

Transylvania University

Grievance Process for Alleged Non-Title IX Violations

of the Equal Opportunity, Anti-Harassment, and Nondiscrimination Policy

(Process B)

2025/2026

For All Faculty, Students, Employees, and Third Parties

Table of Contents

Overview

Nondiscrimination Administrator Contact

Notice/Complaint

Collateral Misconduct

Mandated Reporting and Confidential Resources

A. Mandated Reporting

B. Confidential Resources

Grievance Procedure

A. Initial Assessment

1. Helping a Complainant Understand Resolution Options

2. Title IX Coordinator's Authority to Initiate the Grievance Process

B. Interim Suspension

C. Placing an Employee on Leave

D. Counter-Complaints

E. Advisors in the Administrative Resolution Process

1. Advisor's Role in the Administrative Resolution Process

2. Records Shared with Advisors

3. Advisor Expectations

4. Advisor Policy Violations

F. Ensuring Impartiality

G. Resolution Timeline

H. Resolution Options Overview

1. Informal Resolution

2. Administrative Resolution Process

I. Long-Term Remedies / Other Actions

J. Failure to Comply with Sanctions and/or Responsive Actions

K. Retaliation

L. Recordkeeping and Record Maintenance

M. Statement of Rights of the Parties

N. Disabilities Accommodations in the Resolution Process

O. Other Support

P. Policy Revision

Appendix A: Procedural Definitions

Appendix B: Privacy and Confidentiality

Appendix C: Violence Risk Assessment

Overview

Transylvania University is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation in protected activity.

Transylvania University will act on any Notice/Formal Complaint of violation of the Policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator or any other Official with Authority.

Transylvania uses two sets of procedures, known as Process A and Process B.

Process A is compliant with the federal Title IX regulations. It involves an investigation and live hearing, including cross-examination. It also includes an Alternative Resolution option. Process A is applicable to all Formal Complaints of alleged Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking that occur within the University’s Education Program and Activity and falls under Title IX jurisdiction.

Process B applies to Formal Complaints of alleged Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking that fall outside of the University’s Education Program and Activity and therefore cannot be adjudicated under the Title IX Formal Grievance Process.

Process B is also used for complaints of Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct on the basis of Protected Characteristics as listed in the Transylvania University Equal Opportunity, Harassment, and Nondiscrimination Policy that do not fall under Process A.

Occasionally, a Formal Complaint will include conduct that falls within both Processes A and B. When that occurs, Process A will typically be used to address all allegations.

Nondiscrimination Administrator Contact

The Title IX Coordinator at Transylvania University oversees implementation of Transylvania University’s Equal Opportunity, Harassment, and Nondiscrimination policy and coordinates Transylvania University’s timely, thorough, and fair response through investigation and resolution of all alleged prohibited conduct under this Policy.

In addition to the Title IX Coordinator, Transylvania University has determined the following Administrators as Officials with Authority (OWA): Vice President of Student Life & Dean of Students or designee, Vice President of Human Resources, or designee, and Director of Public Safety, or designee. For the purpose of this policy, OWA’s have been

Anywhere this procedure indicates “Title IX Coordinator,” Transylvania University may substitute a trained designee.

vested with the authority of the University President to address and correct harassment, discrimination, and/or retaliation when the Title IX Coordinator is not available. In addition to the Title IX Coordinator, the listed Officials with Authority may also accept notice or complaints on behalf of Transylvania University. Complaints or notice of alleged policy violations or inquiries or concerns regarding this policy and procedures may be made internally to:

Title IX Coordinator
238 Young Campus Center
300 North Broadway, Lexington KY
Phone: (859) 233 8502
Email: titleix@transy.edu
Web: <https://www.transy.edu/campus/campus-safety/title-ix/>

Notice/Complaint

Upon receipt of Notice or a Formal Complaint of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial assessment to determine the University's next steps. The Title IX Coordinator will contact the Complainant to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

Collateral Misconduct

Collateral misconduct includes potential violations of other Transylvania University policies that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with University officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the Title IX Coordinator's discretion. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the Student, Faculty, or Employee Handbook(s).

Mandated Reporting and Confidential Resources

A. Mandated Reporting All Transylvania University community members are encouraged to report actual or suspected discrimination, harassment, retaliation, and/or other prohibited conduct as outlined in this Policy to the appropriate official(s), although there are

some limited exceptions. Transylvania University has designated all Employees (Faculty, Staff, as, as well as Volunteer Coaches and Student Employees who have responsibilities over other students like Residence Life Staff, Student Orientation Leaders, Campus Center Building Managers, and DPS workers), with the exception of confidential Employees, as Mandated Reporters of alleged Title IX violations. Mandatory Reporters are obligated to share knowledge, notice and/or reports of sex-based discrimination, harassment, retaliation, and/or other prohibited conduct that they become aware of in the course and scope of their work with the Title IX Coordinator. Failure of a Mandated Reporter to report an incident of Discrimination, Harassment, Retaliation, or Other Prohibited Conduct of which they become aware is a violation of Transylvania University Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations when a Respondent is a Mandated Reporter. Such individuals are obligated to report their own misconduct and failure to do so is a chargeable offense under the Policy. A Mandated Reporter who is themselves a target of Discrimination, Harassment, Retaliation, or Other Prohibited Conduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so. To make informed choices, it is important to be aware of confidentiality or mandatory reporting requirements when consulting institutional resources. Within the institution, some resources may maintain confidentiality (see below) and are not required to report actual or suspected harassment, discrimination, or retaliation in a way that identifies the Parties. They may offer options and resources without any obligation to inform an outside agency or institution official unless a Complainant has requested the information be shared. If a Complainant expects formal action in response to their allegations, reporting

to any Mandated Reporter can connect them with resources to report alleged crimes and/or policy violations, and these Employees will pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them. The following sections describe Transylvania University's reporting options for a Complainant or third party:

B. Confidential Resources If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- Counseling Center (for Students only) Appointment via counseling@transy.edu

- Student Health Appointment via my.transy.edu – My Health Portal
- Employee Assistance Program The Woodland Group; info@woodlandgroup.org; 859-255-4864)
 - Community-based agencies: o Licensed professional counselors o Medical providers o Local rape crisis counselors (e.g., Sexual Violence Resource Center) o Domestic violence resources (e.g., Green House 17) o Clergy/chaplains o Attorneys

The above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, or official designation, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Institutional resources and the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who have confidentiality as listed above, and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

Grievance Procedure

A. Initial Assessment Following receipt of Notice or a Formal Complaint of an alleged violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy, the Title IX Coordinator engages in an initial assessment, typically within five (5) business days. The initial assessment typically includes:

- Assessing whether the reported conduct may reasonably constitute a Policy violation
- Determining whether Transylvania has jurisdiction over the reported conduct
- Offering and coordinating supportive measures for the Parties
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options
- Determining whether the Complainant wishes to file a Formal Complaint
- Notifying the Respondent of the available resolution options if a Formal Complaint is made

1. Helping a Complainant Understand Resolution Options If the Complainant indicates they wish to initiate the Administrative Resolution option, the Title IX Coordinator will work with the Complainant to determine which resolution option they want to pursue. The Title IX Coordinator will seek to abide by the Complaint's wishes but may have to take another approach depending upon their assessment of the situation. Upon receiving a complaint that falls under the Administrative Resolution process, the Title IX Coordinator will initiate an investigation. If any Party indicates that they want to pursue an Alternative Resolution option, the Title IX Coordinator will refer the matter to the appropriate Administrator if the other Parties consent to participate. If the Complainant does not want any action taken, the Title IX Coordinator will consider that request, and in most circumstances no Resolution process will be initiated unless deemed necessary by the Title IX Coordinator. The Complainant can elect to pursue the Resolution process in the future.

