX Coordinator. Supportive measures provided will remain confidential but may need to be shared with limited individuals who need to know so they can assist in implement the supportive measure; for example talking to housing staff for a housing move or talking to Respondent in the case of a mutual no contact directive.

F. Confidentiality of Complaints and Report

The University is committed to protecting the privacy of all individuals involved in making a report under UM's [Discrimination, Harassment, and Retaliation Policy](#). The Title IX Coordinator is not a Confidential Resource. Nevertheless, the Title IX Coordinator will make every effort to respect and safeguard the privacy of the individuals involved in reporting or otherwise participating in making a report, participating in an investigation, hearing, or informal process. Privacy means that reports will only be shared with limited individuals who need to know for the purpose of assessment, implementation of Supportive and Protective measures, and resolution of a Formal Complaint, and to the extent required by law or court order. The University will maintain as private any supportive measures you receive to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the services. All employees who are involved in the University's response to reports of prohibited conduct receive specific guidance about sharing and safeguarding private information in accordance with state and federal law.

Pursuant to the Clery Act, the University includes statistics about Clery-reportable offenses (certain crimes) in its Annual Security Report and provides those statistics to the U.S. Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings or emergency notifications

to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information of complainants when issuing timely warnings or emergency notifications to the campus community, and in the maintenance of the daily crime log.

Please note that you may request that directory information on file with the University be withheld by request to [the Registrar's office](#).

G. FERPA and HIPPA Privacy

The University follows state and federal law regarding student records. The privacy of student educational records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act (HIPAA).

H. Steps in University Disciplinary Process

The University's [Discrimination, Harassment and Retaliation Policy](#) prohibits, among other forms of discrimination and harassment, sexual harassment, sexual assault, dating violence, domestic violence, stalking and retaliation. This Policy applies to all faculty, staff, students, and visitors while engaged in activities directly related to the nature of their University affiliation. Violations of this Policy will be addressed through the Discrimination Grievance Procedures. The purpose of these Discrimination Grievance Procedures (the Procedures), is to provide prompt and equitable resolution.

Consequences for violating this policy will depend on facts and circumstances of each situation. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an equitable and unbiased investigation and hearing process. The full policy can be found here: [UM Policy Number 735](#). The full procedures are available here: [Full Procedures](#).

I. Title IX Coordinator Response to Receiving a Report

When the Title IX Coordinator receives a report that a person may have experienced sexual harassment, dating violence, domestic violence, sexual assault, or stalking, the Title IX Coordinator will contact that person by email to discuss options, potential supportive measures such as academic accommodations, help changing a living, working, or transportation situation, assistance obtaining a no-contact directive on campus or provide information about a civil protective court order, referral to a counselor on or off campus, referral to medical care on or off campus, or assistance finding information about immigration or legal issues. The University will provide such supportive measures and assistance if requested and if they are reasonably available, regardless of whether a person chooses to file a Formal University Complaint (described below) or report the crime to the police.

J. Formal Complaint Required to Initiate a Grievance Proceeding or Informal Resolution

The University will not initiate a Grievance Proceeding or Informal Resolution Process, as described in the Policy and Procedures, in the absence of a Formal Complaint. (The University will assist with Supportive Measures without a Formal Complaint.)

A Formal Complaint means: (1) a document filed by a Complainant or signed by the Title IX Coordinator; (2) that describes sexual harassment, sexual assault, domestic violence dating violence, or stalking; (3) that names a Respondent; (4) that requests the University investigate and adjudicate the allegation(s); and (5) meets the applicability and jurisdiction requirements explained in the Policy. Individuals do not have to determine the existence of University jurisdiction; the Title IX Coordinator is responsible to do that.

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or at the contact information listed above. The Formal Complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the Formal Complaint.

The Title IX Coordinator will not sign a Formal Complaint without a requesting and participating Complainant unless the Title IX Coordinator deems it necessary to campus safety based on factors such as:

- Patterned Prohibited Conduct, as evidenced by more than one report of distinct but similar Prohibited Conduct against the same Respondent;
- Excessive violence, as evidenced by reported Prohibited Conduct involving a weapon, significant bodily injury, or ongoing and continued threats of physical harm; or
- Harm to minors, as evidenced by any report of Prohibited Conduct against a child.

K. Timeframe

The University will respond to and seek resolution of all Reports promptly, based on the circumstances, and in accordance with federal regulation. You can expect the Title IX Office to set and provide advanced notice of timelines and deadlines to parties, witnesses, and Advisors. Deadlines may be extended only if there is good cause and written notice to the parties of the reason for extension or delay.

