

3356-2-05 Title IX sexual harassment policy.

- (A) Policy statement. Youngstown state university (YSU or university) is committed to fostering and maintaining a safe, nondiscriminatory environment for its students and employees consistent with the requirements of Title IX of the Education Amendments of 1972 and Title 34, Part 106 of the Code of Federal Regulations (~~title~~Title IX). Sexual harassment, including sexual assault, dating violence, domestic violence and stalking, is strictly prohibited by this policy. Retaliation against those who report sexual harassment or participate in the process outlined in this policy is prohibited.
- (B) Purpose. To provide the university community with a clearly articulated set of behavioral standards, common understandings of definitions, descriptions of prohibited conduct, relevant information, and reporting options consistent with the requirements of ~~title~~Title IX.
- (C) Scope. This policy applies to all students, faculty, employees (including student employees), volunteers, and third parties, campus visitors or other individuals engaged in any university activity or program within the United States, regardless of sexual orientation or gender identity.

For purposes of this policy, a university activity or program is a location, event or circumstance over which the university exercises substantial control over both the respondent and the context in which the alleged sexual harassment occurred, whether on or off campus.

- (D) Definitions (for purposes of this policy).
 - (1) “Sexual harassment” - conduct on the basis of sex that satisfies one or more of the following categories:
 - (a) An employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo). An individual does not have to submit to the conduct in order for quid pro quo sexual harassment to occur.
 - (b) Unwelcome conduct determined by the reasonable person’s standard to be so severe, pervasive, and objectively offensive that it

effectively denies a person equal access to an education program or activity (i.e., hostile environment).

- (c) “Sexual assault” as defined in the Clery Act (which includes rape, fondling, incest or statutory rape, as defined in this paragraph).
 - (i) “Rape” (except statutory rape) - the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - (ii) “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 his/her age or because of his/her temporary or permanent mental incapacity.
 - (iii) “Incest” - sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - (iv) “Statutory rape” - sexual intercourse with a person who is under the statutory age of consent.
- (d) Dating violence, domestic violence, or stalking pursuant to the Violence Against Women Act (also defined in this paragraph).
 - (i) “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 based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - (ii) “Domestic violence” - felony or misdemeanor crimes of violence committed by a current or former spouse or intimate

partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- (iii) “Stalking” - engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.
- (e) “Sexual misconduct” - conduct of a sexual nature that is nonconsensual or is carried out through force, threat, or coercion. Sexual misconduct includes but is not limited to sexual exploitation and voyeurism.
 - (i) “Sexual exploitation” - sexual exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own benefit or advantage or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostituting another, nonconsensual video or audiotaping of sexual activity, permitting others to secretly observe or record consensual activity or engaging in voyeurism.
 - (ii) “Voyeurism” - voyeurism occurs when a person, for the purposes of sexual arousal or gratification sexual purposes, surreptitiously invades the privacy of another. Voyeurism can occur in person or through recording or electronic means.

- (2) Speech or conduct protected by the First Amendment to the United States Constitution or Sections 3 and 11 of Article I of the Ohio Constitution is not harassment for purposes of this policy. Refer to university policy ~~3356-4-21~~3356-2-08, “Campus free speech”; rule ~~3356-4-21~~3356-2-08 of the Administrative Code.
- (3) “Consent” - an action which is defined as positive, unambiguous, voluntary and ongoing agreement to engage in a specific activity. Consent is the equal approval, given freely, willingly, and knowingly, of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. A person may be incapable of giving consent due to physical incapacitation, physical or mental disability, threat or force, coercion, the influence of drugs or alcohol or age. Silence or lack of resistance cannot be the sole factor in determining one has received consent.
 - (a) “Coercion” - intimidation, physical, or psychological threat, or pressure used to force another to engage in sexual acts. Coercion is unreasonable pressure for sexual activity.
 - (b) “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.
 - (c) “Incapacitation” - inability to evaluate, understand, or control conduct because an individual is unconscious, asleep, intoxicated or under the influence of other drugs, or for any other reason, physically, mentally, or legally unable to communicate or grant consent. Incapacitation does not correlate to a specific blood alcohol content (BAC) and could be the result of drug use.
- (4) “Complainant” - an individual who is alleged to have experienced conduct that could violate this policy. Also referred to as a “party” for purposes of this policy.

