



**2025-26
Title IX Office**

Procedures for Resolution of Title IX and University-Defined Sexual Misconduct Policy Complaints

Eastern University reserves the right to modify these policies and procedures under business necessity and applicable legal and regulatory guidance and requirements. The most up-to-date version of these policies is available online at www.eastern.edu.

I. Scope

These procedures apply to complaints filed under the Title IX and University-Defined Sexual Misconduct Policy. Any reference to a University administrator throughout these procedures refers to the named University administrator or their designee.

Eastern University will act on any complaint of a potential violation of the Title IX and University-Defined Sexual Misconduct Policy by applying the process outlined in this document. The procedures below apply to all allegations of discrimination on the basis of sex, sex-based harassment, retaliation, or other prohibited conduct outlined in the Title IX and University-Defined Sexual Misconduct Policy. These procedures may be modified with written notice to the parties to accommodate rights extended to certain members of the University community based on a contract, agreement, or other federal or state law, or private arrangement, binding the University.

II. Overview of Title IX Procedures

Once a report is received, the University will respond consistent with these procedures. The response is informed by the Complainant's wishes and the safety of the campus community.

Detailed Description of the Title IX Procedures

III. Notice

Reports are received by the Title IX office through a variety of sources. Typical sources of reports include faculty and staff members designated as "responsible employees" (see Section XIII.B.1.ii in the Policy for more information on responsible employees), friends of the Complainant, or the Complainant directly. Individuals who wish to make a report of prohibited conduct are encouraged to make a report directly to the Title IX Coordinator. Although a report may come in through many sources, the University is committed to ensuring that all reports of prohibited conduct are referred to the Title IX Coordinator, which ensures consistent application of the Policy to all individuals and allows the University to respond promptly and equitably to eliminate harassment, prevent its recurrence, and reduce its effects.

IV. Initial Evaluation

Upon receipt of a report, the Title IX Coordinator or designee will:

- Offer an initial meeting with the Complainant.
- Assess whether the reported conduct reasonably constitutes a violation of the Policy.

- If the conduct may not reasonably constitute a violation, the matter is typically dismissed. It may then be referred to another process, if applicable.
- Determine whether the University has jurisdiction over the reported conduct, as defined in the Policy.
- Offer and coordinate supportive measures for the Complainant and Respondent.
- Notify the Complainant of the available resolution options, including supportive and remedial responses, informal resolution, or formal resolution as described in these procedures.
- Determine whether the Complainant wishes to initiate a complaint.
- If a complaint is filed, notify the Respondent of the available resolution options, including supportive and remedial responses, informal resolution, or formal resolution as described in these procedures.

V. Initial Meeting with the Complainant

The initial meeting is optional and the Complainant may decline. The purpose of the initial meeting is for the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report and assess the need for any supportive measures; it is not a full investigation interview. At this meeting, the Complainant will be provided with information about resources, supportive measures, and resolution options.

During the initial meeting, the Complainant is able to bring a support person and is free to share as much or as little information about the underlying incident as they would prefer. The Title IX Coordinator or designee(s) will discuss and provide the Complainant with a written explanation of their rights and options, whether the incident occurred on or off campus, including (as applicable):

- The right to report or decline to report the incident to law enforcement if the conduct is potentially criminal in nature. The University is available to assist in this process;
- The right to obtain a Protection from Abuse (PFA) Order from local authorities or request contact restrictions from the University;
- The right and importance of seeking medical treatment to address physical health and to preserve evidence;
- The right to file a complaint through the applicable University resolution procedure;
- The right to request supportive measures, including options for changes in living, academic, transportation, working situations;
- Provide the Complainant with information about on- and off-campus resources, including support options and counseling;
- Explain the University's policies for confidentiality and prohibiting retaliation, as described in the Policy;
- Explain the difference between confidential and non-confidential resources;
- Obtain the Complainant's expressed preference for the manner of resolution and assess any barriers to proceeding;
- Provide the Complainant with an explanation of the limitations on the University's response should the Complainant choose to remain anonymous;
- Provide information about a case manager and information about an advisor of their choice;
- The right to receive an explanation of the formal complaint resolution process and the preponderance of the evidence standard of proof used to resolve the complaint ("more likely than not");
- The right to be provided a prompt, unbiased, and impartial investigation and resolution; and

- The right to receive an explanation of adaptable remedies and informal resolutions.

VI. Report Assessment.

Using the information provided in the initial report and the information gathered during the preliminary meeting with the Complainant, the Title IX Coordinator will assess what supportive measures and resolution options are available to the Complainant. The Title IX Coordinator may enlist the Title IX team and others to assist in this assessment. Members of this interdepartmental team may include the Title IX Coordinator, deputy Title IX Coordinators, members of the division of student affairs, or public safety. Depending on the relationship of the Complainant and the Respondent (hereafter referred to as the “Respondent”) to the University (student, staff, faculty, or other) and the nature of the report, additional team members may include human resources, the provost’s office, or alumni relations.

During this assessment, the Title IX Coordinator and assessment team members will make a reasonable assessment of the safety of the individual and of the campus community and will determine whether the University has sufficient information to determine an appropriate course of action. The Title IX assessment team will also consider the interests of the Complainant and the Complainant’s expressed preference for the manner of resolution in light of all available information. During the Title IX assessment, the Title IX Coordinator or designee(s) will:

- Evaluate the nature and circumstances of the allegation;
- Address immediate physical safety and emotional well-being of the Complainant;
- Assess safety concerns for the broader University community;
 - Determine if concerns exist for discrimination or harassment based on other protected classes;
- Assess the reported conduct for the need for a timely warning notice under federal law;
- Determine if past reports of similar conduct by Respondent exist;
- Determine if any issues of academic freedom exist which may be reviewed by the provost or designee;
- If applicable, enter non-identifying information about the report into the University’s daily crime log, pursuant to federal law.