L. The University Has Two Processes to Resolve a Formal Complaint: Grievance Proceeding or Informal Resolution

1. Informal Resolution.

An Informal Resolution, involves both parties' voluntary written consent to participate in the Informal Resolution Process. Examples of Informal Resolution include mediation, facilitated conversation, and education. The Informal Resolution Process may not be used to resolve allegations that an employee Sexually Harassed a student.

- a. After the parties are provided with written notice of Formal Complaint, the Title IX Coordinator may reach out to both parties to explore whether they would like to engage in an Informal Resolution Process.
- b. The Title IX Coordinator is responsible for either overseeing or conducting the informal resolution process
- c. Both parties must provide voluntary written consent to Informal Resolution, and the Title IX Coordinator must determine an Informal Resolution process is appropriate, before the Title IX Coordinator will initiate an Informal Resolution process.
- d. At any time, before completing a resolution, any party has the right to withdraw from the Informal Resolution Process and resume the Grievance Process with respect to the Formal Complaint. A completed resolution must contain signatures of the parties and the Title IX Coordinator. The Title IX Coordinator retains the authority to determine whether any Informal Resolution is sufficient.
- e. The only record resulting from the Informal Resolution process will be a Written Agreement of Informal Resolution signed by both parties and the Title IX Coordinator. Each party will receive a copy of the written agreement and the Title IX Coordinator will maintain a copy in the Title IX Office records.
- f. None of the information learned solely as a result of the Informal Resolution process may be used in the Grievance Process. The fact that the parties participated or that any party declined to participate or withdrew from the Information Resolution Process may not be considered in a Formal Grievance Process.

2. Grievance Proceeding- A Grievance Proceeding involves an investigation, a hearing, and, if applicable, sanctions and an appeal.

Burden of Proof and Standard of Evidence- Neither a Complainant nor a Respondent has any burden to prove or disprove Prohibited Conduct. The University has the burden to prove through the Grievance Proceeding that a Respondent engaged in Prohibited Conduct. The University presumes that the Respondent has not engaged in Prohibited Conduct until it has made a final determination at the conclusion of the Grievance Proceeding. The standard of evidence for determining whether a Respondent has engaged in Prohibited Conduct is the preponderance of the evidence standard. The preponderance of the evidence standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

Investigation

The Title IX Coordinator will assign a properly trained and impartial investigator.

- a. The investigator is responsible to gather evidence sufficient to reach a determination regarding responsibility or no-responsibility.
- b. The investigator may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to a party, unless the University obtains that party's voluntary, written consent to do so for this Grievance Process.
- c. The investigator will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other Inculpatory and Exculpatory Evidence.

- d. The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.²
- e. The investigator will provide the parties with the same opportunities to have support persons, and an Advisor of their choice, present during any interview or meeting related to the investigation.
- f. The investigator will provide written notice of the date, time, participants, and purpose of all investigative interviews, and other meetings, with sufficient time for a party to prepare to participate.
- g. The investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and Inculpatory or Exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- h. If in the course of the investigation, information becomes available that leads to the investigation of additional allegations about the Respondent or Complainant that were not included in the initial written notice, the investigator will provide an additional written notice to the parties whose identities are known, of the additional allegations.
- i. Prior to the completion of the investigation, the investigator will provide to each party and the party's Advisor, if any, the evidence subject to inspection and review in an electronic format, and the parties will have at least 10 working days to submit a written response, which the investigator will consider prior to completion of the investigative report.
- j. The investigator will create a pre-hearing investigative report that fairly summarizes relevant evidence. The pre-hearing investigative report will state whether there is reasonable cause to believe that Prohibited Conduct occurred based upon an objective evaluation of all relevant evidence. The objective evaluation will be based upon the presumption that the respondent(s) is not responsible for the alleged conduct and the preponderance of the relevant evidence standard.
- k. The investigator will send to each party and the party's Advisor, if any, the investigative report in an electronic format or a hard copy.
- l. Upon receipt of the investigative report, each party has 10 days to submit a written response to the investigator.
- m. After receipt of the parties' responses to the investigative report, or expiration of the time permitted for such responses, the investigator will provide the following to the Title IX Coordinator and to the parties and their respective Advisors, if any the following:
 - i. Written Notices;
 - ii. Description of the procedural steps taken from the receipt of the Formal Complaint through the final investigative report and receipt of any responses to the final investigative report, including all notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence;

² The University will not restrict students' and employees' ability to discuss the allegations under investigation to the extent such discussion aligns with a party's right to meaningfully participate in furthering the party's interests in the case. However, this provision in no way immunizes a party from abusing the right to discuss the allegations under investigation by, for example, discussing those allegations in a manner that constitutes Retaliation as defined in Section XI(C) of the Discrimination, Harassment, and Retaliation Policy. Similarly, where a party's conduct toward a witness might constitute tampering (for instance, by attempting to alter or prevent a witness's testimony), it is prohibited and may constitute a violation of the Student Code of Conduct or relevant employment agreement or policy.