- (5) “Respondent” - an individual who has been reported to be the perpetrator of conduct that could violate this policy. A respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility has been made pursuant to the hearing protocol. Also referred to as a “party” for purposes of this policy.
 - (6) “Student” - an individual is a student when they are registered for courses, seminars, or workshops at the university, either full-time or part-time; pursuing graduate, undergraduate, or continuing education courses; accepted for admission; or living in a resident hall, whether or not actually enrolled at the university.
 - (7) “Faculty member” - an individual who is employed by the university to conduct classroom, research, or teaching activities.
 - (8) “Employee” - an individual is an employee when they have been hired/employed by the university to perform certain work or services at a specified hourly wage or salary. Student employees are employees for purposes of this policy.
- (E) Grievance process.
- (1) Timeframe. The process outlined below is expected to occur within ninety calendar days from the date a complaint is filed. The ~~title~~Title IX coordinator or designee may extend this time period by providing written notice to the parties citing the reason(s) for the extension. The complainant or respondent may request a temporary delay of the grievance process for good cause by written request to the ~~title~~Title IX coordinator. Good cause includes, but is not limited to, the absence of party, a party’s advisor or a witness, or the accommodation for disabilities.
 - (2) Report. Information, however received, alleging sexual harassment as defined in this policy and provided to a person with the authority to initiate corrective action. A report may lead to further action, including the filing of a formal complaint, depending on the alleged facts and circumstance. The university encourages individuals to report any allegations as defined in

this policy. A report may be submitted by mail, email, in person, by telephone or electronically at TitleIX@ysu.edu on the Title IX website.

- (3) Formal complaint. A formal complaint is a verbal or written account which alleges a conduct which could violate this policy and is made to a person with authority to initiate corrective action. A complaint may be submitted by mail, email, in person, by telephone or electronically at TitleIX@ysu.edu on the Title IX website.
- (4) Notice.
 - (a) Upon receipt of a formal complaint, the university shall provide the following written notice to the parties who are known: notice of this grievance process, including any informal resolution process; and notice of the allegations of sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
 - (b) If, in the course of an investigation, the university decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the university shall provide notice of the additional allegations to the parties whose identities are known.
 - (c) Notice to the university staff listed in this paragraph, of sexual harassment or allegation of sexual harassment, constitutes actual notice to the university and triggers the university's obligation to respond.
 - (i) Title IX coordinator and deputy ~~title~~ Title IX coordinators.
 - (ii) Executive director of equal opportunity, policy development and ~~title~~ Title IX.
 - (iii) Vice presidents and associate vice presidents.
 - (iv) Academic deans and chairpersons.

- (v) Supervisors/managers.
 - (vi) Coaches and assistant coaches.
- (5) Consolidation of formal complaints. The university may consolidate formal complaints as to allegations of sexual harassment 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 of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.
- (6) Dismissal of formal complaint. The ~~title~~Title IX coordinator shall dismiss formal complaints that do not meet the following criteria.
 - (a) Mandatory dismissal.
 - (i) Would not constitute sexual harassment as defined in this policy, even if proved.
 - (ii) The alleged sexual harassment did not occur in the university’s education program or activity.
 - (iii) The alleged conduct did not occur in the United States.
 - (b) Discretionary dismissal.
 - (i) Complainant notifies the ~~title~~Title IX coordinator in writing that they would like to withdraw the formal complaint.
 - (ii) The respondent is no longer enrolled or employed by the university.
 - (iii) Specific circumstances prevent the university from gathering sufficient evidence.
 - (c) The dismissal of a formal complaint shall be done simultaneously and in writing to the parties.

- (d) A dismissal of a formal complaint may be appealed pursuant to paragraph (F) of this rule.
 - (e) A formal complaint which is dismissed pursuant to this policy may be considered under a different university policy, such as 3356-2-03, “Discrimination/harassment,” rule 3356-2-03 of the Administrative Code or 3356-7-04, “Workplace and off-campus violence, threats, and disruptive behavior,” rule 3356-7-04 of the Administrative Code or under the student code of conduct.
- (7) Informal resolution. At any time prior to reaching a determination regarding responsibility, the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.
 - (a) Both parties’ voluntary, written consent to the informal resolution process is necessary. At any time prior to agreeing to 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.
 - (b) Informal resolution is not an option for resolving allegations that an employee or faculty member sexually harassed a student.
- (8) Investigation. The ~~title~~ Title IX coordinator or designee is responsible for investigating formal complaints which meet the criteria of this policy.
 - (a) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the investigator and not on the parties.
 - (b) The respondent is not considered responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
 - (c) The university shall 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 the party, unless the university obtains that party's voluntary, written consent to do so for a grievance process under this paragraph, or as permitted by law.

