Revised October 26, 2026

Robert Morris University

Policy on Sexual Harassment and Relationship Violence

For information about seeking immediate medical assistance and emotional support if you have been a victim of sexual violence, please see Exhibit A attached to this Policy.

ARTICLE I. INTRODUCTION

A. GLOSSARY OF TERMS

- Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

- Complainant means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

- Confidential Resource means an employee who is not a Required Reporter under this Policy (irrespective of Clery Act Campus Security Authority status).

- Consent means the permission, implicit or explicit, given for sexual activity to commence and/or continue. Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

- Decision-maker refers to those who have decision-making and sanctioning authority within the University's Formal Grievance process, during either the Hearing or Appeal phase of the process.

- Education program or activity means locations, events, or circumstances where RMU exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.

- Final Determination means a conclusion by a preponderance of the evidence that the alleged conduct occurred including a determination of whether it did or did not violate this policy.

- Finding means a conclusion by a preponderance of the evidence that the conduct did or did not occur as alleged.

- Formal Complaint means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment or Retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation.

- Formal Grievance Process means a method of formal resolution designated by the University to address conduct that falls within this Policy, and which complies with the requirements of 34 CFR Part 106.45.

- Investigator means the person or persons charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

- Notice means that an employee, student, or third-party informs the Title IX Coordinator of the alleged occurrence of sexually harassing and/or retaliatory conduct.

- Parties include the Complainant(s) and Respondent(s), collectively.

- Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment, or retaliation for engaging in a protected activity.

- Resolution means the result of an informal or Formal Grievance Process.

- Sanction means a consequence imposed by the University on a Respondent who is found to have violated this policy.

- Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. Please see Article II, Section B. for a comprehensive definition of Sexual Harassment.

- Title IX Coordinator is the official designated by the University to ensure compliance with Title IX and the University's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

B. NOTICE OF NON-DISCRIMINATION

Robert Morris University does not discriminate on the basis of race, color, religion, national origin, sex, disability, sexual orientation or age in its programs and activities and provides equal access to all students, employees, and other RMU stakeholders. Title IX of the Education Amendments of 1972 ("Title IX") prohibits discrimination on the basis of sex in educational programs and activities at universities/institutions receiving federal financial assistance. Title IX prohibits all forms of sex-based discrimination, including sexual harassment, and sexual violence. The Violence Against Women Reauthorization Act ("VAWA") of 2013 includes additional requirements about how colleges and universities must respond to and address certain acts of violence, including sexual assault, domestic violence, dating violence, and stalking. RMU complies with Title IX and VAWA and is committed to providing an educational and employment environment that is free of all forms of sex discrimination and sexual violence.

Contact the Title IX Office or Assistant Secretary for Civil Rights for inquiries regarding sex-based discrimination:

Title IX Coordinator: Tucker DeCasere
412-397-5234
decasere@rmu.edu

Title IX Office Robert Morris University
Revere Center, Room 205
6001 University Boulevard
Moon Township, PA 15108
412-397-5490
titleix@rmu.edu

Office for Civil Rights
U.S. Department of Education
http://www2.ed.gov/about/offices/list/ocr/index.html
(215) 656-8541 Office of Civil Right
1-800-421-3481 Civil Rights Hotline

RMU's procedures for reporting Title IX and VAWA-related concerns, and important information for victims about the confidentiality of such reports, are included in Article III of this Policy. Current contact information for the RMU staff members and departments mentioned throughout this Policy can be found in Exhibit A. Capitalized terms included in this Policy have the meanings given to them in Article I, Section A or as otherwise defined herein.

Please note: In the event of any conflict between the provisions of this Policy, the Code of Student Conduct, RMU's Human Resources policies, or any other University policy, the provisions of this Policy shall control.

C. POLICY OVERVIEW

RMU is committed to maintaining a welcoming environment that values individuality, supports authenticity, and embraces inclusivity, which calls upon all of us to demonstrate respect for the dignity of, and promote the safety and well-being of, each member of the University community. Consistent with these values, RMU does not tolerate Sexual Harassment, including Dating Violence and Domestic Violence, and RMU is committed to fostering a community that supports victims of Sexual Harassment, promotes reporting of Sexual Harassment, and resolves Sexual Harassment complaints promptly and fairly. This Policy identifies supportive services and other resources available to victims of Sexual Harassment (Exhibit A), describes prohibited conduct (Article II), explains the means through which allegations of Sexual Harassment may be reported (Article III), and establishes procedures for investigating and resolving Complaints of Sexual Harassment (Articles IV and V).

The University will make this Policy and information about recognizing and preventing Sexual Harassment readily available to all members of the RMU community.

D. APPLICABILITY OF POLICY

This Policy applies to any allegation of Sexual Harassment made by a student, or employee of the University, against a student or employee of the University, regardless of the sexual orientation or gender identity of the Complainant or the Respondent, for conduct occurring within the educational programs and/or activities of the University, and within the United States.

ARTICLE II. STATEMENTS OF POLICY

A. PROHIBITION ON SEXUAL MISCONDUCT GENERALLY

This Policy is designed to protect the rights and needs of a Complainant and a Respondent. Creating

a safe environment is the responsibility of all members of the University community.