VII. Assessing Requests by the Complainant to Remain Unidentified

In the event that a Complainant does not wish to participate, does not want the process to proceed and/or requests that identifiable information not be shared with the Respondent, the Title IX Coordinator, in consultation with the Title IX assessment team, as applicable, will decide, based on the available information, whether they can honor the request and whether additional steps are required. In making this decision, the Title IX assessment team will assess all available information, including but not limited to the following factors:

- The Complainant’s request not to initiate a complaint;
- The severity and impact of the alleged sex discrimination;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
- The risk that additional acts of sex discrimination would occur if a Complaint is not initiated.
- The relationship and respective ages of the parties, including whether the Complainant is a

- minor under the age of 18;
- Whether the University can undertake any action without the participation of the Complainant;
- Whether the Respondent has been the subject of a previous report or complaint;
- The existence of independent evidence;
- The extent of prior remedial methods taken with the Respondent; and
- Any legal obligation to proceed based on the nature and/or severity of the conduct.

The Complainant can elect to initiate a resolution process at any time, even after initially declining to initiate a complaint. The University's ability to respond may be limited by a request to remain unidentified. The Title IX assessment team will take all reasonable steps to respond to a report consistent with a Complainant's request but must balance that request with its responsibility to provide a safe and non-discriminatory environment for all University community members and afford a Respondent with a balanced process.

The Title IX Coordinator may determine that, despite the Complainant's request, the Title IX Coordinator should initiate the complaint. To make this determination, the Title IX Coordinator will determine if there is a serious and imminent threat to someone's safety or if the University cannot ensure equal access without initiating a complaint. The Title IX Coordinator will consider the factors outlined above. The Title IX Coordinator may consult with appropriate University employees and/or conduct a violence risk assessment to aid their determination. When the Title IX Coordinator initiates a complaint, they do not become the Complainant.

VIII. Dismissal of a Formal Complaint under Title IX

Eastern University may dismiss a complaint if, at any time during the investigation or resolution process, one or more of the following grounds are met:

- 1) The University is unable to identify the Respondent after taking reasonable steps to do so,
- 2) The University no longer enrolls or employs the Respondent,
- 3) A Complainant voluntarily withdraws any or all of the allegations in the complaint, and the Title IX Coordinator declines to initiate a complaint,
- 4) The University determines the conduct alleged in the complaint would not constitute a Policy violation, if proven.

An investigator and/or decision-maker can recommend dismissal to the Title IX Coordinator if they believe the grounds are met. A Complainant who decides to withdraw a complaint may later request to reinstate or refile it.

Upon any dismissal, the University will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the University will also notify the Respondent of the dismissal.

This dismissal decision is appealable by any party.

IX. Emergency Removal

If at any point following the receipt of a report of prohibited conduct, the University determines that the Respondent poses an immediate threat to the physical health or safety of the Complainant or any other

person(s), including the Respondent, the University may immediately and temporarily remove the Respondent from any or all of its programs or activities. The imposition of an emergency removal does not suggest a finding of responsibility for any prohibited conduct.

Before imposing an emergency removal of a student, Eastern University will undertake an individualized safety and risk analysis concerning the Respondent at the request of the Title IX Coordinator. An emergency removal will be imposed only if the Title IX Coordinator concludes that the threat to physical health or safety arises from the allegations of prohibited conduct and warrants the removal.

An emergency removal may involve the denial of access to some or all of the University's campus facilities, academic program, or other programs or activities. While the University may provide alternative academic or employment opportunities during an emergency removal, it is not required to do so. Non-punitive actions taken as supportive measures (e.g., changes in housing) do not constitute emergency removals.

The Title IX Coordinator will notify the Respondent of the terms imposed in connection with an emergency removal. The Respondent has the opportunity to challenge the emergency removal upon receipt of that notice. In order to challenge the emergency removal, the Respondent shall submit an appeal via email to the Title IX Coordinator within three (3) calendar days from the date of the notice of emergency removal, explaining why emergency removal is not appropriate. The Title IX Coordinator may seek additional information from the Respondent or any other individual in evaluating the appeal. The emergency removal will remain in place while the appeal is pending. The Title IX Coordinator will issue a decision as soon as possible under the circumstances. The decision is final and not subject to further appeal.

Separate from the emergency removal process, the Title IX Coordinator may request that an employee-Respondent be placed on administrative leave, with or without pay.

X. Adaptable remedies

Adaptable remedies are sought prior to or in lieu of initiating the formal resolution process.

A Complainant and Respondent's participation in an adaptable remedy is voluntary and each party can end their own participation at any time. The decision to pursue adaptable remedies will be made when the University has sufficient information about the nature and scope of the underlying conduct. The Title IX Coordinator may recommend additional adaptable remedies and has the discretion to not allow an adaptable remedy as appropriate.

XI. Informal Resolution.

At any point following the receipt of a formal complaint and before an adjudication, the parties may request consideration of an informal resolution to the complaint. An informal resolution presents the opportunity for the Complainant and Respondent to reach a resolution without an investigation or adjudication. Participation in an informal resolution in lieu of the formal resolution process is purely voluntary.

a) Limitation of Informal Resolution

Informal resolutions are available with or without the initiation of a complaint. The parties agree must voluntarily agree to engage in informal resolution in writing. Informal resolutions may be used only with the approval of the Title IX Coordinator, who may deem its use inappropriate based on the specific allegations involved or other factors.

b) Procedures of Informal Resolution

Prior to initiating an informal resolution, the Title IX Coordinator will provide the parties with written notice disclosing the allegations, the requirements of the process, the right to withdraw from the informal resolution to pursue the formal resolution process (or resume the formal resolution process), and any consequences of participation (e.g., as it relates to any subsequent formal resolution if informal resolution is not achieved). The outcome of the informal resolution will be documented in an agreement or other form that is signed by both the parties.

c) Possible Forms of Informal Resolution

Informal resolutions may take many forms as agreed to between the parties and the Title IX Coordinator, including, but not limited to, mediation, restorative justice conferences or circles, facilitated dialogue, voluntary non-participation in certain University programs or activities, or any other voluntarily-agreed-to forms of resolution.

d) Notice of Allegations.