- (d) The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the course of the investigation. All parties are free to discuss the allegations under investigation or to gather and present relevant evidence.
- (e) All parties shall have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice including an attorney. However, the advisor may not speak during any interview or proceedings, with the exception of the cross-examination portion of any hearing.
- (f) Any party whose participation is invited or expected shall receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate.
- (g) Both parties shall receive an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- (h) Prior to completion of the investigative report, the investigator shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have ten calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

- (i) The investigator shall make all evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
 - (j) The investigator shall create an investigative report that fairly summarizes relevant evidence and shall provide a copy, in electronic or hard copy format, to the parties and their advisors at least ten calendar days prior to any hearing.
- (9) Hearings. Formal complaints that are not resolved informally or dismissed will result in a live hearing.
 - (a) The hearing will be scheduled by the office of student conduct and will be held before a ~~title~~Title IX decision-maker. Where the complainant and respondent are both employees and/or faculty members, the ~~title~~Title IX coordinator will convene the hearing.
 - (b) Live hearings may be conducted with all parties physically present in the same geographic location, or participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
 - (c) The decision-maker shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing shall be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
 - (d) At the request of either party, the hearing may occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
 - (e) Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker

shall first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Parties may not challenge the relevancy determination of the decision-maker, except on appeal.

- (f) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence 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.
 - (g) If a party does not have an advisor present at the live hearing, the university shall provide without fee or charge to that party an advisor of the university's choice to conduct cross-examination on behalf of that party.
 - (h) If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) shall not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot 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.
 - (i) Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.
 - (j) Parties are not required to divulge any medical, psychological, or similar privileged records as part of the hearing process.
 - (k) The hearing convener shall create an audio recording for a live hearing and an audiovisual recording for a virtual live hearing. Such recording will be available to the parties for inspection and review upon written request to the convener.
- (10) Findings.

- (a) The hearing decision-maker shall issue a written determination simultaneously to the parties regarding responsibility/policy violation(s) and sanctions/discipline when responsibility/policy violation is found to have occurred. To reach this determination, the preponderance of the evidence standard (whether it is more likely than not that the alleged conduct occurred) will be used.
- (b) The determination regarding responsibility and sanction(s)/discipline becomes final either on the date that the university provides the parties with the written determination of the result of the appeal, if an appeal is filed; or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- (c) The written determination shall include:
 - (i) Identification of the allegations potentially constituting sexual harassment.
 - (ii) A description of the procedural steps which were followed starting with the formal complaint and continuing through determination.
 - (iii) The finding of facts that support the determination.
 - (iv) A conclusion applying the appropriate definition of the university's policy to the facts.
 - (v) A rationale for the result of each allegation regarding the determination of responsibility.
 - (vi) For respondents who are students, the hearing decision-maker shall consult with the vice president of student ~~experience~~affairs or their designee regarding sanctions. For respondents who are employees or faculty members, the hearing decision-maker shall consult with the chief human resources officer or their designee regarding discipline.

- (vii) Information regarding whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided to the complainant. The ~~title~~ Title IX coordinator is responsible for effective implementation of any remedies.
 - (viii) The procedures and bases for the complainant and respondent to appeal the determination.
- (11) Sanctions/discipline.
 - (a) Students.
 - (i) Possible sanctions for student respondents: warning, conduct probation with or without loss of good-standing, restitution, educational sanctions, residential suspension, university suspension, residential expulsion, university expulsion, revocation of admission and/or degree, withholding degree, and fines.
 - (ii) "Serious misconduct" is defined as any act of sexual assault, domestic violence, dating violence, stalking, sexual exploitation, or any assault that employs the use of a deadly weapon, as defined in division (A) of section 2923.11 of the Revised Code, or causes serious bodily injury. Students found responsible for violations of the serious misconduct policy will face, at minimum, a sanction of conduct probation with loss of ~~good-standing~~ good standing for one calendar year, preventing the student from participating in any extracurricular function, including athletics, student organizations, and student employment. After one year, students may petition the dean of students for permission to participate in extracurricular activities and employment.