2. Title IX Coordinator's Authority to Initiate the Grievance Process The Title IX Coordinator has ultimate discretion as to whether to pursue an Administrative Resolution process.

2 If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

The Title IX Coordinator will consider elements such as patterns of behavior, predation, threats, violence, use of weapons, or involvement of minors in determining whether to initiate a Resolution process and may consult with appropriate Transylvania University officials, and/or conduct a violence risk assessment to aid their determination whether to initiate a complaint.³ When the Title IX Coordinator initiates a complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged misconduct. If the Title IX Coordinator declines to initiate a complaint, alternative processes may be available and can be explored. The process followed considers the Parties' preference but is ultimately determined at the Title IX Coordinator's discretion. If at any point during the initial assessment or investigation the Title IX Coordinator determines that reasonable cause does not support the conclusion that Respondent violated the Policy, the process will end, and the Parties will be notified. The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

B. Interim Suspension Transylvania University may interim suspend a Student accused of Discrimination, Harassment, Retaliation, or Other Prohibited Conduct upon receipt of Notice or at any time during the Administrative Resolution process. When an interim suspension is imposed, wholly or partially, the affected Student will be notified of the action, which will include a written rationale, and the option to challenge the interim suspension within three (3) business days of the notification. Upon receipt of a challenge, the Title IX Coordinator will meet with the Student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the interim suspension is appropriate, should be modified, or should be lifted. When this meeting is not requested within three (3) business days, objections to the interim suspension will be deemed waived. A Student can later request a meeting to show why they no longer pose a safety concern because the related conditions have

See detailed information regarding Violence Risk Assessment in Appendix C

changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is fair for them to do so. The Respondent may provide information, including expert reports, Witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Title IX Coordinator for review. An interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX Coordinator will communicate the final decision in writing, typically within three (3) business days of the review meeting.

C. Placing an Employee on Leave When the Respondent is an Employee, accused of misconduct in the course of their employment, existing provisions for interim action are typically applicable instead of the above Emergency Removal process. See the Employee Handbook for more information.

D. Counter-Complaints Transylvania University is obligated to ensure that the Administrative Resolution process is not abused for retaliatory purposes. Although Transylvania University permits the filing of counter-complaints, the Title IX Coordinator will use an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a Policy violation. Counter-complaints determined to have been reported in good faith will be processed using the Administrative Resolution process below. At the Title IX Coordinator's discretion, investigation of such claims may take place after resolution of the underlying initial allegations.

E. Advisors in the Administrative Resolution Process Although not required, the Parties may each have an Advisor of their choice (friend, mentor, family member, attorney, or any other individual a Party chooses) present with them throughout the Administrative Resolution process. The Advisor is someone selected by the Party to provide advice, accompany them to meetings, help interpret College policies and procedures, and offer guidance throughout the process. With exceptions, the Parties may select whomever they wish to serve as

their Advisor as long as the Advisor is eligible and available 4. An Advisor cannot have institutionally conflicting roles, cannot be another Complainant or Respondent or a Witness who has an active role in the matter, or a supervisor who must monitor and implement sanctions. A Party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a Party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted. Transylvania University cannot guarantee equal Advisory rights, meaning that if one Party selects an Advisor who is an attorney, but the other Party does not, or cannot afford an attorney, Transylvania University is not obligated to provide an attorney to advise that Party. Transylvania University may permit Parties to have upon special request to the Title IX Coordinator a support person in addition to an Advisor. A support person is an individual chosen by a Party to provide emotional or moral support during the resolution process. A support person cannot actively participate in the process but may assist with administrative tasks like requesting a break or taking notes. The decision to grant this request is at the Title IX Coordinator's sole discretion and will be granted equitably to all Parties.

1. Advisor's Role in the Administrative Resolution Process Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so. The Parties are expected to respond to questions on their own behalf throughout the Administrative Resolution process. Although the Advisor may not speak on behalf of their advisee or disrupt interviews or hearings, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Administrative Resolution process meeting or interview.

2. Records Shared with Advisors All communication is directed at the Complainant or Respondent. Parties may share this information directly with their Advisor. Doing so may help the Parties participate more meaningfully in the Resolution process.

"Available" means the party cannot insist on an Advisor who simply does not have inclination, time, or availability.

Advisors are expected to maintain the confidentiality of the records shared with them. Advisors will be asked to sign a Non-Disclosure Agreement (NDA). These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Transylvania University. Transylvania University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Transylvania University's privacy expectations.

3. Advisor Expectations All Advisors are subject to the same Transylvania University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings.

4. Advisor Policy Violations Any Advisor who oversteps their role as defined by this policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with Transylvania University's established rule of decorum will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may stop. Transylvania University reserves the right to remove the Advisor, and the Party will have the opportunity to select a different Advisor.

F. Ensuring Impartiality No individual materially involved in the administration of the Administrative Resolution process, including the Title IX Coordinator, Investigator(s), and Review Officer(s), may have or demonstrate a conflict of interest or bias for a Party generally, or for a specific Complainant or Respondent. The Parties may raise a concern regarding bias or conflict of interest at any time during the Administrative Resolution process, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another trained individual will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the VP of Human Resources, Michelle Bliffen.

G. Resolution Timeline Transylvania University will make a good faith effort to complete the Administrative Resolution process in a prompt manner. Transylvania University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to, a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or Witnesses, and/or health conditions. Transylvania University will promptly resume its Administrative Resolution process as soon as feasible. The Parties will be communicated with to update them on the progress and timing of the process. During such a delay, Transylvania University will implement and maintain supportive measures for the Parties as deemed appropriate. The Administrative Resolution process involves an objective evaluation of all Relevant Evidence obtained, including evidence that supports that the Respondent violated the Policy and evidence that supports that the Respondent did not violate the Policy. Credibility determinations will not be based solely on an individual's status or participation as a Complainant, Respondent, or Witness. All Parties have a full and fair opportunity, through the Investigation process, to suggest Witnesses and questions, to provide evidence, and to receive a written Investigation Report that accurately summarizes this evidence.

H. Resolution Options Overview Transylvania University offers two options to resolve allegations of Discrimination, Harassment, Retaliation or Other Prohibited Conduct, the Informal Resolution option and the Administrative Resolution process. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion. Generally, allegations involving an Employee Respondent and a Student Complainant will be resolved through the Administrative Resolution process as well as situations involving dangerous patterns of behavior or significant ongoing threat to an individual and/or the community. Resolution proceedings are private. All persons present at any time during a resolution process are expected to maintain the privacy of the proceedings in accordance with the Policy. There is an expectation of privacy around what Investigators share with Parties during interviews and for any materials the institution shares with the Parties during the resolution process. The Parties have discretion to share their own knowledge and evidence with others if they choose, except for information the Parties agree not to disclose as part of an Informal Resolution. Transylvania encourages Parties to discuss any sharing of information with their Advisors before doing so.