The Title IX Coordinator will send a notice of allegations to both the Complainant and the Respondent, providing the parties with written notification of the receipt of a formal complaint. Providing the notice of allegations and initiating an investigation does not necessarily mean that a student conduct adjudication is inevitable or that a Complainant must pursue the student conduct process.

The notice of allegations will provide the parties with the following information:

- Copies of the Policy and relevant procedures, including information about the informal resolution option;
- Sufficient detail of the allegations presented in the complaint;
- Statement that an investigation is being initiated and the identity of the investigator;
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination of responsibility is made at the conclusion of the resolution process;
- Statement that knowingly providing false statements during the formal resolution process may subject the parties to discipline per applicable University policies;
- Inform the parties that they may have an advisor of their choice;
- Identify the case managers that have been assigned to each party;
- Inform the parties that if the investigation reveals additional allegations that may constitute violations of the Policy, the parties will receive a revised notice of allegations.

XII. Investigation

- a) The University will designate a trained investigator(s) to investigate these reports. All investigators will receive annual training consistent with the Title IX regulatory requirements.
- b) Each party will be assigned a separate University-appointed, trained case manager who can help a Complainant/Respondent navigate through the Policy and related procedures. Each party's respective case manager will be identified in the notice of allegations.

The Complainant/Respondent case manager will receive access to case materials and may accompany their assigned party to any meeting related to these procedures, including interviews with the investigator. Each party may request that their respective case manager not attend any meeting related to these procedures.

Witnesses will be assigned a witness coordinator who will offer them assistance in understanding their role as a witness within the Policy. At the discretion of the witness, the witness coordinator may accompany their assigned witness to any meeting related to these procedures, including interviews with the investigator. A witness may decline the services of the witness coordinator at any time.

The case manager/witness coordinator may communicate with the Complainant/Respondent/witness during proceedings in a non-disruptive manner and may ask for short breaks if the Complainant/Respondent/witness requires some time for composure or to collect thoughts. The case manager/witness coordinator may not delay, disrupt, or otherwise take action to interfere with the integrity of the meeting except as permitted within these procedures. The case manager/witness coordinator may be required to leave the meeting if disruptive.

If the Complainant/Respondent/witness has any questions or concerns about the assignment of their case manager/witness coordinator, they may contact the Title IX Coordinator for assistance.

c) Advisor of Choice

An advisor of their choice can assist the Complainant and Respondent. The advisor may be any person: friend, mental health professional, certified victim's advocate, attorney, an individual at the University, etc. The University's duty is to the Complainant/Respondent, not the advisor.

Provided the selected advisor agrees to serve in this capacity, the individual may be required to meet with the Title IX Coordinator, the University's legal counsel, or designee before participating in the formal resolution process.

If the advisor is an attorney or other retained person, the advisor must be retained at the initiative and expense of the Complainant/Respondent. If the advisor is an attorney, the University's legal counsel may also attend any meeting. These restrictions and parameters will govern an attorney's participation in any meeting.

d) Advisor Appointed by the University

If a party has not identified an advisor of choice by the time the Notice of Adjudication is provided to the parties, the University may provide an advisor to the party/parties to assist during the adjudication.

e) Role of Advisor

At the discretion of the Complainant or Respondent, their respective advisor may accompany them to any meeting related to these procedures, including interviews with the investigator.

The advisor is expected to be a silent and non-participating observer, except to ask for a short break if the Complainant/Respondent requires some time for composure or to collect thoughts. The advisor may communicate with the Complainant/Respondent during proceedings in a non-disruptive manner. If disruptive, the advisor may be required to leave the meeting. The advisor may not delay, disrupt, or otherwise take action to interfere with the integrity of the process.

f) Investigation

The investigator will conduct a thorough, impartial, and unbiased investigation. All individuals will be treated with compassion and respect and in a manner considerate of individual privacy concerns. An investigation may include multiple meetings with the investigator. An investigation will typically include interviews of the Complainant, Respondent, witnesses provided by either party with relevant information about the reported incident or discovered during the investigation, and any other individuals who may have relevant information about the reported incident and/or the parties involved. Interviews will typically take no longer than two hours on one day. Should additional time be needed, the investigator and affected party will mutually agree on either rescheduling for another day or extending the length of the interview past two hours. During the investigation process, all those interviewed will have an opportunity to review their own interview summaries for accuracy.

g) Deviation from University Policy or Procedure

During any interviews with the Complainant, Respondent, or witnesses, if any deviation from University policy or procedure is suspected, the respective case manager or witness coordinator will have the ability to call for a short break in the proceedings to convene with the investigator to ensure that the proceedings comply with University policy and procedure. Any deviation from University policy or procedure or concerns with the investigation may be communicated directly to the Title IX Coordinator by the Complainant, Respondent, witness, respective case manager, or witness coordinator.

h) Additional Violations

If, during the investigation, the investigator identifies conduct that may constitute an additional violation under the Policy that was not referenced in the provided notice of allegations, an amended notice of allegations will be issued to the parties.