The University strongly encourages prompt reporting of all types of Sexual Misconduct and is committed to fostering a community that promotes timely and fair resolution of any report of Sexual Misconduct. To that end, the University has defined Sexual Misconduct broadly to include all forms of sex- and gender-based harassment or discrimination or unwelcome conduct of a sexual nature. However, not all such conduct rises to a level warranting investigation, resolution, and/or discipline pursuant to this Policy. This Policy uses the term Sexual Harassment to identify those acts of Sexual Misconduct that warrant investigation, resolution, and/or discipline pursuant to the procedures set forth in this Policy. Allegations of Sexual Misconduct that do not constitute Sexual Harassment will be investigated, responded to, and resolved in accordance with other University policies applicable to Student or employee misconduct.

B. PROHIBITION OF SEXUAL HARASSMENT SPECIFICALLY

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the Commonwealth of Pennsylvania regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

RMU has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of Sexual Harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

1) Quid Pro Quo:
    a. an employee of the University,
    b. conditions the provision of an aid, benefit, or service of the University,
    c. on an individual's participation in unwelcome sexual conduct.

2) Sexual Harassment:
    a. unwelcome conduct,
    b. determined by a reasonable person,
    c. to be so severe, and
    d. pervasive, and,
    e. objectively offensive,
    f. that it effectively denies a person equal access to the University's education program or activity.

3) Sexual assault, defined as:

    a. Sex Offenses, Forcible:
        i) Any sexual act directed against a Complainant,
        ii) forcibly
        iii) without the consent of the Complainant, or
        iv) not forcibly or against the person's will in instances in which the

Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

b. Forcible Rape:
   i) Penetration,
   ii) no matter how slight,
   iii) of the vagina or anus with any body part or object, or
   iv) oral penetration by a sex organ of another person,
   v) without the consent of the Complainant,
   vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

c. Forcible Sodomy:
   i) Oral or anal sexual intercourse with another person,
   ii) forcibly,
   iii) and/or against that person's will (non-consensually), or
   iv) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

d. Sexual Assault with an Object:
   i) The use of an object or instrument to penetrate,
   ii) however slightly,
   iii) the genital or anal opening of the body of another person,
   iv) forcibly,
   v) and/or against that person's will (non-consensually),
   vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

e. Fondling:
   i) The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent,
   ii) without the consent of the Complainant,
   iii) for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
   iv) Or, the Respondent caused or directed the Complainant's intentional touching of the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts,
   v) without the consent of the Complainant,
   vi) for the purpose of sexual degradation, sexual gratification, or sexual humiliation,
   vii) including instances where the Complainant is incapable of giving consent because of their age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

f. Sex Offenses, Non-forcible:
   i) Incest:

1) Non-forcible sexual intercourse,
2) between persons who are related to each other,
3) within the degrees wherein marriage is prohibited by Pennsylvania law.

ii) Statutory Rape:
1) Non-forcible sexual intercourse,
2) with a person who is under the statutory age of consent of 16.

4) Dating Violence, defined as:
   a. violence,
   b. on the basis of sex,
   c. committed by a person,
   d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

      i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
      ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
         - Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:
   a. violence,
   b. on the basis of sex,
   c. committed by a current or former spouse or intimate partner of the Complainant,
   d. by a person with whom the Complainant shares a child in common, or
   e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
   f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania, or
   g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:
   a. engaging in a course of conduct,
   b. on the basis of sex,
   c. directed at a specific person, that
      i. would cause a reasonable person to fear for the person's safety, or
      ii. the safety of others; or
      iii. Suffer substantial emotional distress.

   For the purposes of this definition—

(i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(ii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

RMU reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy depending on the facts and circumstances surrounding a violation of this Policy.

C. PROHIBITION ON RETALIATION

Retaliation against any person for filing, supporting, or providing information in good faith in connection with a Complaint of Sexual Harassment is strictly prohibited. Violations of this prohibition will be addressed through this Policy and/or other University disciplinary procedures, as deemed appropriate in the University's discretion. Any person who feels that he or she has been subjected to Retaliation should promptly report his or her concerns to the Title IX Coordinator or another Required Reporter.

D. PROHIBITION ON PROVIDING FALSE INFORMATION

Any individual who knowingly files a false Complaint under this Policy, who knowingly provides false information to University officials, or who intentionally misleads University officials who are involved in the investigation or resolution of a Complaint may be committing a criminal act and will be subject to the University's disciplinary procedures applicable to Student or employee misconduct.

E. RELATED MISCONDUCT AND LIMITED IMMUNITY

The University encourages the reporting of any concerns regarding Sexual Harassment. Sometimes individuals are hesitant to report instances of Sexual Harassment because they fear they may be charged with violations of the Student Code of Conduct, such as underage drinking, or violations of other University policies. The University's primary interest is in protecting the well-being of its community and addressing, and remedying the effects of, Sexual Harassment. Other policy violations will, therefore, be considered separate from allegations under this Policy, and the University will consider offering victims and witnesses limited immunity from such violations, as appropriate.

F. EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

Subject to limited exceptions for Pre-Existing Relationships, romantic or sexual relationships ("Relationships") between faculty or staff members and RMU students are prohibited, whether such Relationships are casual or serious, short-term or long-term. A "Pre-Existing Relationship" is a Relationship between a faculty or staff member and an RMU student that existed (i) before the student enrolled at RMU or (ii) before the faculty or staff member became employed by RMU. Pre-Existing Relationships must be disclosed promptly to the faculty or staff member's direct supervisor, the Vice President of People and Culture, and, for faculty, the Vice President of Academic Affairs. Even in the case of a Pre-Existing Relationship, a faculty or staff member may not teach, advise, coach, supervise, or evaluate a student with whom he or she is in a Relationship. For purposes of this paragraph, Graduate Assistants are considered to be RMU staff members.