1. Informal Resolution Informal Resolution approaches are voluntary processes used to resolve conflicts, allegations, address harm, prevent future incident(s) and/or restore educational access.

To initiate and engage in an Informal Resolution, a Complainant or Respondent may make a request to the Title IX Coordinator at any time prior to a Final Determination, or the Title IX Coordinator may offer the option to the Parties. Participation in an Informal Resolution is strictly voluntary. Transylvania University will obtain confirmation that all Parties wish to resolve the matter through an Informal Resolution option before proceeding and will not pressure the Parties to participate in an Informal Resolution. If an investigation is already underway, the Title IX Coordinator has discretion to determine if the investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

It is not necessary to pursue an Informal Resolution option first in order to pursue the Administrative Resolution process. Any party participating in the Informal Resolution can withdraw from this process at any time prior to reaching a Resolution Agreement and can initiate or resume the Administrative Resolution process. The Alternative Resolution facilitator may also end the process early at their discretion.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Administrative Resolution process should the Informal Resolution not be successful.

This section details four approaches to Informal Resolutions.

a. Supportive Resolution Supportive resolution can occur when the Title IX Coordinator can resolve the matter informally by providing supportive measures only to remedy the situation. Supportive Resolution involves only the Complainant who opts for it. The Title IX Coordinator will meet with the Complainant to determine reasonable supports designed to restore or preserve the Complainant's access to the Transylvania University's education program and activity. Such supports can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the Notice of Investigation and Allegations, the Title IX Coordinator may also provide reasonable supports for the Respondent as deemed appropriate. This option is available when the Complainant does not want to pursue other resolution options, and the Title IX Coordinator does not initiate a complaint. At the discretion of the Title IX Coordinator, this resolution option can result in an agreement between the Complainant and Transylvania University that does

not require assent from any other Party, as long as it does not unduly burden any other Party or function punitively with respect to them.

b. Educational Conversation The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Title IX Coordinator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of recurrence of any behaviors that may not align with Policy.

c. Accepted Responsibility This resolution option can be used when the Respondent accepts responsibility for violating policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and Transylvania University are agreeable to the resolution terms. The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Administrative Resolution Process. If the Respondent indicates an intent to accept responsibility for all alleged Policy violations during the Administrative Resolution Process, the ongoing process will be paused, and the Title IX Coordinator will determine whether this Resolution is an option. If available, the Title IX Coordinator will then determine whether all Parties and Transylvania University are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Transylvania University Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate Administrator(s), as necessary. This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Administrative Resolution Process will either begin or resume. When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the Discrimination or

Harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

d. **Alternative Resolution** The Alternative Resolution is a structured, remedies-based approach that allows Parties to address complaints outside of formal investigations and adjudications. It is person-centered approach that give Parties a say in the outcome. The goal is to facilitate mutually agreed-upon terms to resolve the alleged conduct. It does not result in a determination of whether policy was violated. The Alternative Resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Administrative Resolution process will either begin or resume. Transylvania University offers a variety of Alternative Resolution mechanisms, such as conflict coaching, shuttle negotiation, facilitated dialogue, mediation, or restorative practices, in order to best meet the specific needs of the Parties and the nature of the allegations when the Parties agree to resolve the matter through an Alternative Resolution mechanism. Alternative Resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate Transylvania University officials; and other forms of resolution that can be tailored to the needs of the Parties. Some Alternative Resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an Alternative Resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an Alternative Resolution process. The Title IX Coordinator has the authority to determine whether Alternative Resolution is available or successful to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement. The Title IX Coordinator may consider the following factors to assess whether Alternative Resolution is appropriate, or which form of alternative resolution may be most successful for the Parties: • The Parties' amenability to alternative resolution and motivation to participate

- Likelihood of potential resolution, considering any power dynamics between the Parties • The nature and severity of the alleged misconduct • The Parties' motivation to participate • Civility of the Parties • Rationality of the Parties • Results of a violence risk assessment/ongoing risk analysis • Respondent's disciplinary history • Whether interim action is needed • Skill of the alternative resolution facilitator with this type of Complaint • Adequate resources to invest in alternative resolution (e.g., time, staff) • Goals of the Parties • Complaint complexity
- Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the Alternative Resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the Alternative Resolution. The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Administrative Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). Where the failure to abide by the Alternative Resolution agreement terms results in a failure to remedy a Policy violation, the Title IX Coordinator must consider whether to dissolve the agreement and reinstate the Administrative Resolution process to remedy the impact as required by law. The results of reports resolved by alternative resolution are not appealable. If an Informal Resolution option is not available or selected, Transylvania University will initiate or continue an investigation and subsequent Administrative Resolution process to determine whether the Policy has been violated.

2. **Administrative Resolution Process** The Administrative Resolution process is used when Informal Resolution was not elected or successful. It can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the

Equal Opportunity, Harassment, and Nondiscrimination Policy if proven. This Resolution process includes appeal rights for all Parties.

The Administrative Resolution process involves a formal investigation and an objective evaluation of all Relevant Evidence obtained, including evidence that supports that the Respondent violated the Policy and evidence that supports that the Respondent did not violate the Policy. A Review Officer makes a finding of responsibility and determines sanctions. Credibility determinations will not be based solely on an individual's status or participation as a Complainant, Respondent, or Witness. All Parties have a full and fair opportunity, through the Investigation process, to suggest Witnesses and questions, to provide evidence, and to receive a written Investigation Report that accurately summarizes this evidence. Pending completion of the Administrative Resolution process described in this section, the University may take preventative steps to protect parties involved from risk of retaliation or further discrimination or harassment. Administrative Resolution proceedings are confidential. All individuals present at any time during the Resolution process are expected to maintain the confidentiality of the proceedings in accordance with Transylvania University Policy. The Administrative Resolution process differs depending on whether the Respondent is a Student or an Employee.

A. Employee-on-Employee or Employee-on-Student Misconduct If the Respondent is an Employee, the conduct will be referred to the Office of Human Resources for investigation and adjudication. If the Respondent is an Employee and the Complainant a Student, the conduct allegation will be referred to the Office of Human Resources who will then coordinate with the designee in the Office of Student Life to address the complaint. 1) The Investigation Process Complaints of harassment or discrimination will be promptly and thoroughly investigated by a designated member of the Human Resource team. The employee alleged to have committed misconduct will be notified that they are under investigation. They, along with the complainant, will sign a confidentiality statement and are assumed not responsible until formal determination. Investigations may include speaking with the person making the complaint, the person accused, and other relevant persons, including Witnesses, identified in the process. The investigation may also include a review of documents, emails, and other communications, if any, that are relevant to the complaint. Absent circumstances requiring an extension, the Investigation process (including the report described below) will be completed within twenty (20)

business days after the complaint is submitted. If an extension is needed, the Investigator will promptly inform the Complainant of the need for an extension and the new date by which the Investigation process will be completed.