i) Evidence

The investigator may request any available physical or medical evidence and/or documentation from the parties. The investigator may only use medical or psychological records obtained by a party when such records are accompanied by that party's voluntary, written consent. The investigator will seek to obtain relevant communications between the parties, including electronic records, voicemail messages, and/or letters. The Complainant and Respondent will have an equal opportunity to participate in the investigation with their case managers, and/or advisors of their choice, provide statements, submit additional information, and/or identify witnesses who may have relevant information. All information and/or materials the parties wish to include in the investigation report or have considered at the adjudication, must be provided to the investigator during the investigation. It is not the burden of the Complainant, Respondent, witnesses, or other community members to investigate these matters. The investigator is solely responsible for all aspects of the investigation.

j) Duration

The duration of the investigation is strongly influenced by the availability and/or responsiveness of all involved parties, the complexity of the circumstances of the complaint, and the University's academic calendar. The University will seek to complete the investigation without unreasonable delay in light of these factors.

k) Applicability

The investigation will confirm whether the alleged conduct implicates possible Title IX-covered behavior, University-defined sexual misconduct, or neither. If the alleged conduct is not Title IX-covered behavior, the complaint will be dismissed under these procedures and may be referred into another process that addresses the alleged conduct.

l) Reviewing the Investigative Material

At the conclusion of the investigation, the investigator will provide the investigation report and evidence file, consisting of all relevant and not impermissible evidence, to the Title IX Coordinator (or designee). The Title IX Coordinator (or designee) will provide access to the investigation report and evidence file to the parties and their advisors and outline the available resolution options, including informal resolution or adjudication. The parties will be provided a minimum of ten (10) days to consider the information and options presented by the Title IX Coordinator to review the investigation material and provide their written responses.

Written responses to the investigation materials may include clarifications to the party's own interview statements or requests for additional investigation. The written responses will be provided to the investigator for their consideration prior to their submission of the Final Investigative Report. The investigator will have three (3) days to review the responses and determine if additional investigation is necessary. If additional investigation is necessary, the Title IX Coordinator will provide notice to the parties.

m) Final Investigation Report

After assessing the written responses and making any necessary additions, revisions, or modifications, the investigator will provide the final investigation report and evidence file to the Title IX Coordinator.

XIII. Adjudication

The adjudication process is administrative and not subject to the same standards as a court of law. Rules of evidence ordinarily found in legal proceedings will not apply. Complaints based on the Policy will be resolved through administrative adjudication.

When members of a group, organization, or team of individuals acting together operate in concert in violation of the Policy, they may be charged as a group or as individuals, and adjudication may proceed against the group as joint Respondents or against one or more involved individuals as appropriate given the available information and the circumstances.

a) Adjudication Venue Options and Recordings

The adjudication may occur in person or via video technology. The adjudicator and parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Title IX Coordinator's discretion.

- The parties may request the Title IX Coordinator that the adjudication be held in person or via video technology. Still, they must do so at least three (3) business days before the adjudication. The Title IX Coordinator retains discretion in determining whether the adjudication will occur in person or via video.
- All adjudications will be recorded, and parties may request a copy of the recording from the Title IX Coordinator following the adjudication.
- No unauthorized recordings are permitted.

b) Scheduling

Adjudications for possible violations that occur near or after the end of an academic semester or term (assuming the Respondent is still subject to this Policy) and are unable to be resolved before the end of the semester or term will typically be held immediately after the end of the semester or term, including during the summer, as needed, to meet the University's resolution timeline and ensure a prompt resolution. Employees, including parties and witnesses, who do not have 12-month contracts are still expected to participate in resolution processes during months between contracts.

c) Adjudication Participants

The adjudicator, adjudication facilitator, investigator(s), the parties and their advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the adjudicator may be present for an adjudication. Witnesses are present only during their portion of the testimony.

d) Advisors

The parties may have the assistance of an advisor of their choosing at the adjudication or may request that the University appoint a trained advisor for them. Appointed advisors are not attorneys. If a party wishes to have an attorney as their advisor, they must locate and pay for that attorney themselves.

- During the pre-adjudication meeting and adjudication, parties may only be accompanied by their advisor. No other persons (e.g., additional support persons, advisors, friends, or family) may accompany, attend, or listen in on the pre-adjudication meeting or adjudication unless explicitly authorized by the Title IX Coordinator, with each party being provided the same opportunity.
- Parties and advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the adjudication in a matter consistent with Policy.
- All questions during the adjudication will be asked by the adjudicator. Parties and advisors may suggest questions to be posed by the adjudicator during the pre-adjudication meetings or by submission of written questions during the adjudication. The method of submitting questions to the adjudicator will be specified by the adjudicator during the pre-adjudication meetings.

e) Impact Statements

Each party may submit an impact and/or mitigation statement to the Title IX Coordinator that the adjudicator will review during any sanction determination.

- Upon receipt of an impact and/or mitigation statement, the Title IX Coordinator will review the impact/mitigation statement to determine whether any immediate needs exist.
- The Title IX Coordinator will only provide the impact statements to the adjudicator if the adjudicator determines that the Policy has been violated. When the Title IX Coordinator shares the impact statements with the adjudicator, they will be shared with the parties.

f) Disability Accommodations and Other Assistance

Parties should contact the Title IX Coordinator at least three (3) business days prior to the adjudication to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the adjudication, if possible.

g) Conflicts of Interest and Bias

The adjudicator must not be biased for or against the Complainants or Respondents generally or the individual Complainant or Respondent in particular.

- The adjudicator must recuse themselves if such bias or conflict of interest exists.
- If the adjudicator believes there is a possible conflict of interest or bias, they will consult with the Title IX Coordinator about possible recusal or removal.
- The parties may raise challenges that the adjudicator is biased or has a conflict of interest. The parties must raise challenges with the Title IX Coordinator within two (2) business days of receiving the Adjudication notice.
- The Title IX Coordinator will only remove and replace an adjudicator in situations of

demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.

