

Regardless of which procedure is to be followed, the University will be adamant concerning the fair and equitable treatment of all parties involved. Additionally, irrespective of which internal resolution method is utilized, the complainant has the right to file criminal charges of their own accord (the University can assist where appropriate and warranted), and the procedures described below are in no way meant to discourage pursuit of said charges outside the institution. Further, either party may have a support person or advisor of their choosing at any stage of the process.

7.2.1 Informal Procedure

Regardless of classification, either student or employee, the Title IX Coordinator may recommend, based on the results of the preliminary investigation that the respondent and complainant engage in informal mediation (coordinated by the Title IX Coordinator) in order to address any issues of sexual discrimination or harassment. The Informal Procedure is never to be applied in cases involving violence or non-consensual sexual intercourse and is further never to imply that a complainant work out issues/problems directly with the accused individual.

Either party has the right to terminate the informal procedure at any time in order to pursue the formal procedure. Should either party be unsatisfied with the outcome of the informal procedure, the formal procedure may be pursued.

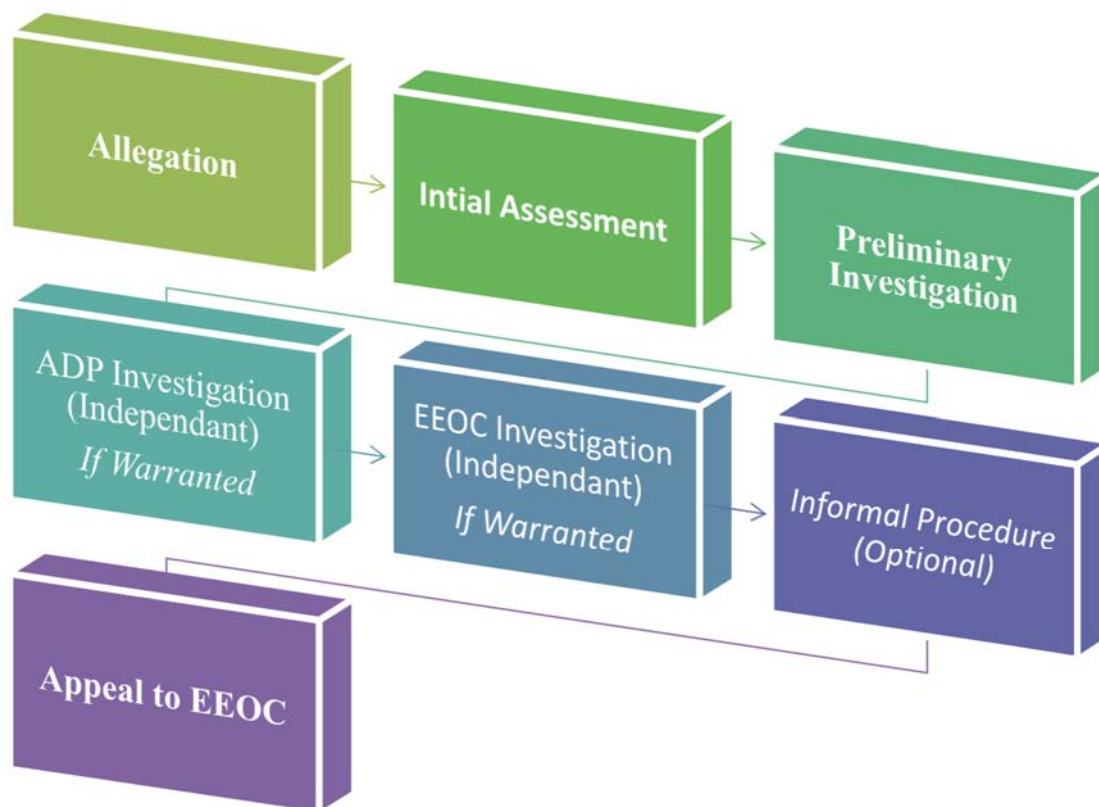
Once the informal resolution procedure is complete, written notification of the outcome shall be distributed to all parties by the Title IX Coordinator within five (5) business days of the determination of completion. The University shall take reasonable steps to prevent the recurrence of sexual misconduct, discrimination, and harassment in any form. If such reoccurrence takes place, those responsible for such behavior may be subject to actions under the Student Code of Ethics ([SCU Policy Manual Vol. VI](#)) or the Employee Handbook ([SCU Policy Manual Vol. III](#)). The University will take all necessary steps to remedy the discriminatory effects on the affected party and others.