Relationships between employees in which power differentials are inherent are strongly discouraged; for example, a Relationship between two employees where one individual has supervisory or other

evaluative authority over the other. Any Relationship involving an inherent power differential must be disclosed promptly to both employees' direct supervisors and the Vice President of People and Culture. Any employee involved in a Relationship with someone over whom he or she has supervisory authority must recuse himself or herself from decisions that affect the compensation, evaluation, or employment conditions of the subordinate.

The University reserves the right to intervene if any of the Relationships described above have the potential to compromise the University's academic or professional integrity. Any questions about the applicability of this Policy to a particular Relationship should be addressed to the faculty or staff member's direct supervisor or the Vice President of People and Culture.

ARTICLE III. REPORTING AND CONFIDENTIALITY

For information about seeking immediate medical assistance and emotional support if you have experienced sexual violence, please see Exhibit A attached to this Policy.

A. OVERVIEW

RMU strongly encourages reporting of any incidents of alleged Sexual Harassment. Because Sexual Harassment may in some instances constitute both a violation of University policy and criminal activity, and because the University's procedures under this Policy are not a substitute for instituting legal action, the University encourages individuals to report alleged Sexual Harassment promptly to the Title IX Coordinator, local law enforcement, and/or the University Police Department or other campus officials. A report may be made by the Complainant or another person on his or her behalf, and the University will respond accordingly. Please note that the University cannot initiate the Grievance procedures outlined in this Policy unless the Complainant or Title IX Coordinators files a Formal Complaint. **A chart setting forth confidential resources is included in Section 5 of Exhibit A to this Policy.** The chart specifies whether each resource is able to serve as a "Confidential Resource" to a Complainant. Individuals who are not specifically identified as Confidential Resources in that chart are required to report any information they receive about Sexual Harassment to the Title IX Coordinator. Confidential reporting options are discussed under Section (B)(1) below.

As discussed in Section C of Article II of this Policy, Retaliation against any person for filing, supporting, or providing information in good faith in connection with a Complaint of Sexual Harassment is strictly prohibited, and the University will take swift and strong corrective action in the event of any Retaliation. As discussed in this Policy, the University's primary interest is protecting the well-being of its community and addressing and remedying the effects of Sexual Harassment. The University will, therefore, consider offering Complainants and witnesses of crimes limited immunity from certain violations of the Student Code of Conduct, or such as underage drinking, or violations of other University policies, as appropriate.

A Formal Complaint may be filed at any time, but the University strongly encourages Complainants to file Formal Complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding. A delay in filing a Formal Complaint may compromise the subsequent investigation.

B. OPTIONS FOR REPORTING AND CONFIDENTIALITY CONSIDERATIONS

1. Privileged and Confidential Communications

A variety of resources are available at the University and in the local community to assist individuals who experience or witness Sexual Harassment. RMU encourages victims of Sexual Harassment to talk to someone about what happened, so that they can receive the support they need, and the

University may respond appropriately. The ability of an individual to maintain the confidentiality of information he or she receives from a Complainant of, or witness to, Sexual Harassment differs depending upon the individual's role. Some individuals are able to maintain complete confidentiality, because they are legally prohibited from disclosing the information to anyone else without the Complainant's consent. Other individuals are legally required to report the information to the University's Title IX Coordinator. Please note that most University faculty and staff members are "Required Reporters," as discussed in Section 2 below, and are required to report any information they receive about an alleged incident of Sexual Harassment to the Title IX Coordinator. It should be assumed that any individual who is not specifically identified as a Confidential Resource in Exhibit A is a Required Reporter.

A student or employee who wishes to speak confidentially about an alleged incident of Sexual Harassment with one of the Confidential Resources listed in Exhibit A should understand that, in the event of a confidential report, the University will be unable to conduct an investigation into the incident or pursue disciplinary action against the alleged perpetrator. These Confidential Resources will, however, provide assistance to the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health, or mental health services, changes to residential or employment circumstances, and/or changes to course schedules. An individual who initially makes a confidential report to a Confidential Resource may later decide to file a Formal Complaint with the University or report the incident to local law enforcement and have the incident fully investigated. If so, the Confidential Resource may provide the potential Complainant with assistance in making these reports.

2. Reporting to "Required Reporters" of the University

A "Required Reporter" is any employee of the University who is not a Confidential Resource, as identified by the chart set forth at Exhibit A.

Upon learning of an allegation of sexual harassment involving a student or employee of the University, a Required Reporter has an obligation to report all relevant facts, including the identities of the Complainant(s) and potential Respondent(s), to the Title IX Coordinator. To the extent possible, information reported to a Required Reporter will only be shared with individuals who are responsible for handling the University's response to the report. A Required Reporter will not share information with local law enforcement without the Complainant's consent or unless the Complainant has already reported the incident to local law enforcement, subject to certain situations in which the University may be required to notify law enforcement authorities due to the nature of the allegations at issue (if, for example, the allegations involve harm to a minor or the possibility of a broader threat to the community).

If Sexual Harassment has been alleged, the Title IX Coordinator or designee will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. If the Complainant does not wish to file a Formal Complaint, the Title IX Coordinator may nevertheless file a Formal Complaint on behalf of the Complainant if doing so is warranted by the seriousness of the alleged Sexual Harassment; the Complainant's age; the observance of a pattern of Sexual Harassment by the same potential Respondent; the alleged use of force or a weapon by the potential Respondent; and/or whether there is a continuing threat to the campus community.

