

04.130 Student Gender-Based Sexual Misconduct Policy

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duress, extortion, or a combination thereof for an act of sexual misconduct or other gender-based offense, including intimate partner or relationship (dating/domestic violence, non-consensual sexual contact and stalking) based on the facts and circumstances of the particular grievance. Acts of sexual misconduct may be committed by an individual on another individual, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Sexual misconduct occurs when sexual acts are attempted or committed without consent and/or by force, threat, coercion, or pressure, or through the use of the victim's mental or physical helplessness, of which the applicable definition is:

complainant in making report to law enforcement agency based on

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including but not limited to photographs, electronic and forensic evidence – and a detailed written description of the event in question which could constitute a violation of this policy. If a hearing is conducted, the Investigator will attend the hearing to provide testimony about the results of their investigation.

Actual investigation will be conducted

- a. An alleged violation of the right guaranteed the complainant has occurred; or
- b. The sanction did not represent the severity of the violation committed; or
- c. New evidence, not available during original adjudication, has been discovered which may have bearing on the outcome.

2. **RESPONDENT**

- a. An alleged violation of the right guaranteed the respondent has occurred; or
- b. The sanction is too severe for the violation; or
- c. New evidence, not available during original adjudication, has been discovered which may have bearing on the outcome.

3. **STUDENT CONDUCT PROCEDURE**

The Gender-Based/Sexual Misconduct Appeal Panel is comprised of five members, one

7. To comply with all interim measures, including but not limited to, administrative order of no contact, housing reassignment, and other administrative remedies assigned by the university.

. To participate in a manner that is civil and respectful.

9. To submit a challenge to the selection of designated investigator or adjudicator if a perceived conflict of interest exists. The Director of Title IX and Compliance or designee will approve or deny a challenge.

B. MULTIPARTY HEARING

. To an investigation and appropriate resolution of all credible complaint of gender-based/sexual misconduct made in good faith to responsible employee.

2. If a determination is made that a hearing will occur:

a. To a re-hearing meeting with a student conduct administrator where right, responsibilities and procedure are explained.

b. To review all available information, documents, and a list of witnesses that may testify against the complainant in the presence of the Dean of Student. Where appropriate, copies of available information and documents will be provided. Selected documents/evidence will not include items such as medical information or other sensitive information or documentation.

c. To appear in person, hear all testimony and present any relevant information on their behalf, call witnesses and a questioning of any witness at the hearing.

d. During an administrative or external adjudicator hearing, both the complainant and the respondent will be permitted to question the testimony of the other. All questioning will be referred to the external adjudicator and the external adjudicator will repeat, on behalf of the questioner, the question to be answered, unless a question is deemed irrelevant, unduly repetitive, or in violation of this GBSM Policy, federal or state law, and/or Department of Education office for civil rights guidance.

b. To written notice of the charge(. In the event that additional charge are brought, additional written notice must be forwarded to the respondent. Notice are sent via e-mail pursuant to Section II-2-A.

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