7.2.2 Formal Procedure(s)

Separate formal procedures exist depending on the classification of the complainant; either student or employee.

7.2.2.1 Employee Formal Grievance Process

The Employee Formal Grievance Procedure for Title IX allegations is based on the process described in 2.1.6 of the [SCU Policy Manual Vol. II](#).



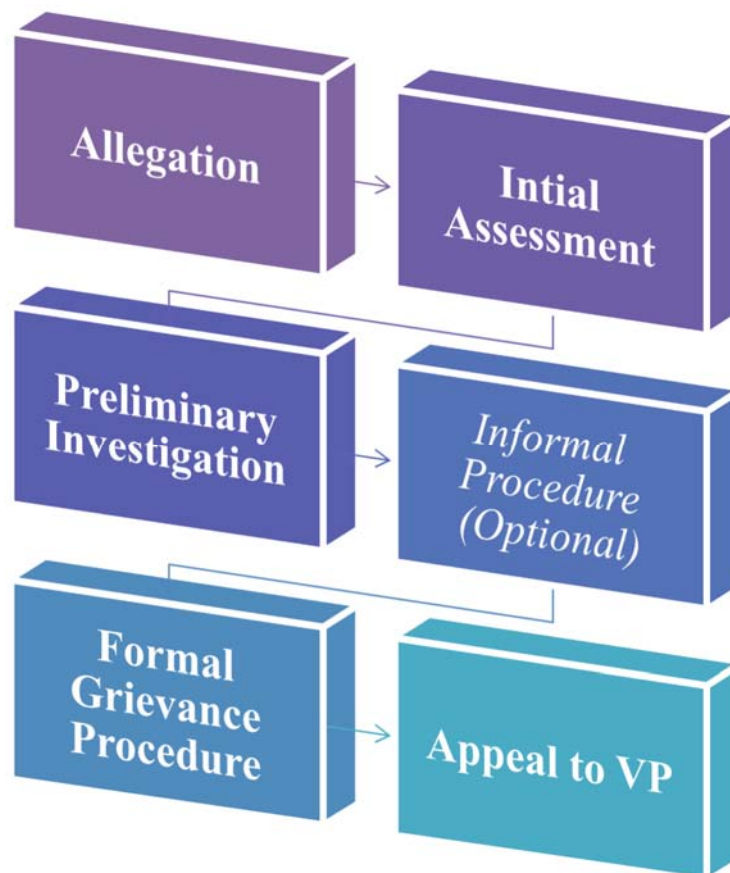
Upon the completion of the preliminary investigation described in 7.1 above, the University will take such action as is necessary and appropriate in light of the investigation's findings, consistent with the process specified in Section 2.1.6 of the [SCU Policy Manual](#). In addition, ADP, as well as the EEOC, may at their discretion, perform an independent investigation separate from the investigation described above, which may influence the University's ultimate findings and decisions regarding appropriate corrective action(s).

Any employee who is dissatisfied with the University's procedures utilized for handling the allegation, or who is dissatisfied with the result of the investigation or the sanctions imposed, may seek redress through the EEOC, to the extent allowed by law.

In the event that a complaint is filed with an external agency or court, the University reserves the right to determine, in its discretion, whether the University's complaint resolution procedure should be discontinued or continued separately.

7.2.2.2 Student Formal Grievance Procedure

The Student Formal Grievance Procedure for Title IX allegations is based on the disciplinary process for other alleged Student Code of Ethics breaches ([SCU Policy Manual Vol. VI](#)).



7.2.2.2.1 Investigation

If the preliminary investigation determines that the allegation appears to have merit, the person(s) filing the report, the person(s) alleged to be involved or impacted by in the violation question, and/or the person(s) who may have witnessed pertinent acts or who may have pertinent information about the incident may be summoned to provide information prior to judicial charges being issued. The respondent and complainant are never to have direct interaction or exchange any communication during this process. A student who fails to appear when summoned during investigations may be charged with a violation of the Student Code of Ethics.

7.2.2.2.2 Judicial Charges

A student will be charged and summoned to a judicial hearing when there is reasonable basis to believe that the student may have committed a violation of the student code of ethics per the preliminary investigation. A written notice of charges shall be

presented to the respondent by the Executive Director of Student Affairs (or designee). The written notice will specify the policy or regulation that the student or organization is alleged to have violated, state the time, date, and place of the occurrence, and include the possible sanctions that will be enforced if the student or organization is determined to have violated the policy or regulation. In addition, prior to and during the hearing, the student or organization shall be afforded reasonable access to review the “Case File” and will be provided with materials concerning their student rights. The Case File includes documents pertaining to the matter. The personal notes of faculty and staff members and privileged information of other students are not included in the Case File, and thus are not accessible.