- iii. All evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint and any additional allegations of which the parties were provided written notice, including evidence upon which the investigator did not rely in forming an opinion, and any Inculpatory or Exculpatory evidence whether obtained from a party or other source;
- iv. The pre-hearing investigative report; and
- v. All written responses and any other submissions provided by the parties, and their advisors to the investigator.

Hearing

After receipt of the information described above the Title IX Coordinator will provide such information to the Hearing Panel and will work with the Hearing Panel, the parties, and their Advisors, to schedule a date, time, and location for a live Hearing.

- a. The Chair of the Hearing Panel may convene a pre-hearing conference with the parties and their Advisors to discuss matters of procedure, including logistics of technologies to be used, and any requests for parties to be located in separate rooms; time allocations; identity and logistics of witnesses to be called; sequestration of witnesses; evidence to be presented; recording or transcription of the hearing; identify of support persons to be present; process for questions and cross-examinations; anticipated evidentiary disputes; the Rules of Decorum for Equal Opportunity & Title IX Hearings; other matters that will help to enable a fair and impartial hearing. Prior to the pre-hearing conference, the Chair of the Hearing Panel will request each party to submit a list of anticipated witnesses and cross-examination questions. The Chair of the Hearing Panel will discuss the party's submitted questions with the submitting party and their Advisor during the pre-hearing conference.
- b. The Chair of the Hearing Panel will conduct all proceedings in accordance Rules of Decorum for Equal Opportunity & Title IX Hearings. For all hearings conducted under these Procedures, the Chair will make determinations regarding relevancy and will permit only relevant cross-examination and other questions to be asked of parties and witnesses.
- c. Each party will be afforded an opportunity to make an opening and closing statement, personally, or through their Advisor. Following any opening statements, the Hearing Officer will invite parties and witnesses to answer questions posed by the Hearing Panel.
- d. For charges of Sexual Harassment, cross-examination will be conducted as follows, in accordance with federal requirements and Rules of Decorum for Equal Opportunity & Title IX Hearings:
 - i. Before a Complainant, Respondent, or witness answers a cross-examination question, the Chair will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
 - ii. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
 - iii. Asking a question of a particular individual previously asked of and answered by that individual is impermissible as irrelevant.
 - iv. If a party or witness does not submit to cross-examination at the Hearing, the Hearing Panel will not rely on any statement of that party or witness in reaching a

determination regarding responsibility; provided, however, that the Hearing panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

- v. Each party's Advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination will be conducted directly, orally, and in real time by the party's Advisor of choice and never by a party personally.
- e. Either party may request that the hearing occur with the parties located in separate rooms with technology enabling the Hearing Panel and parties to simultaneously see and hear the party or the witnesses answering questions.
- f. The University will create an audio or audiovisual recording, or transcript of the live hearing and will make it available to the parties for inspection or review. Other recordings or transcriptions of the hearing will not be permitted.³
- g. Following conclusion of a Grievance Proceeding, the Hearing Chair will promptly issue a written determination on behalf of the Hearing Panel regarding responsibility. To reach this determination, the Hearing Panel will begin its analysis with the presumption that the Respondent(s) is not responsible for the alleged conduct and will weigh the evidence to determine whether the preponderance of the relevant evidence weighs in favor of a finding of responsibility or no finding of responsibility for the alleged Prohibited Conduct.
- h. The written determination will be provided to the Complainant and Respondent as simultaneously as possible and will include the following:
 - i. Identification of the allegations potentially constituting Prohibited Conduct;
 - ii. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - iii. Findings of fact supporting the determination;
 - iv. Conclusions regarding the application of the Policy to the facts;
 - v. A statement of, and rational for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent; and whether remedies designed to restore or preserve equal access to the University's Program or Activity will be provided by the University to the Complainant; and
 - vi. The University's procedures and permissible bases for the Complainant and Respondent to appeal.
- i. The Chair of the Hearing Panel will provide to the EO/Title IX Coordinator the final written decision, the recording or transcription of the live hearing, and all evidence directly related to the matter ("Hearing Panel File").

Appeal

Either or both parties may appeal from a determination regarding responsibility and from the University's dismissal of a formal complaint or any allegations therein.

- a. An appeal must be submitted to the Title IX Coordinator within 10 days of the date the written determination was submitted to the parties.
- b. Grounds for appeal are:

³ Personal or unauthorized audio or video recording of any meeting, interview, Grievance Proceeding, or Informal Resolution contemplated by the Policy or these Procedures is prohibited.