2) Investigative Report with Recommendation Upon conclusion of an investigation, the Investigator shall prepare a written report that addresses whether the investigation substantiated a violation of this policy and the reasons supporting the Investigator's conclusion. The Investigation Report will include a finding of responsibility, based on preponderance of the evidence standard, as well as a recommendation for consequences if Respondent is found responsible for policy violations. Absent special circumstances, the person conducting the investigation will promptly provide a report of the findings to both the Complainant and Respondent.

3) Determination The Investigative Report will be forwarded to the Review Officer(s). When the Respondent is Staff, the report will be reviewed by the Staff's supervisor, the Vice President of Human Resources, and/or a committee. When the Respondent is Faculty, the Vice President for Academic Affairs and Dean of the University and/or a Review committee will review the report. The Review Officer(s) will assess the findings and issue the formal determination. Absent special circumstances, a copy of the final decision in this process will be provided to the Parties' supervisors for initiation of any corrective action that may be appropriate.

4) Appeal If either Party disagrees with the report, they may appeal one time to the next available level according to the chain of reporting set out above. Thus, for example, with a complaint of harassment brought against a Faculty member, the Finding of Determination could be appealed to the Vice President for

Academic Affairs and Dean of the University who would appoint a committee or an external professional to address the appeal. A finding of responsibility for a Staff Party can be appealed to the Vice President of Human Resources, who would address the appeal or appoint an external professional if previously involved in the case. All appeals must be received within five (5) business days after the Finding of Determination has been delivered. Absent special circumstances, the decision on the appeal shall be based solely on information gathered at the previous level and shall be rendered within twenty (20) business days after the appeal was received. The decision on appeal is final.

5) Sanctions / Responsive Actions If, upon completion of the process described in this section, a violation of this policy is substantiated, the University will take prompt corrective action, up to and including termination or dismissal. The University reserves the right to provide information about any discrimination or harassment or retaliation to the appropriate legal authorities if required by law or if the University, in its sole discretion, believes illegal conduct has occurred. Responsive actions for an Employee who has engaged in Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct include: • Verbal or Written Warning • Performance Improvement/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, Transylvania University may assign any other sanctions as deemed appropriate.

The office of Human Resources or the Vice President for Academic Affairs and Dean of the University is responsible for the effective implementation of any sanctions or responsive actions regarding Employee Staff Respondents or Employee Faculty Respondents, respectively, who were determined responsible for violating Transylvania University Equal Opportunity, Anti-Harassment and Nondiscrimination Policy.

The office of Human Resources or the Vice President for Academic Affairs and Dean of the University will maintain a copy of the outcome in the personnel file(s) for the parties involved.

B. Student-on-Student or Student-on-Employee Misconduct If the Respondent is a Student, the conduct will be investigated and adjudicated as described below. The Administrative Resolution starts with Notice of Investigation and Allegations, followed by a thorough, reliable, and impartial investigation. 1) Notice of Investigation and Allegations (NOIA) Upon initiation of an investigation about alleged policy violations regarding a Student Respondent, the Title IX Coordinator will provide the Parties written Notice of the Investigation and Allegations (the “NOIA”). Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available. For climate/culture investigation, the NOIA will be sent to the department, office, or program head for the area/program being investigated. The NOIA will include: • A summary of all allegations • A description of, link to, or copy of the applicable procedures • A statement that Transylvania University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a Final Determination that the Policy has been violated • A statement that determinations of responsibility are made at the conclusion • A statement about Transylvania University’s policy on Retaliation • Information about process confidentiality • A statement informing the Parties that Transylvania University’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the Administrative Resolution process • Information about how a Party may request disability accommodations or other support assistance during the Administrative Resolution process • An instruction to preserve any evidence that is directly related to the allegations Notification will be made in writing and may be delivered by one or more of the following methods: in person, emailed to the Parties’ Transylvania-issued or other approved email account, or if not

possible through these methods, mailed to the Parties' local or permanent address as indicated in official Transylvania University records. Once emailed, mailed, and/or received in person, the outcome notification is presumptively delivered.

2) Investigation The Title IX Coordinator can investigate the matter, work as a Co-Investigator, or appoint a trained Investigator(s) whether internal or external to Transylvania University. If the Title IX Coordinator is the Investigator, the responsibilities of the Coordinator will be delegated to an appropriate, trained Administrator. All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all available, relevant Parties and Witnesses, obtaining Relevant Evidence, and identifying sources of expert information, as necessary. Transylvania University will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the investigation. After an interview, Parties and Witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or Witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted. Transylvania University may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondent(s), when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions. Investigations involve the following:

- Determine the identity and contact information of all involved Parties and potential Witnesses to participate in an investigation interview • Identify issues and develop a strategic investigation plan, including a Witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and Witnesses • Provide written notification of the date, time, and location of all investigation meetings, including the expected participants and purpose • Conduct any necessary follow-up interviews with Parties or Witnesses • Provide the Parties and Witnesses an opportunity to verify the accuracy of either a summary or transcript of their interview(s) • Solicit the names of suggested Witnesses and questions each Party wishes to have asked of another Party or Witness
- Write a Draft Investigation Report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and Party and Witness interviews, and provides all Relevant Evidence • Provide the Parties and their respective Advisors, if any, an electronic or hard copy of the Draft Investigation Report for a ten (10) business-day review and comment period so that each Party may meaningfully respond to the evidence. The Parties may elect to waive the full ten (10) days. • Write a Final Investigation Report that incorporates new Relevant Evidence and information obtained through the Parties' review of the Draft Investigation Report and any follow-up meetings. • Provide the Parties and their respective Advisors, if any, an electronic or hard copy of the Final Investigation Report for a five (5) business-day review. The Parties may provide a written response. • Provide the Title IX Coordinator with the Final Investigation Report, including assessment and synthesis of the Relevant Evidence. • Based on the evidence gathered and using the preponderance of the evidence standard, make a non-binding preliminary determination as to whether the Respondent violated University policy.

3) Investigation Process Details Witness Role and Participation in the Investigation Witnesses who are Transylvania University Employees are strongly encouraged to cooperate with and participate in the Transylvania University's investigation and Administrative Resolution process. Student Witnesses and Witnesses from outside the Transylvania University community are encouraged to cooperate with Transylvania University investigations and to share what they know about a complaint. Party and/or Witness interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, Google Meet), or, in limited circumstances, by telephone. Transylvania University will take appropriate steps to ensure the security/privacy of remote interviews. Parties and Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If it is later determined that a Party or Witness intentionally provided false or misleading information, Transylvania University will determine

whether any additional action is necessary and appropriate, including, but not limited to, referring that information to another process for resolution.

Interview Recording

It is standard practice for Investigators to create a record of all interviews pertaining to the Administrative Resolution process, by recording, transcript, or written summary. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons are made aware of the audio recording. The recording, transcript, and/or summary of those meetings will be provided to the Parties for their review, after which the Parties may suggest additional questions to be asked of another Party or Witness or additional Witnesses. Those subsequent meetings or interviews are also recorded, transcribed, and/or summarized.