- If an adjudicator recuses themselves as the result of a conflict of interest or bias, or is removed, the Title IX Coordinator will promptly appoint a new adjudicator who does not have a conflict of interest or bias and notify the parties accordingly.

h) Evidence Provided to Adjudicator and Parties

- The adjudicator will be provided electronic copies of the final investigation report and all relevant but not impermissible evidence, including the names of all parties, witnesses, and advisors, at least seven (7) business days in advance of the adjudication.
- The parties will be provided with electronic copies of all the materials provided to the adjudicator as part of the adjudication notice, unless those materials have already been provided.
- Consistent with Eastern University policy, all participants, including advisors, involved in an adjudication are expected to keep the final investigation report and any information learned during the process private. The participants may not share any copies of the investigation and adjudicative materials. All documentation provided during the investigation and adjudication meeting must be returned to the University at the conclusion of the meeting and/or any appeals. Any violation of this directive may result in disciplinary action by the University. Nothing in this paragraph precludes disclosure of the outcome of the adjudication by the University to the parties.

i) Notice

The Title IX Coordinator will issue a notice of adjudication to both parties and their respective advisors indicating that a formal charge(s) has been issued by the University. This notice will provide:

- a description of the alleged violation(s),
- a list of all policies allegedly violated,
- a description of the applicable adjudication procedures,
- the name of the selected adjudicator,
- the time, date, and location of the adjudication meeting,
- a description of any technology that will be used to facilitate the meeting,
- relevant information regarding meeting logistics and pre-adjudication meetings, the final investigation report, the parties and witnesses participating in the adjudication, details related to questioning, the role of advisors, impact/mitigation statements, and how to request disability accommodations or other assistance.

j) Contesting the Adjudicator

The parties may submit a written request to the Title IX Coordinator to contest the adjudicator. Such written requests must present reasonable, articulable grounds to suspect bias, conflict of interest, or an inability to be impartial on the part of the adjudicator. This challenge must be raised within four (4) business days of receipt of the notice of adjudication. The Title IX Coordinator will make the determination within two (2) business days whether to seek an alternative adjudicator.

k) Pre-Adjudication Meetings

The adjudicator will offer to convene a pre-adjudication meeting(s) with the parties and their advisors and invite them to submit the questions or topics they wish to ask or discuss at the adjudication. This allows the adjudicator to consider their relevance ahead of time to avoid any improper evidentiary introduction in the adjudication or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the parties from submitting a question at the adjudication for the first time or asking for a reconsideration on an adjudicator's pre-adjudication decision based on any new information or testimony offered at the adjudication. The adjudicator will document and share their rationale for any evidence or question exclusion or inclusion, if any, at a pre-adjudication meeting with each party.

The adjudicator will work with the parties to finalize a witness list for the adjudication, and the Title IX Coordinator will notify any witnesses of the adjudication's logistics. The adjudicator, only with the agreement of all parties, may decide in advance of the adjudication that certain witnesses do not need to be present if their testimony can be adequately summarized by the investigator(s) in the final investigation report or during the adjudication, and their presence is not essential to assess their credibility.

Pre-adjudication meeting(s) will not be recorded. The pre-adjudication meetings will typically be conducted as separate meetings with each party/advisor, and can be done remotely, or as a written communication exchange. The adjudicator will work with the parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all parties and advisors are aware.

l) Format of the Adjudication Meeting

- Evidentiary Considerations

The parties must provide all evidence to the investigator(s) prior to completing the final investigation report. Evidence offered after that time will be evaluated by the adjudicator for relevance. If deemed relevant and not impermissible, the parties and adjudicator must agree to admit it into the record. If the evidence is deemed not relevant or impermissible, the adjudicator may proceed with the adjudication absent the new evidence.

The new relevant evidence will be admitted to the record if:

- All parties and the adjudicator assent to the new evidence being included in the adjudication without remanding the Complaint back to the investigator, and
- The evidence is not duplicative of evidence already in the record, and
- It is not impermissible, and
- The new evidence was either not reasonably available prior to the conclusion of the final investigation report, or the failure to provide it in a timely manner was not the result of bad faith by the parties, witnesses, or others.

If the above criteria are not met, but the evidence is deemed materially relevant and not

duplicative, the adjudicator may, at their discretion, engage in any of the following actions:

- Delay the adjudication.
- Provide the parties with at least five (5) business days to review the relevant evidence.
- Remand the Complaint back to the investigator for further investigation or analysis.
- Allow the parties to review and comment on the new evidence.

If the evidence is deemed not relevant or impermissible, the adjudicator may proceed with the adjudication without allowing the new evidence.

- Collateral Misconduct

The adjudicator has the authority to hear and make determinations on all allegations of sex discrimination, sex-based harassment, retaliation, and other prohibited conduct under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the sex discrimination, sex-based harassment, retaliation, or other prohibited conduct, even though those collateral allegations may not specifically fall within the Policy.

- Joint Adjudications

In Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person 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 adjudications pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint adjudications, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged Policy violation.

- Introductions and Adjudication Procedure Explained

The adjudicator will explain the adjudication procedures and introduce the participants. The adjudicator will answer any procedural questions prior to and as they arise throughout the adjudication.