Students returning from a sanction of suspension will automatically be placed on conduct probation with loss of ~~good-standing~~ good standing for one calendar year,

preventing the student from participating in any extracurricular functions, including athletics, student organizations, and student employment. After one year, students may petition the dean of students for permission to participate in extracurricular activities and employment.

- (b) Possible sanctions/discipline for employee or faculty respondents: employment probation, demotion or reassignment, suspension with or without pay for a specific period of time, termination of employment, ineligibility for rehire, and/or other sanctions or remedies as deemed appropriate under the circumstances.
- (F) The appeal process.
- (1) Filing an appeal.
 - (a) Appeals are not a re-hearing of the allegation(s).
 - (b) Only a complainant or respondent (referred to as party or parties) may request an appeal.
 - (c) An appeal must be submitted in writing to the ~~title~~Title IX coordinator within five working days from receipt of a decision using the ~~title~~Title IX appeal request form and include all supporting material.
 - (d) A party may appeal the determination regarding responsibility, sanctions/discipline, and/or the university's dismissal of a formal complaint or any allegations therein.
 - (e) There are four grounds for appeal:
 - (i) Procedural irregularity that significantly impacted the outcome of the matter (for example material deviation from established procedures). The appeal request must cite specific procedures and how they were in error; and/or

- (ii) New evidence that was not reasonably available at the time the original decision was made that could have affected the outcome. A summary of this new evidence and its potential impact must be included in the request. (Note: Failure to participate or provide information during an investigation or hearing, even based on concern over a pending criminal or civil proceeding, does not make information unavailable during the original investigation or hearing); and/or
 - (iii) The ~~title~~Title IX coordinator, investigator(s), or decision-maker(s) 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. The appeal must cite specific examples of how the bias affected the outcome.
 - (iv) The discipline/sanction(s) imposed are substantially outside the parameters or guidelines set by the university for this type of violation or the cumulative conduct record of the responding party.
- (2) Title IX appellate review officer (hereinafter referred to appellate review officer). Upon receipt of a request for appeal, the ~~title~~Title IX coordinator will designate a ~~title~~Title IX appellate review officer as follows:
 - (a) Appeals where the respondent is a student, the appellate review officer will be either the vice president of student affairs or their designee or a deputy ~~title~~Title IX coordinator who did not participate in the investigation or hearing.
 - (b) Appeals where the respondent is a faculty member or employee, the appellate review officer will be either the chief human resources officer or their designee or a deputy ~~title~~Title IX coordinator who did not participate in the investigation or hearing.
 - (c) The appellate review officer cannot be the investigator, ~~title~~Title IX coordinator, or the person who acted as the decision-maker

regarding the determination of responsibility/policy violation, or dismissal.

(3) Appeal procedures:

- (a) Generally, within five business days after receipt of the request for appeal by the appellate review officer, the appellate review officer will conduct an initial review of the appeal request(s) to determine whether the appeal is timely and satisfies the grounds for appeal.
- (b) If the appeal request is not timely or does not satisfy the grounds for appeal, the appeal request will be denied, the parties will be notified, and the finding and sanction or responsive action/remedies will stand. The decision not to accept an appeal request is final and is not subject to further appeal.
- (c) If the appeal request is timely and meets the ground for appeal, the ~~title~~ Title IX coordinator will notify the parties that the appeal has been accepted and will notify the non-appealing party that they may file a response within three business days from notification.
- (d) The appellate review officer will then review the issues presented in the appeal and any response(s).
- (e) The standard on appeal is whether there is relevant evidence/information such that a reasonable person would support the decision(s).
- (f) The appellate review officer can take one of the following actions:
 - (i) Affirm the original findings;
 - (ii) Remand the case to the original investigators or hearing panel for consideration of new evidence or to remedy a procedural irregularity;