Evidentiary Considerations

Any evidence that is relevant and credible may be considered, including a Respondent's prior disciplinary history as well as evidence indicating a pattern of misconduct, subject to the limitation in (d) below. The Investigator may determine and weigh the relevance of any Witness or other evidence to the findings. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial. The Parties must provide all evidence to the Investigator(s) prior to completion of the Final Investigation Report. Any evidence available to but not disclosed by a Party during the investigation might not be considered in the Final Investigation Report. The Investigator has discretion to include new evidence received after the Draft Investigation Report and deemed materially relevant and not duplicative in the Final Investigation Report. The Parties will be provided five (5) business days to review and contest the new Relevant Evidence included in the Final Investigation Report.

Evidentiary Exclusions

Investigation and the Finding do not consider: (1) incidents not directly related to the possible violation(s), unless they evidence a pattern; (2) the irrelevant sexual behavior of the Parties (though there may be a limited exception made regarding the sexual behavior between the Parties); (3) irrelevant character evidence.

A Party or Witness' records that are made or maintained by a physician, psychologist, or psychiatrist are inadmissible unless the Party or Witness provides voluntary, written consent for the records to be considered.

Draft Investigative Report

Before the Investigator concludes the investigation and finalizes a written report, the Parties will have an equal opportunity to review the evidence that the Investigator deemed relevant. The Draft Investigation Report includes a summary of the investigation and relevant statements made by the parties and Witnesses and provides all relevant evidence that supports or contradicts the allegations, including a summary of the material facts where the Parties agree or disagree.

This is true regardless of whether a Party has participated in the investigation. The Title IX Coordinator will review the report for accuracy and possible bias. If the record is incomplete, the Title IX Coordinator may direct the Investigator

to reopen the investigation and direct any additional inquiry necessary, including meeting informally with the Parties or any Witnesses if needed. To the extent credibility is in dispute and relevant to one or more of the allegations, the Title IX Coordinator may meet individually with the Parties and Witnesses to question them in order to assess their credibility.

The Title IX Coordinator will have the reviewed Draft Investigation Report delivered by one or more of the following methods: in person, emailed to the Parties' Transylvania-issued or other approved email account, or if not possible through these methods, mailed to the Parties' local or permanent address as indicated in official Transylvania University records. Once emailed, mailed, and/or received in person, the outcome notification is presumptively delivered. The Parties have ten (10) business days to provide a written response to the Draft Investigation Report.

Final Investigative Report & Preliminary Determination of Responsibility

At the end of the investigation, the Investigator will prepare a Final Investigation Report. This report will include a summary of the alleged policy violations, the scope of the investigation, the Respondent's response to the allegations, statements of the Complainant(s) and Witnesses, new Relevant Evidence and information obtained through the Parties' review of the Draft Investigation Report and any follow-up meetings.

The Final Investigation Report will conclude with a finding of fact and credibility determinations, if necessary, an analysis of whether a policy violation has occurred, and a Preliminary Non-Binding Determination of Responsibility, based on the preponderance of evidence, of whether the Respondent violated the Policy.

The Title IX Coordinator will provide the Final Investigation Report to the Parties. It may be delivered by one or more of the following methods: in

person, emailed to the Parties' Transylvania-issued or other approved email account, or if not possible through these methods, mailed to the Parties' local or permanent address as indicated in official Transylvania University records. Once emailed, mailed, and/or received in person, the outcome notification is presumptively delivered. The Parties have five (5) business days to provide a written response to the Final Investigation Report and to contest the Investigator's Preliminary Determination.

4) Respondent Admits Responsibility If a Respondent elects to admit to the charged violations and waive further process at any point in the Administrative Resolution process, the Title IX Coordinator is authorized to accept that admission, adopt it as their Finding/Final Determination, and refer to the Sanction Officer to determine sanctions and/or responsive actions. This will waive the Respondent's right to appeal. If the Respondent rejects the Finding/Final Determination/Sanctions, or does not admit to all charged violations, the Administrative Resolution process continues to its conclusion. The Complainant retains their right to appeal a Final Determination when a Respondent admits responsibility.

5) Impact/Mitigation Statements Each Party may submit an impact and/or mitigation statement to the Title IX Coordinator which will be shared with the Sanction Officer if or when a determination of responsibility has been made.

6) Final Determination of Responsibility Six (6) business days after delivery of the Final Investigative Report to the Parties, the Title IX Coordinator will forward the Final Investigation Report and statements made by the parties, if any, to the Review Officer who may be a trained University Employee or outside contractor. The Review Officer will review all investigation documentation and relevant information and, if deemed necessary, may direct the Investigator to re-open the investigation, or conduct any additional inquiry necessary by meeting informally with the Parties or any Witnesses. The Review Officer has discretion in what information considered will be given the most weight in arriving at a final outcome. At the conclusion of the

review, the Review Officer will use the preponderance of the evidence standard to make a final determination on each allegation, which may uphold the preliminary decision or modify it.

7) Sanctions / Responsive Actions If there is a finding of responsibility, the Review Officer will notify the Sanction Officer who will determine sanctions and /or responsive actions. The Review Officer may be the Sanction Officer or a trained University Employee or outside contractor may take this responsibility. The Sanction Officer may consider impact and/or mitigation statements from the Parties and review them prior to determining appropriate sanction(s). The impact or mitigation statements will be sent to both Parties. Although a Respondent's previous conduct violation, if any, are not generally admissible as information supporting the current allegation(s), the Title IX Coordinator or appropriate Administrator may supply the Sanction Officer with information about previous good faith allegations and/or findings when that information suggests potential pattern and/or predatory conduct to be considered when determining consequences. The Sanction Officer may consult with relevant campus partners to ensure that sanctions or responsive actions are proportionate compared to other policy violations and what level of response is most effective to stop the behavior, prevent its recurrence, and mitigate ongoing or future impacts to the campus community. Factors considered when determining any sanctions and responsive actions may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
 - An individual's disciplinary history
 - Previous allegations or allegations involving similar conduct
 - The need for sanctions/responsive actions to bring an end to Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct
 - The need for sanctions/responsive actions to prevent the future recurrence of Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct
 - The need to remedy the effects of Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct on the Complainant and the community
 - The impact on the Parties
 - The Respondent's acknowledgement of responsibility or contrition
 - Any other information deemed relevant by the Title IX Coordinator or Review Officer
- Sanctions will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

The sanctions described in this Grievance Procedure are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

The following are the sanctions that may be imposed upon Students singly or in combination. These sanctions include but are not limited to:

- Educational conference: A structured discussion between the Student and an appropriate Administrator about the policy violation, individual accountability, the impact on the community, and improved decision-making.
- Reprimand: A formal statement that the behavior was unacceptable and a warning that further infractions of any Transylvania University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Required Counseling: A mandate to meet with and engage in either Transylvania-sponsored or external counseling to better comprehend the misconduct and its effects.
- Restrictions: A Student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or holding leadership roles in Student organizations
- Probation: An official sanction for violation of Transylvania University policy, providing for more severe disciplinary sanctions in the event that the Student or organization is found in violation of any Transylvania University policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