7.2.2.2.3 Scheduling

Cases will be scheduled for formal hearing, which shall be not less than three (3) or more than fifteen (15) business days after the respondent has been notified. Maximum time limits for scheduling hearings may be extended at the discretion of the Executive Director of Student Affairs (or a designee).

7.2.2.2.4 Judicial Hearings

All hearings shall be conducted in private under the coordination of the Executive Director of Student Affairs (or designee).

Both the respondent and complainant have the right to be accompanied by an advisor (including legal counsel) of their choosing (legal counsel will not be provided by the University); however, advisors may be immediately dismissed for disrupting the hearing and the hearing will continue unless rescheduled by the Executive Director of Student Affairs (or designee).

Besides the complainant, respondent, and their respective advisors (if any), admission of any other person to the hearing would be unusual and only at the discretion and with the permission of the Executive Director of Student Affairs (or designee).

Judicial hearings will be governed by the following rules:

- a) In situations where more than one student is charged with an alleged violation, the Executive Director of Student Affairs (or designee) will determine whether to hold one hearing for all charged students or a separate hearing for each student.
- b) A student charged with alleged misconduct may offer documentary evidence for consideration prior or during the hearing. Evidence may include pertinent records, exhibits, and other written statements.

- c) A student charged with alleged misconduct may offer names of witnesses to the Executive Director of Student Affairs (or designee), but must do so prior to the hearing.
- d) When a student is charged with a violation and fails to attend the pertinent hearing, the Student Judicial Board or University official may proceed with the hearing despite the student's absence and shall base any determination upon the preponderance of evidence. If witnesses are unable to appear, a statement by the witness can be read into the record. The Board can also choose to once again convene when the witness can appear.
- e) The Executive Director of Student Affairs (or designee) will inform both the respondent and complainant in writing of the results of the judicial hearing.
- f) All procedural questions are subject to the final decision of the Executive Director of Student Affairs.

7.2.2.2.5 Judicial Hearing Process

Introduction

- a) Prior to the hearing, the Judicial Board will conduct a pre-hearing review, to familiarize themselves with the facts of the case.
- b) The hearing shall be in private, to protect the confidentiality of those involved.
- c) The respondent and complainant are not permitted to be inside the hearing at the same time; consequently, the hearing will begin with the complainant and follow the same procedure (as described below) for the respondent once the complainant has been dismissed and the respondent brought in to the hearing.
- d) The Judicial Board shall provide an overview of the hearing process for the student and answer any questions the student may have about the process or the student code of ethics.
- e) The student may challenge any member of the Board on grounds of prejudice. The Board shall deliberate in private and determine, by majority vote (excluding the member being challenged), whether the member should be replaced by an alternate member who will be designated by the Executive Director of Student Affairs (or designee).
- f) The Chairperson shall read the alleged violations as identified in the notification letter to respondent and the letter of complaint. The honesty statement is also read.
- g) The Chairperson asks if there are any questions of procedure to resolve. The student is asked if they are ready to proceed.

Discussion and Questioning

- a) After the student has indicated they are ready to proceed, the Chairperson asks the student if they would like to make a brief opening statement. A time limit may be set for this statement.
- b) The student is asked to make a narrative statement regarding the incident.
- c) Board members may pose questions as necessary. The chairperson will recognize each person who would like to ask a question and insure that each person has an opportunity to respond, uninterrupted.
- d) The student is asked to identify the witnesses to be called and the relevancy of their testimony. The Chairperson should be liberal in allowing relevant witnesses. The Chairperson will approve all witness before the start of the hearing.
- e) Witnesses are brought it one at a time to be heard as follows:
 - i. Each witness provides a narrative account. The specific charges may be shared with the witness.
 - ii. Questions are asked by Board members, followed by the student, provided the questions are not redundant.
 - iii. The Board may ask additional questions, as necessary.
- f) *OPTIONAL*: Brief summary statements may be made by the student. A time limit may be set for this statements.
- g) The student is dismissed.