- (iii) Remand the case to a new investigator in a case of bias. The appellate review officer, may order a new investigation with a new investigator or hearing panel; or
 - (iv) Administratively alter the finding if bias, procedural irregularity, or new evidence, unknown or unavailable during the original investigation, substantially affected the original finding and the associated sanctions or responsive action.
 - (g) Decisions rendered by the appellate review officer or actions taken following the decisions appellate review officer's decision are final and not subject to further appeal.
 - (h) Cases that are sent back to the investigator or hearing panel are not eligible for a second appeal.
- (G) When a minor is involved. When a report or formal complaint involves a student who has not yet reached the age of eighteen:
- (1) The ~~title~~ Title IX coordinator will complete a safety assessment to provide an environment free of harm and to identify the student's legal guardian.
 - (2) The ~~title~~ Title IX coordinator or deputy ~~title~~ Title IX coordinator advises the minor student of the responsibility of university staff to report child abuse as outlined in section 2151.421 of the Revised Code.
 - (3) The ~~title~~ Title IX coordinator or deputy ~~title~~ Title IX coordinator works directly with the guardian in reviewing the university's sexual harassment policy and protocols, on and off campus resources available to the student, and seeking permission to investigate the report or formal complaint.
 - (4) The student and guardian are advised of the university's student records and privacy practices available at <https://ysu.edu/registrar/ferpa> on the FERPA website and specifically that the student's records and ability to make decisions transition to the student when they turn eighteen.
 - (5) The student and guardian are advised that the "Compass Family and Community Services Rape Crisis and Counseling Center of Mahoning

County” provides confidential and anonymous support for clients, including those who are not yet eighteen.

- (H) Retaliation prohibited. No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Complaints alleging retaliation may be filed according to the grievance procedures in this policy.
- (I) Emergency actions. The university may remove a student respondent from an education program or activity on an emergency basis after an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. The student respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. The university may place an employee respondent on administrative leave during the pendency of the grievance and appeal process.
- (J) Supportive measures. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the university’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the university’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.
- (K) Confidential resources. An individual who desires that the details of an incident be kept confidential may speak with professional licensed counselors who provide mental health counseling on campus. Pastoral or clergy and medical professionals also have legally protected roles involving confidentiality. A list of confidential resources is available ~~at the university’s title IX website~~ on the Title IX website.

(L) Nonconfidential reporting and recordkeeping.

- (1) Ohio law requires those not in a legally protected role with knowledge of a felony to report it to law enforcement. University personnel, including the ~~title~~Title IX coordinator, deputy ~~title~~Title IX coordinators, resident assistants and office of residence life and housing professional staff, are required to notify the university police department of any report of sexual harassment including interpersonal violence.
- (2) Conduct reported to the university police that may be a ~~title~~Title IX violation will be reported to the ~~title~~Title IX coordinator. A report to the university police or other law enforcement agency does not require the pursuit of criminal charges. Neither the complainant nor the respondent is under any obligation to speak with the law enforcement authorities, even when the conduct is reported to them.

(M) Conflict of interest. The ~~title~~Title IX coordinator, any investigator, decision-maker, or any person facilitating a process under this policy shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent specifically.

(N) Miscellaneous

- (1) Training. Investigations and hearings are designed to provide a prompt, fair, and impartial resolution regarding an alleged violation of this policy disciplinary matter. All ~~title~~Title IX coordinators, investigators, decision-makers, advisors and appellate review officers, and any person who facilitates an informal resolution process are trained using appropriate materials that will not rely on sex stereotypes and will promote impartial, unbiased investigations and adjudications of complaints of ~~title~~Title IX sexual harassment.
- (2) Prevention and education programs. The university shall provide programs and/or training (collectively referred to as trainings) for employees and students designed to prevent and promote awareness of sexual harassment. The trainings shall be consistent with applicable legal requirements and university policies. The office of human resources, with oversight from the

~~title~~Title IX coordinator, or his/her designee, shall provide training for employees; and the office of student affairs, with oversight from the ~~title~~Title IX coordinator, or his/her designee, shall provide training for students. For more information on ~~title~~Title IX and sexual misconduct, please see the university's ~~title IX~~Title IX website.

- (3) False allegations. It is a violation of this policy for anyone to intentionally report information or allegations that they know, or reasonably should know, to be untrue or false. However, failure to prove an allegation is not equivalent to a false allegation.

Effective: 7/30/2026

CERTIFIED ELECTRONICALLY

Certification

07/20/2026

Date

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Under:	
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