Even if the University cannot take disciplinary action against the alleged Respondent because of a

request for confidentiality, to the extent possible and appropriate, the University will take prompt and effective action to limit the effects of the alleged Sexual Harassment and to prevent its recurrence, to the extent warranted and practicable. For instance, the University may impose a "no contact" order to both parties as a supportive measure to ensure an individual's safety even in the absence of a formal proceeding.

C. THE FORMAL COMPLAINT

1. **Requirements for Filing a Formal Complaint. A Formal Complaint** is considered to be made under this policy when 1) a Complainant files a document alleging Sexual Harassment against a Respondent and requests that the University investigate the allegation(s); or 2) the Title IX Coordinator signs a document alleging a Complainant was victimized by Sexual Harassment perpetrated by a Respondent and requests that the University investigate the allegation(s). If the Complainant's identity is unknown (for example, where a third party has reported that a Complainant was victimized by Sexual Harassment but does not reveal the Complainant's identity, or a Complainant has reported anonymously), then the Grievance process, as outlined herein, may proceed if the Title IX Coordinator determines it is necessary to sign a Formal Complaint. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, directed to decasere@rmu.edu, titleixreport@rmu.edu. Formal reports may also be made via the link to the reporting form on the Title IX webpage (rmu.edu/titleix).

   A Complainant wishing to file a Formal Complaint must physically or digitally sign the document filed, or otherwise indicate the Complainant is the individual submitting the document.

   At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in an education program or activity of the University.

2. Consolidation of Formal Complaints. The Title IX Coordinator 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 from the same facts or circumstances.

D. OTHER REPORTING OPTIONS

1. **Report to Law Enforcement**. A Complainant of Sexual Harassment may make a report to local law enforcement by dialing 911 or the University Police Department, who will take any immediate measures necessary to assure the Complainant's safety and assist with making a report to the appropriate local law enforcement agency.

   A criminal investigation into the matter does not preclude the University from conducting its own investigation (nor is a criminal investigation determinative of whether Sexual Harassment, for purposes of this Policy, has occurred). However, the University's investigation may be delayed temporarily while criminal investigators are gathering evidence. In the event of such a delay, the University will provide supportive measures to the parties as necessary.

2. **Contacting the Office for Civil Rights**. Students or employees may also contact:

   Office for Civil Rights
   U.S.Department of Education
   http://www2.ed.gov/about/offices/list/ocr/index.html

(215) 656-8541

E. INDIVIDUALS WITH DISABILITIES

The University will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations to participate in the procedures and remedies outlined in this Policy. Requests for accommodations for students with disabilities should be made to Student Accessibility Services located in Nicholson Center and available by phone at (412) 397-6884. Requests for accommodations for employees with disabilities should be made to the Office of People and Culture located in Revere Center and available by phone at (412) 397-6270.

F. NOTICE OF ALLEGATIONS

Upon receipt of a Formal Complaint, the University will provide the following written notice to the parties who are known:

1. Notice of the University's grievance process, including any informal resolution processes.
2. Notice of the allegations potentially constituting 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. Sufficient details include:
    a. The identities of the parties involved in the incident, if known;
    b. The conduct allegedly constituting Sexual Harassment under this policy;
    c. The date and location of the alleged incident, if known.
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. Inform both parties that they will be provided with 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.
6. Inform both parties that prior to completion of the investigative report, the University will 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 will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.
7. The University will make all such 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.
8. The written notice will inform the parties that knowingly making false statements or knowingly submitting false information during the grievance process is a violation of University policy.

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 pursuant to this section, the University must provide notice of the additional allegations to the parties whose identities are known

ARTICLE IV. GRIEVANCE PROCESS

A. INVESTIGATION

1. **Oversight**. The Title IX Coordinator will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of Formal Complaints of Sexual Harassment.

2. **Conflicts**. If any administrator who has responsibilities under this Policy (a) is the Complainant or the Respondent (including, but not limited to, the Title IX Coordinator) in a particular matter, or (b) has any other conflict of interest with respect to the duties he or she would otherwise have in connection with a particular matter, then an appropriate University official will appoint another University administrator to perform such person's duties under this Policy in connection with such matter.

3. **Timing**. The University will make every reasonable effort to ensure that the investigation and resolution of a Formal Complaint occurs in as timely and efficient a manner as possible.

   Any party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Title IX Coordinator may modify any deadlines included in this Policy as reasonably necessary under the circumstances.

4. **Request Not to Pursue Formal Complaint/Dismissal of a Formal Complaint**. A Complainant may determine after filing a Formal Complaint that he or she does not wish to pursue resolution of the Formal Complaint through the University. The University takes such requests seriously. However, such individuals are advised that such requests may limit the University's ability to take action. Title IX requires the University to evaluate the request(s) that a Formal Complaint not be investigated and resolved in the context of the University's commitment to provide a reasonably safe and non-discriminatory environment.

   Even when the University is in receipt of a request not to pursue resolution of the Formal Complaint, Title IX requires the University to take reasonable action in response to the information known to it; thus, the University may extend supportive measures to limit the effects of the alleged Sexual Harassment and to prevent potential recurrence. Examples include providing increased monitoring, supervision, or security at locations where the Sexual Harassment allegedly occurred; providing training and education materials for students and employees; revising and publicizing the University's policies on Sexual Harassment; and conducting climate surveys regarding Sexual Harassment.