- Investigator Presentation of the Final Investigation Report

The investigator(s) will present a summary of the final investigation report, including a review of the facts that are contested and those that are not. The investigator may be questioned first by the adjudicator and then by the parties. The investigator may attend the duration of the adjudication or be excused after their testimony at the adjudicator's discretion.

m) Participation in the Adjudication

Any party or student witness may choose not to offer evidence and/or answer questions at the adjudication, either because they do not attend the adjudication, or because they attend but refuse to participate in some or all questioning. Employee witnesses are required to participate in the adjudication if they are reasonably available. The adjudicator can only rely on the available relevant and not impermissible evidence in making the ultimate determination of responsibility. The adjudicator may not draw any inference solely from a party's or witness's absence from the adjudication or refusal to answer any or all questions.

An advisor may not be called as a witness at an adjudication to testify to what their advisee has told them during their role as an advisor unless the party being advised consents to that information being shared.

Student witnesses are encouraged to participate in and make themselves reasonably available for the adjudication. Employee witnesses are expected to join in and make themselves reasonably available for the adjudication. Witnesses may participate in person or via video technology that allows the adjudicator and the parties to see and hear the witness while that person is speaking. Witnesses are not permitted to be accompanied by an advisor without the Title IX Coordinator's express permission. At the adjudicator's discretion, a witness may join by phone if no other reasonable alternative is available.

The Title IX Coordinator will notify all witnesses of their requested participation in the adjudication at least five (5) business days prior to the adjudication. Witnesses will be present for the adjudication only during their testimony.

If any party or witness does not appear at the scheduled adjudication, the adjudication may be held in their absence. For compelling reasons, the Title IX Coordinator may reschedule the adjudication.

Any witness scheduled to participate in the adjudication must have been first interviewed by the Investigator(s), unless:

- All parties and the adjudicator assent to the new witness's participation in the adjudication without remanding the complaint back to the Investigator, and
- The adjudicator deems the evidence presented by the new witness to be relevant, not impermissible, and not information already established in the record, and
- The witness's late involvement was not the result of bad faith by the witness, the parties, or others.

If the above criteria are not met, but the witness's evidence is deemed relevant, not impermissible, and not duplicative, the adjudicator may, at their discretion, engage in any of the following actions:

- Delay the adjudication.
- Provide the parties with at least five (5) business days to review the relevant portions of the new witness's statements if such statements are submitted.
- Remand the complaint back to the Investigator for further investigation or verification.
- Allow the parties to review and comment on the testimony of the new witness.

If the evidence is deemed not relevant or permissible, the adjudicator may proceed with the adjudication absent the new witness's participation.

n) Duration of Adjudication Meeting

Adjudication meetings will typically conclude within one (1) day, though circumstances or case complexity may necessitate additional meeting days, at the direction of the Title IX Coordinator. Throughout an adjudication meeting, either party may request short breaks. The case managers, witness coordinator, and/or advisor of choice may request a short break on behalf of the individuals involved, which must be directed to either the adjudicator and/or the Title IX Coordinator.

o) Participant Integrity

Parties and other individuals who offer information at adjudication meetings are expected to respond honestly and to the best of their knowledge. A Complainant, Respondent, or witness who intentionally provides false or misleading information may be subject to discipline under the applicable University policy.

p) Testimony and Questioning

The parties and witnesses may provide relevant information in turn, beginning with the Complainant's opening statement, then the Respondent's, and then questioning in the order determined by the adjudicator. The adjudicator will facilitate questioning of the parties and witnesses first by the adjudicator and then by the parties through the adjudicator.

All questions must be directed toward and asked through the adjudicator and are subject to a relevance determination before they are asked. The adjudicator will determine the method by which the parties will submit their questions to the adjudicator for their review and, if approved, to be posed. Questions that the parties wish to have posed can be questions for that party themselves, another party, or witnesses.

The adjudicator will allow witnesses who have relevant and not impermissible information to appear at a portion of the adjudication to respond to specific questions from the adjudicator and the parties, and the witnesses will then be excused.

q) Cross-Examination

All cross-examination questions are subject to a relevance determination before they are answered. The adjudicator will determine the method by which relevance determinations will be made prior to the questioned individual providing an answer. The adjudicator will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The adjudicator will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive. The adjudicator has final say on all questions and determinations of relevance and appropriateness. The adjudicator may consult with legal counsel on any questions of admissibility.

The adjudicator then poses the questions deemed relevant, not impermissible, and appropriate to the party and/or witness.

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

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant other than in two limited situations:

- Such questions or evidence are permitted to provide that someone other than the Respondent committed the conduct alleged by the Complainant; or
- Such questions or evidence are permitted if they concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

A party or witness's medical or mental health records may be the basis of cross-examination questions only if the party/witness has provided voluntary, written consent to include such records in the formal Title IX complaint process.

r) Deliberation

After closing statements from the parties, the adjudicator will conclude the adjudication and move to deliberation. The Title IX Coordinator will support deliberations by offering clarifications of the Policy or providing any other appropriate information requested by the adjudicator. The adjudicator will decide, using a preponderance of the evidence standard, if there were any violations of the Policy. The adjudicator will provide the Title IX Coordinator a written summary of the findings, which will be included in the outcome letter. The summary will detail the findings of facts and determination of responsibility.

s) Preponderance of the Evidence

The adjudicator will determine a Respondent's responsibility by a preponderance of the evidence. This means that the adjudicator will decide whether it is "more likely than not," based upon the information provided in the case packet and through the adjudication meeting, that the Respondent is responsible for the alleged violation(s). A "not responsible" finding means that the evidence presented did not meet the standard necessary to determine responsibility.