Deliberation & Recommended Action

- a) When the Judicial Board has gathered the pertinent information, the student's responsibility with each charge will be determined by a majority vote of the Judicial Board, and any recommended sanctions to be imposed. No charge shall be found to be substantiated unless there is clear, convincing, and reliable evidence in support of the charge established in the hearing.
- b) The Judicial Board may continue the judicial hearing on a future date, if needed.
- c) The Board deliberates and prepares a final sanction recommendation. The Chairperson prepares a case opinion, which includes the Board's recommended decision and – if any – recommended sanctions.
- d) The Chairperson will provide the Executive Director of Student Affairs (or designee) with the case opinion.
- e) The Executive Director of Student Affairs (or designee) will make a final decision based on the recommendations and will communicate in writing the final decision, sanctions, and right to appeal to both the respondent and complainant within five (5) business days of the conclusion of the hearing.

7.2.2.2.6 Appeals Process

Any decision recommended by the Student Judicial Board and determined by the Executive Director of Student Affairs (or designee) may be appealed by the respondent (or by the complainant, if there is one) to the Vice-President of Enrollment Management and Student Affairs within five (5) business days of the decision. Such appeals shall be in writing and delivered to the Vice-President of Enrollment Management and Student Affairs.

The basis for appeal shall only include the following:

- a) A claim that the original hearing was not conducted fairly in light of the charges and information presented.
- b) A claim that the decision reached was not based on substantial evidence.
- c) A claim that the sanction(s) imposed was/were not appropriate for the violation of the Student Code of Ethics.
- d) A claim that the student has new evidence to present that is sufficient to alter a decision or relevant facts that were not brought out in the original hearing.

A student's notice of appeal does not suspend the imposition of sanctions or interim measures until the appeal is finally decided. If an appeal is upheld, the sanctions will be reversed and the affected party will be made whole.

If the Vice-President of Enrollment Management and Student Affairs determines there is merit for an appeal, the facts of the incident will be reviewed with the respondent, typically in a personal meeting between the Vice-President of Enrollment Management and Student Affairs and the respondent (or independently with complainant if there is one). Appeals, if granted, can result in one of the following:

- a) The original sanction will be upheld.
- b) The original sanction will be modified.
- c) A new judicial hearing will be scheduled.

The standard of preponderance of evidence (more likely than not) will be used in all decision-making. Once the Vice-President of Enrollment Management and Student Affairs has rendered a decision, both the complainant and respondent will receive a written notice of the outcome within five (5) business days.

7.2.2.2.7 Consequences/Sanctions to Allegations of Sexual Assault

As either the informal or formal process is being pursued, necessary measures will be instituted for the safety of the victim, accused, and campus community. The University Title IX

Coordinator and/or Deputy Coordinators, the Executive Director of Student Affairs, Human Resources personnel and any additional necessary individuals will be contacted to set up such measures.

Examples include (but are not limited to):

- a) Assuring no contact between the victim and the accused
- b) Academic/Work scheduling changes
- c) Sanctions
- d) Disciplinary Warning
- e) Suspension
- f) Expulsion
- g) Declaration of *persona non grata*

8.0 Anti-Retaliation & False Reports

8.1 Retaliation

Retaliation against anyone who files a complaint, serves as a witness, or otherwise participates in the enforcement of this policy is strictly prohibited. Initiating a complaint of sexual misconduct and/or sexual discrimination will not affect a complainant's employment, compensation or work assignments or, in the case of students, grades, class selection, or any other matter pertaining to student status. Distinguishing between harassing or discriminatory conduct and conduct that is purely personal or social without a harassing or discriminatory work or educational effect requires a determination based on all the facts pertaining to the situation.

Additionally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business, work-related, academic, or student social activities or discussions in order to avoid allegations of harassment. The law and the policies of the University prohibit disparate treatment on the basis of protected characteristics, with regard to terms, conditions, privileges and perquisites of employment or admission as a student. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

8.2 False Reports

False accusations and reports of sexual discrimination, harassment, or violence can seriously injure innocent persons and their reputation. It is a violation of this policy, therefore, for anyone knowingly to make false accusations. If, during the conducting of the investigation, it is determined that the evidence demonstrates the accusation was made falsely, appropriate disciplinary action will be instituted by the University and will follow the Formal Grievance Process as defined in 7.2.2. A determination that a complaint is not meritorious is not necessarily equivalent to a false allegation. A finding for the accused does not constitute a finding the complaint was in bad faith.

9.0 Confidentiality & Disclosure Obligations