   The Title IX Coordinator must dismiss the relevant allegations in the Formal Complaint when one or more of the following conditions are met:

   - the conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined by this Policy;
   - the conduct alleged in the Formal Complaint, even if proved, did not occur in the University's education program or activity;
   - the conduct alleged in the Formal Complaint did not occur against a person in the United States;

   The Title IX Coordinator may dismiss the relevant allegations in the Formal Complaint when one or more of the following conditions are met:

   - if, at any time during the Investigation or Hearing, the Complainant notifies the Title IX

Coordinator in writing that he or she would like to withdraw the Formal Complaint (or any allegation therein);
- the Respondent is no longer enrolled or employed by the University; or
- specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

In the event of a dismissal required or permitted pursuant to the above-referenced conditions, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefore to the parties contemporaneously.

In the event of dismissal but where the complained-of conduct may be considered a violation of another University policy (such as, but not limited to, the Student Code of Conduct or a Human Resources policy) where appropriate, if the Title IX Coordinator finds no reasonable grounds to believe that the conduct at issue constitutes Sexual Harassment, then the Title IX Coordinator will refer the matter to the Dean of Students (if the Respondent is a Student) or to the Vice President of People and Culture (if the Respondent is an employee) for investigation, response, and resolution in accordance with other applicable University policies. The Title IX Coordinator will promptly notify the parties of any such referral.

5. **Supportive Measures**. Prior to or during the Grievance process, the Title IX Coordinator will offer appropriate supportive measures to the Complainant and/or Respondent. Supportive measures are 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 educational programs and/or activities 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. The University must maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

   a) Emergency Removal. The University may remove a Respondent from University programs and/or activities on an emergency basis, provided that it undertakes 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, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act
   b) Administrative Leave. The University may place a Respondent who is an employee on administrative leave during the pendency of the Grievance process that complies with § 106.45. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

B. THE INVESTIGATION

1. **Appointment of Investigator; Advisors.** Promptly upon receipt of a Formal Complaint, the Title IX Coordinator will appoint an Investigator or Investigators. This Investigator may be a staff or faculty member, or a trained third-party investigator retained but not employed by the University. The Title IX Coordinator will inform both the Complainant and the Respondent of their ability to have one advisor of their choice accompany them to any investigative meetings.

   An advisor is an individual who provides support, guidance, or advice to a party. The advisor may be a parent, a member of the University community, or any other person (including an attorney). During the Investigation, the advisor's role is purely supportive. The advisor may not speak on behalf of the Complainant or Respondent during any part of the Title IX process, except for a Hearing. If and when a Hearing is held, each party shall have an advisor present (one will be appointed by the University for any party who does not select an advisor on his or her own). The advisor's role during Hearing is set forth in more detail below.

2. **The Investigation Timeline.** The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. The nature, extent, and complexity of allegations, including the availability of witnesses, police involvement, etc., may impact the length of an investigation.

3. **Delays in the Investigation Process and Interactions with Law Enforcement.** The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

   The University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, supportive measures will be implemented as deemed appropriate.

   The University's action(s) will not typically be altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced, but such circumstances may cause delay in the Title IX process.

4. **Steps in the Investigation Process.** All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with relevant parties and witnesses; and obtaining available, relevant evidence.

   All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

   The Investigator typically takes the following steps, if not already completed (not necessarily

in this order):

- Determine the identity and contact information of the Complainant.
- In coordination with campus partners (e.g., the Title IX Coordinator), assist with any necessary supportive measures.
- Assist the Title IX Coordinator, if necessary, with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation.
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations.
    - Notice should inform the parties of their right to have the assistance of an Advisor of their choosing present for all meetings attended by the party.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings.
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible.
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding.
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.
- The Investigator may elect to respond in writing in the Investigation Report to the parties' submitted responses and/or to share the responses between the parties for additional responses.
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

5. **Role and Participation of Witnesses in the Investigation.** Witnesses (as distinguished from the parties) who are employees of the University are expected to cooperate with and participate in the University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

   While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Web-based videoconferencing platforms may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

   Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

6. **Recording of Interviews.** No unauthorized audio or video recording of any kind is permitted during investigation meetings. Typically the Investigator will not record investigation meetings. If the Investigator elects to audio and/or video record interviews, all involved parties must be made aware of and consent to the audio and/or video recording.

7. **Evidentiary Considerations in the Investigation.** The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, 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.

8. **Referral for Hearing.** Provided that the Complaint is not resolved through Informal Resolution, once the final Investigation Report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

   The hearing cannot be less than ten (10) business days from the conclusion of the investigation–when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

   The Title IX Coordinator will select an appropriate Decision-maker trained in the Title IX hearing process. The Title IX Coordinator will never be a Decision-maker in a hearing, but may facilitate the Hearing so long as doing so does not create a conflict of interest.

9. **Evidentiary Considerations in the Hearing.** Any evidence that the Decision-maker determines is relevant and credible may be considered. As in the investigation, the Hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, 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.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility for purposes of appropriate progressive discipline. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

10. **Notice of Hearing.** No less than ten (10) business days prior to the Hearing, the Title IX Coordinator or the Decision-maker will send notice of the Hearing to the parties. Once mailed, emailed, and/or hand-delivered in-person, notice will be presumptively delivered.

    The notice will contain:

    - A description of the alleged violation(s), a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
    - The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
    - Any technology that will be used to facilitate the hearing.
    - Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
    - A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
    - Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
    - Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present. There are no exceptions.
    - A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
    - An invitation to each party to submit to the Decision-maker an impact statement pre-hearing that the Decision-maker will review during any sanction determination, if applicable.
    - An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

    Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the

summer, as needed.

11. **Alternative Hearing Participation Options.** At its discretion, the University may opt to hold the Hearing remotely, which typically means via a web-based videoconferencing platform. Remote technology does not compromise the fairness of the hearing, and will be utilized at the University's discretion.