- **Suspension:** Termination from Transylvania University and all its facilities, for a definite period of time not to exceed two (2) years, after which the Student is eligible to return. Eligibility may be contingent upon satisfaction of readmission, or upon a general condition that the Student is eligible to return if Transylvania University determines it is appropriate to re-enroll/readmit the Student. During a suspension, the Student is banned from Transylvania University property, functions, events, and activities unless they receive prior written approval from an appropriate Transylvania University official. This sanction may be enforced with a trespass action, as necessary.
- **Expulsion:** Permanent separation from Transylvania University. The Student is banned from Transylvania University property, and the Student's presence at any Transylvania University-sponsored activity or event is

prohibited. This sanction will be noted as a Conduct Expulsion on the Student's official transcript. •

Withholding Diploma and/or Official Transcripts: Transylvania University may withhold a Student's diploma and/or official transcripts for a specified period of time, and/or deny a Student participation in commencement activities, if the Student has an allegation pending, or as a sanction if the Student is found responsible for an alleged violation. • **Revocation of Degree:** Transylvania University reserves the right to revoke a degree previously awarded by Transylvania University for fraud, misrepresentation, or other violation of Transylvania University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a Student prior to graduation. • **Other Actions:** In addition to or in place of the above sanctions, Transylvania University may assign any other sanctions as deemed appropriate. The Office of Student Life is responsible for the effective implementation of any sanctions or remedies regarding Student Respondents who were determined responsible for violating Transylvania University Equal Opportunity, Anti-Harassment and Nondiscrimination Policy.

8) **Notice of Outcome of Responsibility** Within five (5) business day at the conclusion of the Administrative Resolution process, the appropriate Administrator (Review Officer, Sanction Officer, or Title IX Coordinator) will provide the Parties with a written outcome notification. The outcome notification will specify the Finding for each alleged Policy violation, which Transylvania University is permitted to share pursuant to federal or state law, and a detailed rationale, written by the Review Officer, supporting the Findings to the extent the Transylvania University is permitted to share under federal or state law. The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no Party appeals. Unless based on the Respondent's admission of responsibility, the Determination may be appealed by any Party. Notice may be delivered by one or more of the following methods: in person, emailed to the Parties' Transylvania-issued or other approved email account, or if not possible through these methods, mailed to the Parties' local or permanent address as indicated in official Transylvania University records. Once emailed, mailed, and/or received in person, the outcome notification is presumptively delivered. The Title IX Coordinator will receive a copy of the outcome notification.

9) **Appeals** a. **Appeal Grounds** Disagreement with the findings or determination is not, in and of itself, a ground for appeal. The Parties have appeal rights on the following grounds: • A procedural irregularity affected the outcome of the matter • New evidence that would change the outcome and was not reasonable available at the time the determination regarding responsibility was made • The final determination by the Sanction Officer is substantially contrary to the weight of the evidence on record (applicable to sanction of suspension, expulsion, or termination, only) • The Title IX Coordinator, Investigator(s), or Review Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter b. **Appeal Request** The appeal must be filed within five (5) business days of the delivery of the Notice of Outcome with the appropriate Administrator (Vice President of Human Resources for Employee Respondents and Title IX Coordinator for Student Respondents). The appeal request will be forwarded to the Appeal Officer who may be a trained University Employee or outside contractor. The Appeal Officer will determine if the request meets the appeal grounds and is timely filed. If the appeal request does not provide information that meets the grounds in the

procedures, the request will be denied by the Appeal Officer, and the Parties will be simultaneously notified in writing of the denial and the rationale. If any of the information in the appeal request meets the grounds in the Procedures, then the Appeal Officer will notify all Parties, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Review Officer who may submit within five (5) business days a response to the portion of the appeal that was approved and involves them. The responses will be shared with the Parties. c. Appeal Determination Process In most circumstances, 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/Final Determination 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 are made by preponderance of the evidence standard of evidence. An appeal is not an opportunity for the Appeal Officer to substitute their judgment for that of the original Review Officer merely because they disagree with the Finding and/or sanction(s). d. Appeal Outcome An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Review Officer with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Review Officer or the Title IX Coordinator (as in cases of bias), the Appeal Officer may order a new investigation and/or a review with new members serving in the Investigator and Review and Sanction Officer roles. A notice of appeal outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The appeal outcome letter will specify the Finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which Transylvania University is permitted to share according to federal or state law, and the rationale supporting the essential Findings to the extent Transylvania University is permitted to share under federal or state law. Written notification may be delivered by one or more of the following methods: in person, emailed to the Parties' Transylvania-issued or other approved email account, or if not possible through these methods, mailed to the Parties' local or permanent address as indicated in official Transylvania University records. Once emailed, mailed, and/or received in person, the outcome notification is presumptively delivered. Once an appeal is decided, the outcome is final and constitutes the Final Determination. Further appeals are not permitted except in the case of a new determination, which finding or sanction can be appealed one final time on the grounds listed above and in accordance with the Procedures.

10) Sanction Status During the Appeal Any sanctions imposed as a result of the Final Determination are stayed (i.e., not implemented) during the Appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the interim suspension procedures for a show cause meeting on the justification for doing so must be permitted within three (3) business days of implementation.

C. Withdrawal or Resignation While Charges are Pending 1) Students Should a Student Respondent decide not to participate in the Administrative Resolution process, the process proceeds absent their participation to a reasonable resolution. If a Student Respondent withdraws from Transylvania University, the Resolution process typically ends with a dismissal, as Transylvania University no longer has disciplinary jurisdiction over the withdrawn Student. However, Transylvania University may continue the Resolution process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct. Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Administrative Resolution process, Transylvania 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 Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct. When a Student Respondent

withdraws or takes a leave of absence while the process is pending, the Student may not return to Transylvania University in any capacity until the allegations are resolved and any sanctions imposed are satisfied. If the Student indicates they will not return, the Title IX Coordinator has discretion to dismiss the allegations and bar the Student from returning. Appropriate University officials may be notified accordingly. If the Student Respondent takes a leave of absence for a specified period of time (e.g., one semester or term), the Administrative Resolution process may continue remotely. If found in violation, the Student Respondent is not permitted to return to Transylvania University unless and until all sanctions, if any, have been satisfied.

2) Employees Should an Employee Respondent decide not to participate in the Administrative Resolution process, the process proceeds, absent their participation, to a reasonable resolution. If an Employee Respondent leaves their employment with Transylvania University with unresolved allegations pending, the

Administrative Resolution process typically ends with dismissal, as Transylvania University has lost primary disciplinary jurisdiction over the former Employee. However, Transylvania University may continue the Administrative Resolution process when, at the discretion of the Vice President of Human Resources, if doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct. Regardless of whether the allegations are dismissed or pursued to completion of the Administrative Resolution process, Transylvania 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 Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct. When an Employee Respondent resigns and the allegations are dismissed, the Employee may not return to Transylvania University in any capacity. Appropriate University officials will be notified accordingly. 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 Transylvania University. The records retained by the Office of Human Resources will reflect that status.