XIV. Issues Related to the Adjudication Meeting

a) Outside Agreements

The University will generally not recognize or enforce agreements between the parties reached outside of these procedures.

b) Witnesses

During the investigation, the Complainant and Respondent will have been asked to identify witnesses. The investigator may also identify witnesses during the course of the investigation. Witnesses may opt to contact the assigned witness coordinator as a resource at any point in the process. Witnesses must have observed the acts in question or have information relevant to the incident and cannot participate solely to speak about an individual's character. After reviewing the case packet, including all witness information, the adjudicator will ask the Title IX Coordinator to notify relevant witnesses at least one (1) business day before the adjudication, that they may be asked to attend. The names of retained witnesses will be confirmed with parties at least one (1) business day before adjudication as well.

c) Relevance

The Title IX Coordinator will review the final investigation report and associated materials to determine whether the included information is relevant to the determination of responsibility. The Title IX Coordinator may redact information that is irrelevant, more prejudicial than probative, or immaterial. The parties will have a full and equitable opportunity to respond to the information included in the final investigation report.

- Prior Sexual History of the Parties

Prior sexual history of a Complainant or Respondent will never be used to prove character or reputation. Information related to the prior sexual history of the parties generally is not relevant to the determination of a Policy violation and only in limited circumstances will such evidence be made available for consideration by the adjudicator. For example, prior sexual history may be relevant to explain the presence of a physical injury, physical condition, or to help resolve another question raised in the investigation. Further, where there is a current or previous relationship between the Complainant and the Respondent, and the Respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. However, as noted in other sections of the Policy, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent and does not preclude a finding of a violation of the Policy.

- Prior or Subsequent Conduct of the Parties

When prior or subsequent conduct of the parties is included in the final investigation report, the Title IX Coordinator will assess the investigation purpose(s) of the information. Prior or subsequent conduct of the parties may be considered by the adjudicator for the investigation purpose(s) of demonstrating any of the following: knowledge, intent, state of mind, motive, opportunity, preparation, planning, method of operation, pattern, absence of mistake, absence of accident, or identity.

Such evidence of prior or subsequent conduct, regardless of whether there has been a prior finding of responsibility, must be relevant and probative to a determination of responsibility and/or assignment of a sanction.

If these two criteria are met, the Title IX Coordinator will inform the adjudicator that the adjudicator must determine whether the prior or subsequent conduct is supported by a preponderance of the evidence and if so, use of that evidence is limited to the investigation purpose(s) (listed above) for which the information was included.

XV. Sanctions.

When there is a finding of responsibility for one or more of the allegations, the adjudicator may then consider any previously submitted impact and/or mitigation statement(s) provided by the parties in determining appropriate sanction(s). The Title IX Coordinator will ensure that any submitted statements are exchanged between the parties if they are viewed by the adjudicator. Impact/mitigation statements do not influence the finding, they only potentially influence the sanctions.

The adjudicator's written outcome will include any sanctions and rationales explaining the sanctions. The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

a) Factors Informing Sanction Decision

In considering the appropriate sanction, the adjudicator will consider the following factors together with any impact statements provided from the Complainant and/or Respondent:

- the Respondent's prior discipline history;
- how the University has sanctioned similar incidents in the past;
- the nature and violence of the conduct at issue;
- the impact of the conduct on the Complainant, and their desired sanctions, if known;
- the impact of the conduct on the community, its members, or its property; vi. whether the Respondent has accepted responsibility;
- whether the Respondent is reasonably likely to engage in the conduct in the future;
- any other mitigating or aggravating circumstances, including the University's values;
- the Respondent's optional good faith participation in adaptable remedies/informal resolutions during the report, complaint, and investigation portions of the resolution process

b) Remedial Actions

The adjudicator may consider remedial actions and/or additional steps that may be taken to address and resolve any incident of discrimination or harassment and to prevent the recurrence of any discrimination and/or retaliation, including strategies to protect participants from retaliation; provide counseling for the parties; other steps to address any impact on the community; and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

c) Suspension

If a sanction includes suspension, the Respondent is subject to the readmission process as

described in the student handbook. Prior to re-admission, the Complainant will be notified by the Title IX Coordinator or their designee.

d) Possible Student Sanctions

The University reserves the right to impose other reasonable sanctions or to combine sanctions as it deems appropriate. Sanctions include:

Warning—A written notification that a violation of the Policy occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are typically recorded for internal purposes only and are not considered part of a student's permanent student conduct record. Though disclosed with a student's signed consent, a student who receives a warning is still considered in good standing at the University.

Probation—A written notification that indicates a serious and active response to a violation of the Policy. Probation is for a designated period of time and includes the probability of more severe sanctions, if found responsible for additional violations of the student code of conduct or the Policy, including suspension or expulsion from the University. Notification of probation is considered a change in status and will normally be sent to parents or guardians. As a result of a change in status, a student who is placed on probation is not considered to be in good standing at the University during their period of probation.

Suspension—The separation of a student from the University for a specified period of time, after which the student is eligible to return. Conditions for re-enrollment may be required and will be included in the notification of suspension. Suspended students are required to comply with the University's re-admission process prior to being eligible for re-enrollment.

During the period of suspension, the student may not participate in University academic or extracurricular activities; may be barred from all property owned or operated by the University; and depending on the severity of the charge, the student might not be allowed to progress toward completion of their Eastern degree by taking courses at other institutions while suspended. Students who are suspended may not be on campus without specific, written permission of the dean of students or designee.

Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if found responsible for additional violations of the student code of conduct or the Policy. Notification of suspension will normally be sent to guardians or parents, as it results in a change of status. As a result of a change in status, a student who is suspended is not considered to be in good standing at the University during their period of suspension.

Expulsion—Expulsion is the permanent separation of the student from the University. Students who have been expelled may not be on campus without specific, written permission from the dean of students or designee. Notification of expulsion will normally be sent to guardians or parents, as it results in a change of status.

Expulsion may be particularly appropriate if the University has determined that the Respondent has engaged in the same or similar conduct and/or has been found in

violation of the Policy in the past.