    If an in-person Hearing is scheduled, any party who prefers not to attend or cannot attend the hearing in-person should request alternative arrangements for remote participation from the Title IX Coordinator at least five (5) business days prior to the Hearing.

12. **Pre-Hearing Preparation.** The Decision-maker or Title IX Coordinator, after any necessary consultation with the parties, Investigator, and/or one another, will provide the names of persons who will be participating in the Hearing, all pertinent documentary evidence, and the final Investigation Report to the parties at least ten (10) business days prior to the hearing. Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator or have proffered a written statement or answered written questions, unless all parties and the Decision-maker assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Decision-maker do not assent to the admission of evidence newly offered at the hearing, the Decision-maker may delay the hearing and instruct that the Investigation needs to be re-opened to consider that evidence.

    The Title IX Coordinator will give the Decision-maker a list of the names of all parties, witnesses, and Advisors as soon as is practicable but at least five (5) business days in advance of the Hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the Hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

    During the ten (10) business day period prior to the Hearing, the parties have the opportunity for continued review and comment on the final Investigation Report and available evidence. That review and comment can be shared with the Decision-maker at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Decision-maker.

13. **Pre-Hearing Meetings.** The Decision-maker may convene a pre-hearing meeting with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Decision-maker can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Decision-maker must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting. The Decision-maker, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the

Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Decision-maker will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator may be argued to be relevant. The Decision-maker may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Decision-maker may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

Pre-hearing meeting(s) may be held remotely, at the discretion of the University.

14. **Hearing Procedures.** At the hearing, the Decision-maker has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within this Policy.

    Participants at the hearing will include the Decision-maker, any additional panelists, the Title IX Coordinator, the Investigator who conducted the Investigation, the parties, Advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

    The Decision-maker will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

    The Decision-maker will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker, and the parties and will then be excused.

    Complainants and Respondents are encouraged, but not required to, participate in the hearing.

15. **Joint Hearings.** In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

    However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

16. **The Order of the Hearing – Introductions and Explanation of Procedure.** The Decision-maker or Title IX Coordinator shall explain the procedures and introduce the participants.

17. **Investigator Presents the Final Investigation Report.** The Investigator will then present a summary of the final Investigation Report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker and the parties (through their Advisors). The Investigator will be present during the entire hearing process.

    Neither the parties nor the Decision-maker should ask the Investigator his or her opinion on credibility, recommended findings, or determinations, and the Investigator, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Decision-maker will direct that it be disregarded.

18. **Testimony and Questioning.** Once the Investigator presents the Investigation Report and is questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Decision-Maker. The parties/witnesses will submit to questioning by the Decision-maker and then by the parties through their Advisors ("cross-examination").

    All questions are subject to a relevance determination by the Decision-maker. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Decision-maker upon request or agreed to by the parties and the Decision-maker), the proceeding will pause to allow the Decision-maker to consider it, and the Decision-maker will determine whether the question will be permitted, disallowed, or rephrased.

    The Decision-maker may explore arguments regarding relevance with the Advisors, if he or she so chooses. The Decision-maker will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Decision-maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

    The Decision-maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision-maker has final say on all questions and determinations of relevance, subject to any appeal. The Decision-maker may consult with legal counsel on any questions of admissibility. The Decision-maker may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain arguments from the Advisors on relevance once the Decision-maker has ruled on a question.

    If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Decision-maker may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Decision-maker should not permit irrelevant questions that probe for bias.

19. **Recording Hearings.** Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

    The Decision-maker, the parties, their Advisors, and appropriate administrators of the

University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. Permission to make a copy of the recording will generally not be granted, but in any case, no person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

20. **Deliberation, Decision-making, and Standard of Proof.** The Decision-maker will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the violation(s) in question. The preponderance of the evidence standard is used.

    When there is a finding of responsibility on one or more of the allegations, the Decision-maker may then consider the previously submitted party impact statements in determining appropriate sanction(s).

    The Decision-maker will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker may – at his or her discretion – consider the statements, but they are not binding.

    The Decision-maker will review the statements and any pertinent conduct history provided by the Title IX Coordinator and/or any other relevant University administrators, and will recommend the appropriate sanction(s) in consultation with other appropriate administrators, as required.

    The Decision-maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any recommended sanctions. The Decision-maker may consult with Student Conduct and/or Human Resources Officer, as appropriate, in issuing sanctions.

    This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

21. **Notice of Outcome**. The Title IX Coordinator will work with the Decision-maker to prepare a Notice of Outcome. The Title IX Coordinator will then share the Notice of Outcome, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within seven (7) business days of receiving the Decision-maker's deliberation statement.

    The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed, and/or hand-delivered in-person, notice will be presumptively delivered.

    The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination,

including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law; any sanctions issued which the University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the University's educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

22. **Sanctions.** Factors considered when determining a sanction/responsive action may include, but are not limited to:
    - The nature, severity of, and circumstances surrounding the violation(s).
    - The Respondent's disciplinary history.
    - Previous allegations or allegations involving similar conduct.
    - The need for sanctions/responsive actions to bring an end to or prevent the future recurrence of discrimination, harassment, and/or retaliation.
    - The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community.
    - The impact on the parties.
    - Any other information deemed relevant by the Decision-maker.