I. Long-Term Remedies / Other Actions Following the conclusion of the Resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the Parties and/or the campus community to stop the Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct; remedy its effects; and prevent its recurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services • Referral to the Employee Assistance Program • Course and registration adjustments, such as retroactive withdrawals • Community education • Permanent alteration of housing assignments • Permanent alteration of work arrangements for Employees • Provision of campus safety escorts • Climate surveys • Policy modification and/or training • Provision of transportation accommodations • Implementation of long-term contact limitations between the Parties • Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may be provided to the Parties even if no Policy violation is found. When no Policy violation is found, the Title IX Coordinator will address any remedies Transylvania University owes the Respondent to ensure no effective denial of educational access. Transylvania University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Transylvania University's ability to provide these services.

J. Failure to Comply with Sanctions and/or Responsive Actions All Respondents are expected to comply with assigned sanctions, responsive actions, corrective actions, and/or Alternative Resolution terms within the timeframe specified by the final hearing Administrator, including the Appeal Officer or the Alternative Resolution agreement. Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Transylvania University. A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the satisfaction of the Hearing Administrator (Dean of Students or designee for Students, or VP of Human Resources or designee for Employees).

K. Retaliation Transylvania University seeks to create an environment where its Students and Employees are free, without fear of reprisal, to use its procedures to determine if there has been a violation of their rights under this policy. Any act of retaliation for reporting a complaint, participating in an investigation, or proceeding under this policy will result in appropriate disciplinary action. Retaliation is defined as an adverse act or words taken against an individual who engages in a protected activity, such as exercising their right to oppose or report discrimination or participating in an investigation or resolution proceedings. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Transylvania University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

5 Retaliation allegations can be routed through Process B if Transylvania University so elects, but where retaliation and sexual harassment allegations are both alleged, they may be processed under Process A to resolve them together.

Transylvania University and/or any member of the Transylvania community, • taking or attempting to take materially adverse action, • by intimidating, threatening, coercing, harassing, or discriminating against any individual, • for the purpose of interfering with any right or privilege secured by law of this Policy, or • because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure. The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for Transylvania University to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under this Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

L. Recordkeeping and Record Maintenance In implementing this Policy and Procedures, the Title IX Coordinator will maintain records of all allegations, investigations, and Resolutions, for a period of seven (7) years following the conclusion of the Resolution process.

M. Statement of Rights of the Parties • The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to Transylvania University officials. • The right to timely written notice of all alleged violations, including the identity of the Parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions. • The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations. • The right to be informed in advance of any public release of information by Transylvania University regarding the allegation(s) or underlying incident(s), whenever possible. • The right not to have any personally identifiable information released by Transylvania University to the public without consent provided, except to the extent permitted by law. • The right to be treated with respect by Transylvania University officials.

- The right to have Transylvania University policy and these procedures followed without material deviation.
 - The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
 - The right not to be discouraged by Transylvania University officials from reporting sexual harassment, discrimination, and/or retaliation to both on- campus and off-campus authorities.
 - The right to be informed by Transylvania University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Transylvania University in notifying such authorities, if the Party chooses so. This also includes the right not to be pressured to report.

- The right to have allegations of violations of this Policy promptly responded to and with sensitivity by Transylvania University officials.
- The right to be informed of available supportive measures, such as counseling; advocacy; health care; legal, Student financial aid, visa, and immigration assistance; and/or other services, both on campus and in the community.
- The right to Transylvania University to implement a no-contact or a no- trespass order against a non-affiliated third Party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur before this option is available.
- The right to have Transylvania University maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair Transylvania University's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any Transylvania University meeting or interview involving another Party, when possible.
- The right to identify and have the Investigator(s), Advisors, and/or Review Officer(s) question relevant available Witnesses, including expert Witnesses.
- The right to provide the Investigator(s)/Review Officer(s) with a list of questions that, if deemed relevant by the Investigator(s)/Review Officer(s), may be asked of any Party or Witness.
- The right to have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Review Officer(s).
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record. • The right to receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10)-business-day period to review and comment on the evidence. • The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing. • The right to be informed of the names of all Witnesses whose information will be used to make a Finding, in advance of that Finding, when relevant. • The right to regular updates on the status of the investigation and/or resolution. • The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Review Officer(s) who have received relevant annual training.

N. Disabilities Accommodations in the Resolution Process Transylvania University is committed to providing reasonable accommodations and support to qualified Students, Employees, or others with disabilities to ensure equal access to Transylvania University's Resolution process. Anyone needing such accommodations or support should contact the Title IX Coordinator, who will collaborate with the Director of Disability Services as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full participation in the process.

O. Other Support Transylvania University will address other reasonable requests for support for the Parties and Witnesses, including: • Language services/Interpreters • Access and training regarding use of technology throughout a Resolution process • Other support as deemed reasonable and necessary to facilitate participation in a Resolution process

P. Policy Revision These procedures succeed all previous procedures addressing Discrimination, Harassment, Sexual Misconduct, Retaliation, and/or Other Prohibited Conduct for incidents occurring on or

after August 14, 2020. The Title IX Coordinator regularly reviews and updates the Policy and procedures.

Incidents occurring before August

14, 2020, will be addressed using the policy that was in place at the time of the incident, and the procedures used will be those in place at the time of the Formal Complaint. Transylvania University reserves the right to amend this document as necessary, and those changes are effective once they are posted online.

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

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

A change required by a court or government order could occur during an active Investigation or Resolution process. If that happens, Transylvania University reserves the right to adjust the Policy and Procedures accordingly and notify the Parties of any necessary mid-process changes. This could include entirely replacing the Policy or associated procedures, which could necessitate restarting an Investigation or Resolution process. Transylvania University will make every effort to minimize the impact on the Parties as much as possible if changes are unavoidable.

The Policy is effective 10/01/2025

Appendix A: Procedural Definitions

- **Advisor** is a person chosen by a Party, or appointed by the institution, who may accompany the Party to meetings related to the Resolution process, advise the Party on that process, and conduct cross-examination for the Party at the hearing, if any.
- **Appeal person or panel** accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action, accordingly.
- **Appeal Officer** is a trained person who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs responsive action(s) accordingly.
- **Complainant** means an individual who is alleged to have been subjected to conduct that could constitute discrimination, harassment, retaliation, and/or other prohibited conduct under this policy.
- **Confidential Resource** is an Employee who is not a Mandated Reporter of notice of discrimination, harassment, retaliation, and/or other prohibited conduct under this policy (irrespective of Clery Act Campus Security Authority status).
- **Day** means a business day when Transylvania University is in normal operation. All references in this policy to 'days' refer to business days unless specifically noted as calendar days.
- **Decision-Maker** means the person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether this Policy has been violated and/or assigns sanctions.
- **Directly Related Evidence** is evidence connected to the allegations, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Review Officer(s). Compare to Relevant Evidence, below.
- **Education program or activity** means locations, events, or circumstances where Transylvania University exercises substantial control over both the Respondent and the context in which the

discrimination, harassment, retaliation, and/or other prohibited conduct occurs and also includes any building owned or controlled by a Student organization that is officially recognized by Transylvania University.