Loss of Privileges—Denial of the use of certain University facilities or the right to participate in certain activities, events, programs or to exercise certain privileges for a designated period of time. This includes contact restrictions, denial of ability to represent the University in an official capacity, and/or organizational sanctions.

Restitution—A student may be required to make payment to an individual or to the University related to the misconduct for damage, destruction, defacement, theft, or unauthorized use of property.

Fines—Eastern reserves the right to impose fines, as appropriate, in addition to requiring payment for costs resulting from or associated with the offenses.

Relocation or Removal from (University-Operated) Housing Relocation is the reassignment of a student from one living space to another. Removal from housing is the removal of a student from all University-operated housing. Relocation and removal from housing are typically accompanied by the loss of privileges regarding the visitation to specific residential areas for a specified period of time.

Educational Requirements/Referrals—The University reserves the right to impose counseling or substance assessments or other required educational sanctions.

If the Respondent has been found responsible for a violation under the Policy, the Respondent will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. The Complainant will be informed of any sanctions that directly relate to the Complainant.

e) Possible Employee Sanctions

Responsive actions for an employee who has engaged in sex discrimination, sex-based harassment, and/or retaliation include:

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to a New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources

- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the Recipient may assign any other responsive actions as deemed appropriate.

XVI. Withdrawal or Resignation Before Complaint Resolution

a) Students

Should a student Respondent decide not to participate in the formal resolution process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from the University, the resolution process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the complaint. If the complaint is dismissed, Eastern University will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged sex discrimination, sex-based harassment, and/or retaliation.

Regardless of whether the complaint is dismissed or pursued to completion of the resolution process, the University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sex discrimination, sex-based harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to the University in any capacity until the complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator can dismiss the complaint. The University Office of the Registrar may be notified, accordingly.

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

b) Employees

Should an employee Respondent decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent leaves their employment with the University with unresolved allegations pending, the resolution process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the complaint. If the complaint is dismissed, the University may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged sex discrimination, sex-based harassment, and/or retaliation.

When an employee resigns, and the complaint is dismissed, the employee may not return to the University in any capacity. The Office of Human Resources will be notified, accordingly, and a note will be placed in the employee's file that they resigned with allegations pending

and are not eligible for academic admission or rehire with the University. The records retained by the Title IX Coordinator will reflect that status.

XVII. Appeals

The Title IX Coordinator will designate an appeal officer to consider the appeal. The appeal officer must not have been previously involved in the resolution process for the complaint, including in any supportive measure challenge or dismissal appeal that may have been decided earlier in the process.

a) Appeal Grounds

Appeals are limited to the following grounds:

1. A procedural irregularity that would change the outcome.
2. New evidence that would change the outcome and that was not reasonably available when the determination regarding responsibility was made.
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that would change the outcome.
4. The sanctions imposed were grossly disproportionate to the violation committed.

b) Request for Appeal

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within five (5) business days of the delivery of the notice of outcome.

The Request for Appeal will be forwarded to the appeal officer for consideration to determine if it meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this policy, the appeal officer will deny the request, and the parties and their advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this policy, then the appeal officer will notify all parties and their advisors, the Title IX Coordinator, and, when appropriate, the investigator(s) and/or the original adjudicator.

All other parties and their advisors, the Title IX Coordinator, and, when appropriate, the investigator(s) and/or the adjudicator, will be provided a copy of the Request for Appeal 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. The appeal officer will forward all responses, if any, to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that the appeal officer will review Request for Appeal to determine if it meets the grounds in this Policy and will

either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the investigator(s) and/or original adjudicator, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all parties. If denied, the parties and their advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The appeal officer will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the appeal officer, who will promptly render a decision.

c) Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The appeal officer will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions apply the preponderance of the evidence standard of proof.

An appeal is not an opportunity for the appeal officer to substitute their judgment for that of the original adjudicator merely because they disagree with the finding and/or sanction(s).

The appeal officer may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

d) Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should generally be remanded (or partially remanded) to the original investigator(s) and/or adjudicator with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original investigator(s) and/or adjudicator or the Title IX Coordinator (as in cases of bias), the appeal officer may order a new investigation and/or a new determination with new individuals serving in the applicable roles.

A Notice of Appeal Outcome letter (“Appeal Outcome”) will be sent to all parties simultaneously or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result, which the University is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent the University is permitted to share under federal or state law.

Written notification may be delivered by one or more methods: in person, mailed to the parties’ local or permanent address 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, the Appeal Outcome will be presumptively delivered.

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 determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed once on any of the five (5) available appeal grounds.

XVIII. Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or informal resolution terms within the timeframe specified by in the final determination.

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

Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

XIX. Records

For a period of at least seven (7) years following the conclusion of the resolution process, the University will maintain records of:

- Each sex discrimination, sex-based harassment, and retaliation resolution process, including any final determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.
- Any disciplinary sanctions imposed on the Respondent.
- Any supportive measures provided to the parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the University's education program or activity.
- Any appeal and the result therefrom.
- Any informal resolution and the result therefrom.
- All materials used to provide training to the Title IX Coordinator and designees, investigators, adjudicators, appeal officers, informal resolution facilitators, and any person who is responsible for implementing the University's resolution process, or who has the authority to modify or terminate supportive measures. Recipient will make these training materials available for review upon request.

All materials used to train all employees consistent with the requirements in the Title IX

Regulations.

The Recipient will also maintain any records following federal and state laws. Medical and law schools and some governmental agencies may require the University to disclose any student conduct findings. Students who transfer to other schools or participate in off-campus study programs may also be required to provide such information.

At the beginning of each academic year, the Title IX Coordinator will produce a summary of case dispositions summarizing the outcome of all cases that were adjudicated the previous academic year without revealing the identity of any of the participants in the proceedings.