    The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.
    The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

    a. **Student / Student Organization Sanctions.**
    The following are typical sanctions that may be imposed upon students or organizations, singly or in combination:

    - *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any RMU policy, procedure, or directive will result in more severe sanctions/responsive actions.
    - *Required Counseling:* A mandate to meet with and engage in either RMU-sponsored or external counseling to better comprehend the misconduct and its effects.
    - *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus such as campus housing, no-contact orders, and/or

other measures deemed appropriate.

- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at RMU.
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend RMU-sponsored events.
- *Withholding Diploma*: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree:* The University reserves the right to revoke a degree previously awarded from the University for serious violations of this Policy committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

b. Employee Sanctions. Except as may otherwise be set forth in applicable Collective Bargaining Agreements, responsive actions for an employee who has engaged in Sexual Harassment and/or associated retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

23. Refusal to Participate; Withdrawal or Resignation While Charges Pending. Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student.

However, the University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the University unless and until the process is completed. A hold will be placed on their ability to be readmitted. They may also be barred from University property and/or events pending resolution of the process.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to the University unless and until all sanctions, if applicable, have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with University, and such decision will not be reviewed and possibly modified unless and until the grievance and/or sanctioning process is complete.

24. Appeals. Any party may file a Request for Appeal, but it must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will be appointed by the Title IX Coordinator to consider the Appeal. The Appeal Decision-maker will be either an Administrator of the University who has not previously been involved in the matter, or an individual with Title IX expertise from outside the University.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal.

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a. Grounds for Appeal. Appeals are limited to the following grounds:

(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, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Decision-maker and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator and/or the original Decision-maker.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the

Investigator and/or the original Decision-maker will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Decision-maker to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Decision-maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator and/or original Decision-maker, as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be considered by the Appeal Decision-maker, who will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions regarding Appeals will continue to apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

b. Sanctions Status During the Appeal

(i) Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

(ii) If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

(iii) The University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

c. Appeal Considerations

(i) Decisions on appeal are to be deferential to the original decision, making changes to the finding only when, by a preponderance of the evidence, there is clear error, and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.

(ii) Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). Absent extenuating circumstances, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
(iii) An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding(s) and/or sanction(s).
(iv) The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed, except where the grounds for appeal call into question the impartiality of the Title IX Coordinator.
(v) Appeals granted based on new evidence should normally be remanded to the original Investigator and/or Decision-maker for reconsideration, except where the grant of appeal calls into question the impartiality of the Investigator and/or Decision-maker. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
(vi) Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
(vii) In rare cases where a procedural or substantive error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new Hearing with a new Decision-maker.
(viii) The results of a new hearing (meaning one held before a new Decision-maker) can be appealed, once, on any of the three available appeal grounds.

25. **Long-Term Remedies/Other Actions.** Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support measures may also be provided to the parties even if no policy violation is found.

The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University's ability to provide these services.

26. **Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions.** All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker (including the Appeal Decision-maker).

    Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University.

    A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

ARTICLE V. INFORMAL RESOLUTION

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternate Resolution [mediation, restorative practices, etc.], or when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation. The University must obtain the parties' voluntary, written consent to engage in the Informal Resolution Process.

It is not necessary to pursue Informal Resolution first in order to pursue the Grievance process, and any party participating in Informal Resolution can stop the process at any time and request the start or continuance of the Grievance process. Further, if an Informal Resolution fails after the fact, the Grievance process may be pursued.

None of the Informal Resolution processes outlined below may be utilized to resolve allegations of an employee's Sexual Harassment of a student.

A. ALTERNATE RESOLUTION

Alternate Resolution is an informal process, such as mediation or restorative practices, by which a mutually agreed upon resolution of an allegation is reached. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Grievance process to resolve conflicts. The parties must consent to the use of Alternate Resolution.

The Title IX Coordinator shall determine if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the availability of a mediator/facilitator.

In an Alternate Resolution meeting, a trained administrator or other individual with training and/or experience in Alternative Dispute Resolution practices facilitates a dialogue with the parties to an effective resolution, if possible. Institutionally-imposed sanctions are not possible as the result of an Alternate Resolution process, though the parties may agree to accept sanctions and/or appropriate remedies.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide

by the resolution can result in appropriate enforcement actions.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy. The results of Alternate Resolution are not appealable.

B. RESPONDENT ACCEPTS RESPONSIBILITY FOR ALLEGED VIOLATIONS

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator shall make a determination that the individual is in violation of this Policy.

The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

The parties are still able to seek Alternate Resolution or utilize the Grievance process on the remaining allegations, subject to the stipulations above.

ARTICLE VI - MISCELLANEOUS PROVISIONS

A. RECORDKEEPING.

In addition to any recordkeeping obligations under state and/or federal law, the University will maintain for a period of at least seven years records of:

1. Each Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process, to the extent those individuals are employed by the University. The University will make these training materials publicly available on its ; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

B. REVISION OF THIS POLICY AND PROCEDURES.

This Policy and procedures supersede any previous policy(ies) addressing Sexual Harassment and/or retaliation, and will be reviewed and updated regularly. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be constructed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective as of October 26, 2026.

The University shall ensure that the Title IX Coordinator, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process, receive training on the definition of Sexual Harassment as defined by this Policy, the scope of the University's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers will also receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment. Any complaints or concerns about the Title IX Coordinator can be made to the Vice President of People and Culture.

EXHIBIT A
RESOURCES AND SUPPORT SERVICES

Incidents of Sexual Harassment are taken very seriously by Robert Morris University. Particularly, actions involving Sexual Assault are of great concern to the University. If you have experienced Sexual Assault, the University's first priority is to help you to address your safety, medical needs, and emotional well-being. The University encourages you to take the actions summarized below, regardless of whether or not you choose to pursue criminal charges or file a Formal Complaint with the Title IX Office or VAWA Complaint with the University.

