

3-6-135



Responsibility by the Decision-Maker and may result in dismissal of the Formal Complaint or a portion(s) thereof.

- (14) RYa YX]Yg a YUbg UW]cbg cZ h\Y U b]j Yfg]m h\ Uh UfY HJ_Yb UZ hYf h\Y Gf]Yj UbW PfcWgg \Ug VYYb completed, and after a Determination Regarding Responsibility has been issued in which a Respondent has been determined to have engaged in Sexual Harassment and that imposes Disciplinary Sanctions on the Respondent in order to restore or preserve equal access to University Education Programs or Activities.
- (15) SYI i U' AggUi `h means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or an attempt to do any of the above, without the consent of the victim.
- (16) SYI i U' HUfUgga Ybh means conduct on the basis of sex occurring in the United States (a) in which a University employee conditions the provision of an aid, benefit, or service of the University on a dYfgcb g dUfh]W]d Uh]cb]b Ubk Y`W`a Y SYI i U' CcbXi W h (V) h\ Uh W`bgh]h hYg SYI i U' AggUi `h (Ug XYZ]b YX in 20 U.S.C. Section 1092(f)(6)(A)(v)); (c) that constitutes Dating Violence (as defined in 34 U.S.C. Section 12291(a)(10)); (d) that constitutes Domestic Violence (as defined in 34 U.S.C. Section 12291(a)(8)); and/or (e) that constitutes Stalking (as defined in 34 U.S.C. Section 12291(a)(9)).
- (17) SHU_]b[means a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others or (b) suffer substantial emotional distress.
- (18) Si ddcfh]j Y MYUgi fYg a YUbg bcb-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the

(2) Contents The written notice shall contain:

- (a) A description of the Grievance Process, as well as the Informal Resolution Process;
- (b) A statement that the Respondent(s) is presumed not responsible for the alleged conduct and that a Determination Regarding Responsibility will be made at the conclusion of the Grievance Process;
- (c) A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, who may inspect and review evidence obtained as part of the investigation that is directly related to the allegations of the Formal Complaint pursuant to 34 C.F.R. Section 106.45(b)(5)(i), be present during any meeting or proceeding at which the parties may be present during the Grievance Process to advise their respective party, provided however, other than at the Live Hearing, the advisor may not otherwise participate in, make any presentation during, or submit any written materials on behalf of their party;
- (d) A statement that, pursuant to Section 3-2-204(17)(b) and (c) of the University Regulations the parties are prohibited from making knowingly false statements or submitting knowingly false information during the Grievance Process; and
- (e) Sufficient details of the allegations of Sexual Harassment contained in the Formal Complaint including:
 - (i) The identities of the persons involved in the incident, if known;
 - (ii) The conduct alleged to constitute Sexual Harassment; and
 - (iii) The date and location of the incident during which the Sexual Harassment is alleged to have occurred, if known.

(3) Notice of Additional Allegations. If, in the course of an investigation, the University decides t 612 792 reW

Formal Complaint, if at any time prior to the issuance of the Determination Regarding Responsibility:

- (a) The Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint or any allegations in it;
- (b) The Respondent is non

appropriate that additional time should be provided.

3-6-140 Consolidation of Formal Complaints

The University may consolidate Formal Complaints that contain 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 another party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

3-6-141 Investigation of a Formal Complaint

- (1) **Responsibility for Conducting the Investigation.** The Title IX Coordinator or their designee shall investigate the allegations of Sexual Harassment in the Formal Complaint as described in Section 3-6-133(4)(a) and (c), above, and the burden of proof is on the University to gather evidence sufficient to reach a Determination Regarding Responsibility as to the Respondent(s).
- (2) **Procedures During the Investigation.** During the investigation, the University may not restrict the ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence and shall:
 - (a) Provide each party with the opportunity to have an advisor of their choice, who may be, but is not required to be, an attorney, who may inspect and review evidence obtained as part of the investigation that is directly related to the allegations of the Formal Complaint pursuant to 34 C.F.R. Section 106.45(b)(5)(i), be present during any hearings, investigative interviews or other meeting at which the parties may be present during the Grievance Process to advise their respective party, provided however, other than at the Live Hearing, the advisor may not otherwise participate in, make any presentation during, or submit any written materials on behalf of the party for whom they are the advisor;

(c) Only relevant cross-examination questions and other questions may be asked of a party

- (f) The University procedures and permissible bases for the Complainant and Respondent to appeal the Determination, if either of them decides to do so.
- (2) To whom the Determination is Provided. The Decision-Maker must provide the Determination to each of the parties and to the Title IX Coordinator simultaneously.
- (3) When the Determination Becomes Final. The Determination

(4) any person who has been reported to have engaged in Sexual Harassment; and

(5) any witness who has provided information in any portion of the Grievance Process or Live Hearing;

except as may be permitted by FERPA, required by law, and/or to carry out the purposes of 34 C.F.R. Section 106 including the conduct of any Grievance Process or judicial proceeding arising thereunder.