- **Employee is a person employed by Transylvania University either full- or part- time, including Student Employees when acting within the scope of the employment.**
- **Faculty is any member of the Transylvania University community who is responsible for academic activities, teaching, research, or the academic evaluation of Students.**

The Title IX regulations do not permit a party to conduct cross-examination on their own behalf in any hearing under this policy but instead require that examination be conducted by the party's Advisor.

- Final Determination is a conclusion by a preponderance of the evidence that the alleged conduct did or did not violate policy.
 - Finding is a conclusion by a preponderance of the evidence that the conduct did or did not violate policy.
 - Formal Complaint is a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct under this policy and requesting that Transylvania University investigate the allegation(s).
 - Formal Grievance Process or means a method of formal resolution designated by Transylvania University to address allegations of Title IX Sexual Harassment, and which complies with the requirements of 34 CFR § 106.45 and the Violence Against Women Act §304.
 - Informal Resolution is a complaint resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a formal Final Determination being reached.
 - Investigation Report is the summary of all relevant evidence gathered during the investigation. Variations include the draft investigation report and the final investigation report.
 - Investigator means the person(s) charged by Transylvania University to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of relevant evidence and a file of directly related evidence.
 - Mandated Reporter means an Employee of Transylvania University who is obligated by policy to share knowledge, notice, and/or reports of discrimination, harassment, retaliation, and/or other prohibited conduct with the Title IX Coordinator.⁷
 - Notice means that an Employee, Student, or third party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
 - Official with Authority (OWA) means an Employee of Transylvania University explicitly vested with the responsibility to implement corrective measures for discrimination, harassment, retaliation, and/or other prohibited conduct on behalf of Transylvania University.
 - Parties include the Complainant(s) and Respondent(s), collectively.
 - Pregnancy or Related Condition is pregnancy, childbirth, termination of pregnancy, lactation, or medical conditions related thereto, or recovery therefrom.
 - Process A means the Formal Grievance Process for alleged violations that are applicable under Title IX as outlined by the Federal Government.

Mandated Reporters under this policy do not necessarily include persons mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials,

though these responsibilities may overlap with those who have mandated reporting responsibility under this Policy.

- Process B means the process applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
 - Protected Characteristic is any characteristic for which a person is afforded protection against discrimination, harassment, retaliation, and/or other prohibited conduct by law or Transylvania University policy.
 - Reasonable Person is a person under similar circumstances and with similar identities to the Complainant.
 - Relevant Evidence is evidence that may aid a Review Officer in determining whether the alleged discrimination, harassment, retaliation, and/or other prohibited conduct occurred, or in determining the credibility of the Parties or Witnesses.
 - Remedies typically are post-resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Transylvania University's educational program.
 - Respondent means an individual who is alleged to have engaged in conduct that could constitute discrimination based on a protected characteristic, harassment, or retaliation for engaging in a protected activity under this policy, or other prohibited conduct.
 - Resolution means the result of an Informal Resolution, formal grievance process, or Administrative Resolution process.
 - Review Officer is a trained person who reviews the investigation results, makes a finding, and may determine sanctions when appropriate.
 - Sanction means a consequence imposed by Transylvania University on a Respondent who is found to have violated this policy.
 - Sanction Officer is a trained person who determines sanctions when a Finding of responsibility has been determined.
 - Sex or on the basis of sex is birth sex. On the basis of sex includes actions that are sexual in nature, and actions targeted to a person because of the person's actual or perceived sex.
 - Student is, for the purpose of this policy, any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing educational relationship with Transylvania University.
 - Title IX Coordinator is the individual designated by Transylvania University to ensure compliance with Title IX and Transylvania University's Title IX program. References to the Coordinator throughout this policy may encompass a designee of the Coordinator for specific tasks.

Appendix B: Privacy and Confidentiality

For the purpose of this Policy, privacy and confidentiality have distinct meanings.

Privacy means that information related to Notice or Formal Complaint will be shared

with a limited number of Transylvania University Officials who “need to know” in order

to assist in the assessment, investigation, and resolution of the Formal Complaint.

All Employees who participate in Transylvania University’s response to Notice under

the Policy receive specific training and guidance about sharing and safeguarding

private information in accordance with state and federal law. The privacy of Student

education records will be protected in accordance with the Family Educational Rights

and Privacy Act (FERPA), as outlined in Transylvania University’s Student Records

Policy. The privacy of Employee records will be protected in accordance with Human

Resources policies.

Confidentiality exists in the context of laws (including Title IX) that protect certain

relationships, including those who provide services related to medical and clinical

care, mental health providers, and ordained clergy. The law creates a privilege

between certain health care providers, mental health care providers, attorneys,

clergy, spouses, and others, with their patients, clients, parishioners, and spouses.

Transylvania University has designated individuals who can have privileged

communications as Confidential Resources.

When information is shared by a Complainant with a Confidential Resource, the

Confidential Resource cannot reveal the information to any third party except when

an applicable law or a court order requires or permits disclosure of such information.

For example, information may be disclosed when: (1) the individual gives written

consent for its disclosure; (2) there is a concern that the individual will likely cause

serious physical harm to self or others; or (3) the information concerns conduct

involving suspected abuse or neglect of a minor under the age of 18, elders, or

individuals with disabilities. Confidential Resources may share non-identifiable

information for statistical tracking purposes as required by the federal Clery Act.

Other information may be shared as required by law.

Appendix C: Violence Risk Assessment

Threat assessment is the process of assessing the actionability of violence by an

individual against another person or group following the issuance of a direct or

conditional threat. A Violence Risk Assessment (VRA) is a broader term used to assess

any potential violence or danger, regardless of the presence of a vague, conditional,

or direct threat.

To assess an individual's level of violence risk, the Title IX Coordinator will initiate

the VRA process through the Violence Risk Assessment Team who will assign a

member(s) to perform the assessment according to the specific nature of the Title IX

case. The VRA is conducted independently from the Title IX process, free from

outcome pressure, but informed by it.

VRAs are non-clinical assessments and must be understood as an ongoing process,

rather than a singular evaluation or meeting. A VRA is not an evaluation for an

involuntary behavioral health hospitalization, nor is it a psychological or mental

health assessment.

VRA assesses the risk of actionable violence, often with a focus on targeted/predatory

escalations, and is supported by research from the fields of law enforcement,

criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process

consisting
of:

- 1) An appraisal of risk factors that escalate the potential for violence**
- 2) A determination of stabilizing influences that reduce the risk of violence**
- 3) A contextual analysis of violence risk by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence**
- 4) The application of intervention and management approaches to reduce the risk of violence**

The assessor(s) will follow the process of conducting a violence risk assessment as

outlined in the Care Team manual and will rely on a consistent, research-based,

reliable system that allows for the evaluation of the risk levels. Assessors are trained

to mitigate any bias and provide the analysis and Findings in a fair and equitable

manner.

Examples of formalized approaches to the VRA process include: The NABITA Risk

Rubric, The Structured Interview for Violence Risk Assessment (SIVRA-35), Violence

Risk Assessment of the Written Word (VRAWW), Workplace Assessment of Violence

Risk (WAVR-21), Historical Clinical Risk Management (HCR-20), and MOSAIC.

The VRA team member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to the health and/or safety of an individual or the community.