Contact information for the resources discussed below is included in Section 5 of this Exhibit. Please note that most University faculty and staff members are "Required Reporters," as discussed in Article III of this Policy, and are required to report any information they receive about an alleged incident of Sexual Harassment to the Title IX Coordinator. The chart included in Section 5 below identifies the RMU employees who are able to serve as confidential resources for Complainants of Sexual Harassment. It should be assumed that any individual who is not specifically identified as a confidential resource in that chart is a Required Reporter.

1. Ensure Your Physical Safety

You are encouraged to seek help from and report crimes to local law enforcement by dialing 911 or University Police at (412) 397-2424. University Police Officers are on duty 24 hours a day, seven days a week and can assist you in contacting local law enforcement, should you wish to file a criminal complaint, or arranging for transportation to the hospital, if necessary.

2. Seek Medical Assistance and Treatment

Some options for medical care include the University's Student Health Services, Heritage Valley Sewickley Hospital, and UPMC Magee Women's Hospital. It is crucial to seek medical attention as soon as possible following a Sexual Assault in order to identify and treat any physical injuries, to prevent or treat sexually transmitted diseases, and to collect evidence. UPMC Magee Women's Hospital and Heritage Valley Sewickley Hospital may also be able to screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs). RMU's Student Health Services are available to you regardless of your health care coverage if you have experienced Sexual Assault.

If you choose to have a SANE (Sexual Assault Nurse Examiner) examination complete with evidence collection, it is imperative that you do so as soon as possible, preferably within 72 hours. Even if you have not decided to file charges, it is advisable to have the evidence collection kit completed so that you can preserve the options of obtaining a protective order and/ or filing criminal charges at a later date. Both UPMC Magee Women's Hospital and UPMC Mercy administer evidence collection kits. You may go directly to UPMC Magee Women's Hospital and UPMC Mercy, or be referred to a hospital by RMU Student Health Services and/or the RMU Counseling Center.

In order to best preserve evidence for an evidence collection kit, it may be advisable, to the extent possible, to avoid showering, going to the bathroom, or brushing your teeth, eating, or drinking before the kit is completed. You should also wear (or take with you in a paper bag - avoid plastic bags, please) to the hospital the same clothing that you were wearing during the assault. An evidence collection kit can still be completed if you have showered or bathed, although it is possible that some evidence may be compromised.

3. Obtain Emotional Support

The professionals at RMU's Student Counseling Center can be an important source of support for students who have been impacted by Sexual Assault. They may also provide referrals to outside providers. The Counseling Center's services are free of charge to students.

4. Report Harassment

You are encouraged to report any incident of Sexual Harassment to the University's Title IX Coordinator or other designated University individuals or offices as outlined in Article III of this Policy, even if you have filed a report directly with local law enforcement, so the University can investigate and respond to your complaint.

5. Resources and Contact Information

The below chart identifies a variety of resources, both on- and off-campus, for both Complainants and Respondents. **Please note that most University faculty and staff members are "Required Reporters," as discussed in Article III of this Policy, and are required to report any information they receive about an alleged incident of Sexual Harassment to the Title IX Coordinator.** The below list specifies which resources are able to maintain the confidentiality of reports and describes any limits on that confidentiality. **It should be assumed that any individual who is not specifically identified as a "Confidential Resource" in the below list is a Required Reporter.**

a. Student Counseling Center
    i. Confidential: except to the extent the alleged perpetrator poses a serious and immediate threat to the campus community
    ii. (412) 397-5900, counseling@rmu.edu, Nicholson Center (Room 259), available weekdays by appointment
b. Athletic Trainers
    i. Quasi-confidential: must report knowledge of sexual harassment to Title IX Coordinator generally, but need not report identifying information of specific individuals involved.
    ii. (412) 397-4992, vittorino@rmu.edu, UPMC Event Center, hours of availability vary
c. Life Solutions (Employee Assistance Plan for Employees)
    i. Confidential: Reports statistical information to the University, but does not share identifying information or details.
    ii. (844) 833-0527, www.lifesolutionsforyou.com, available 24/7
d. PAAR - Pittsburgh Action Against Rape
    i. Confidential
    ii. (866) END-RAPE, 81 S. 19TH, Street, Pittsburgh, PA 15203, Helpline available 24/7
e. EthicsPoint Hotline (for Students or Employees)
    i. Confidential: if reporter so desires
    ii. (800) 963-5593, available 24/7
        1. See rmu.edu/EthicsPolicy for link to electronic report form; reporter may elect to remain anonymous
f. Heritage Valley Sewickley Hospital
    i. Confidential: if treated by a nurse/nurse practitioner NOT CONFIDENTIAL, if treated by a

physician, who may be required by law to report sexual violence to local law enforcement

ii. (412) 741-6600, 720 Blackburn Road, Sewickley, PA 15143, available 24/7

g. Student Health Services
   i. Confidential: if treated by a nurse/nurse practitioner NOT CONFIDENTIAL, if treated by a physician, who may be required by law to report sexual violence to local law enforcement
   ii. (412) 397-6221, girimonti@rmu.edu, Jefferson Center, available weekdays by appointment
h. Campus Ministry
   i. Confidential: If reporting to a member of the clergy in his/her capacity as a pastoral counselor
   ii. (412) 397-6483, campusministry@rmu.edu, Rogal Chapel, available weekdays by appointment