- i. Procedural irregularity that affected the outcome of the matter;
 - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 - iii. The Title IX Coordinator, investigator(s), or member(s) of the Hearing Panel had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
- c. Upon receipt of an appeal, the Title IX Coordinator will notify the other party in writing when an appeal is filed and will issue instructions, including reasonable deadlines for the non-appealing party to submit a written response.
- d. Once the Title IX Coordinator has received the written statements or the deadlines for submission of the written statements has expired, the Title IX Coordinator will provide to the President of the University or their designee, written statements submitted by the parties, the final written decision and will make available the Hearing Panel File.
- e. The President or designee will issue a written decision describing the result of the appeal and the rationale for the result and will provide the written decision simultaneously to both parties.
- f. A decision by the President or their designee is the final decision of the University and thus the conclusion of the grievance proceeding. As such, appropriate disciplinary sanctions may be immediately imposed, regardless of whether a party files an appeal under Board of Regents Policy 203.5.2 described below. The University may also determine to impose interim measures/sanctions consistent with the final University determination, pending an appeal under the Board of Regents policy.

Sanctions

- a. Student Respondents. The Hearing Panel is responsible for determining sanctions against student respondents.
 - i. Possible sanctions against students may include one or more of the following:
 - 1. Disciplinary probation: A designated period of time during which the respondent is not in good standing with the University. The terms of disciplinary probation may involve restrictions of privileges and/or set specific behavioral expectations;
 - 2. Restriction from employment at the University: Prohibition of or limitation on University employment;
 - 3. Class/Workshop/Training/Program attendance: Enrollment in and completion of a class, workshop, training, or program that could help the respondent or the University community;
 - 4. Educational project: Completion of a project specifically designed to help the respondent understand why certain behavior was inappropriate and to prevent its recurrence;
 - 5. University housing transfer or removal: Permanent placement in another room or housing unit or removal from University housing. Housing transfers or removals may be for a specified time (e.g., a year) or permanent depending on the circumstances;
 - 6. Removal from specific courses or activities: Suspension or transfer from courses or activities at the University for a specified period of time or permanently

7. Banning from all or specific University activities and events: The University may prohibit an individual from attending University sponsored activities either on or off-campus;
 8. Permanent No Contact: Restriction from entering specific University areas and/or from all forms of contact with certain persons;
 9. Suspension: Separation from the University for a specified period of time or until certain conditions are met;
 10. Expulsion or permanent separation: Termination of student status for an indefinite period for students or termination from employment for employees;
 11. Transcript hold: The University may prevent a student from receiving a copy of their transcript; or
 12. The University may delay the conferral of the degree pending the outcome of an investigation or withhold the conferral of the degree due to a finding of prohibited conduct. In extraordinary circumstances, the University may revoke the conferral of a degree.
- ii. Student Respondents may submit to the Hearing Panel, a mitigation statement explaining any factors that the respondent believes should mitigate or otherwise be considered in determining the sanctions imposed. Complainants may submit to the Hearing Panel an impact statement describing the impact of the Prohibited Conduct on the complainant and expressing the complainant's preferences regarding appropriate sanctions.
 - iii. In determining the appropriate sanctions for students, the Hearing Panel will be guided by a number of considerations, including:
 1. The nature of the conduct at issue and the Prohibited Conduct for which Respondent was charged;
 2. The impact of the Prohibited Conduct on the Complainant;
 3. The impact of the Prohibited Conduct on the community or the University;
 4. Whether the Respondent has accepted responsibility for the Prohibited Conduct, which may be considered as a factor that may lessen, not increase, the severity of the sanctions;
 5. Maintenance of a safe and respectful environment conducive to learning;
 6. Protection of the University community;
 7. The necessity of any specific action in order to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects on the Complainant or other University community members; and
 8. Any other mitigating, aggravating, or compelling circumstances, including those set forth in the impact or mitigation statements.
- b. Employee Sanctions. If the Respondent(s) is an employee, the Hearing Panel will not make a determination regarding sanctions. After any appeal or opportunity for appeal has been exhausted, the Title IX Coordinator will provide the Hearing Panel's written decision, and any final decisions on appeal, to the University administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures and collective bargaining agreements. The Title IX Coordinator will inform the Complainant(s) of the status of the employee sanctioning process and outcomes, as they directly relate to the Complainant(s)'s participation in University Programs or Activities.
 - c. Student-Employee Sanctions. If the Respondent is a student-employee, the Hearing Panel will determine sanctions with respect to the Respondent's status as a student and the Title

IX Coordinator will provide the Hearing Panel's decision to the Respondent's supervisor to impose sanctions in accordance with applicable employment policies and procedures.

M. Questions: Contact the Title IX Coordinator

The Title IX Coordinator will listen to you, will answer any questions you have about the campus disciplinary process and will work to connect you to the resources you express that you need to access your education or campus work environment.