

## **Transylvania University Title IX Policy**

**Purpose:** Members of the campus community are entitled to an educational and working environment free of discrimination, harassment, and retaliation.

**Title IX Policy Statement:** Transylvania University is legally bound by [Title IX](#) of the Education Amendments of 1972, which prohibits sex- and gender- based discrimination in educational programs that receive federal funds. The Director of Health and Wellness serves as the Title IX Coordinator for TU and oversees the investigation of all complaints filed. In addition, there are Title IX Investigators and Advocates (found [here](#)). The following document serves to provide information about the legal definitions of prohibited behaviors, as well as resources and reporting and resolution procedures for incidents that fall under the purview of Title IX. Some of the policies do apply more broadly to many discriminatory behaviors that are not governed by Title IX, but the specific reporting and resolution policies described here refer to sex- and gender- based discrimination that interferes with the educational mission of the University. Such interference can happen under any of the following conditions:

- Any action that constitutes a criminal offense as defined by federal, state, or local law;
- Any situation where it appears that the respondent may present a danger or threat to the health or safety of self or others;
- Any situation that significantly infringes upon the rights, property, or achievements of others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the University.
- Any situation that creates a hostile environment on campus or in an off-campus education program or activity.

**Equal Opportunity Policy Statement:** Transylvania University's Title IX policies exist as part of its broader commitment to equal opportunity for all. It is the policy of Transylvania University to ensure that the institution is free of harassment for any discriminatory reason, such as race, gender identity, sexual orientation, national origin, disability, age or religion, as prohibited by state and federal law. The University prohibits not only unlawful harassment, but also other unprofessional and discourteous actions that affect the professional and congenial work environment among faculty, staff, and students. For this reason, derogatory racial, ethnic, religious, ageist, sexual, or other inappropriate remarks, slurs, or jokes will not be tolerated.

### **Title IX Jurisdiction/Application:**

The Title IX Policy applies:

- regardless of the status of the parties involved, be they non-members of the campus community, students, faculty, administrators, and/or staff.
- regardless of the gender, sexual orientation, race, national origin, disability, age, or religion of the individuals involved.

- to allegations of discrimination, harassment, and retaliation that take place on Transylvania property or at university-sponsored events, regardless of their location.
- to allegations of discrimination, harassment, and retaliation that occur off-campus or to actions online when the appropriate office determines that the off-campus or online conduct could have an on-campus effect or impact on the educational mission of the University.

The University's response may be limited if any party is a guest or is not subject to the University's jurisdiction, however the University will make a good faith effort to treat incidents that involve guests or that happen off campus in the same manner that it treats incidents of on-campus conduct involving students.

The University will take steps to be certain these equal opportunity policies are available to all students, faculty and staff through annual distribution. Upon request policies can be translated for those with disabilities and/or English language learners.

**Mandatory Reporting:** Transylvania University requires all employees to be "mandatory reporters" of all discriminatory incidents. For the purposes of Title IX, this means employees who become aware of alleged incidents involving at least one TU student or guest that may constitute discrimination, harassment, or sexual misconduct are required to inform the Title IX Coordinator of any and all details they have heard about the incident. These details can include the names of the alleged perpetrator(s), complainant(s), witnesses; and facts like date(s), time(s), and location(s). Mandatory reporters of TU include administrators, staff, faculty, and Resident Advisors. However, the Associate Dean of Student for Inter-religious Life, Campus Counselors in Health and Wellness, and Health Professionals in Health Services are NOT mandatory reporters. For more information about mandatory reporting go [here](#).

### **Statement of Rights for Complainants and Respondents**

In addition to the rights stated in the Student Handbook (insert link) both complainants (alleged victims) and respondents (alleged perpetrators) will be afforded the following rights under this policy:

- To be treated with respect by University officials
- To take advantage of campus support resources (such as Counseling Services and University Health Services for students, or EAP services for employees)
- To experience a safe educational and work environment
- To have an Advocate present throughout the process
- To have the right to a formal resolution process
- To be free from retaliation

- To have complaints heard in substantial accordance with these procedures
- To reasonable and necessary participation in the process

**If someone is sexually assaulted:**

A person who experiences sexual discrimination, harassment, misconduct, or assault may respond to the experience in many different ways, including feeling confused, vulnerable, out of control, embarrassed, angry, or depressed. The University provides a **variety of resources** to assist individuals who have experienced discrimination, harassment, or sexual misconduct; both to address the effects of the incident, and to help them determine whether and how to make a formal complaint about the incident.

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, call the [Department of Public Safety](#) if you are on-campus and/or 911 if you are not.
2. Consider contacting the [Bluegrass Rape Crisis Center](#) for professional support to assist you in the crisis. [On campus counseling](#) is also available to all current students M-F 9am-5pm. The Woodland Group is available to employees and can be reached by calling 1-800-350-6438.
3. For your safety and well-being, immediate medical attention is encouraged. The medical centers, both on and off campus, provide treatment of injuries, STI screenings, and pregnancy testing. If you wish to have an evidence kit collected ("rape kit"), you can do so at any local hospital. If possible, do not shower, brush your teeth, urinate, eat, drink or change clothes until after evidence is collected.
4. Consider your reporting and support options. No survivor of sex-based discrimination, harassment, misconduct, or assault is required to report or take legal action. However, you can choose to report to the Title IX Coordinator and/or local law enforcement. If you contact the Title IX Coordinator, that person can assist you with University concerns, such as no-contact orders or other protective measures, and/or provide you with a full list of support services and options. Either the Title IX Coordinator or the Department of Public Safety can assist you in contacting law enforcement, if you desire.

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## **I. Definitions of Prohibited Conduct**

### **A. Discrimination**

Transylvania University adheres to all federal and state civil rights laws banning discrimination in public institutions of higher education. The University prohibits discrimination against any employee, applicant for employment, student or applicant for admission on the basis of any protected class. Protected classes include: age, color, creed, disability, ethnicity, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, veteran or military status, or any other protected category under applicable federal, state, or local law, including protections for those opposing discrimination or participating in any complaint process on campus or with other human rights agencies.

Transylvania's equal opportunity policy covers discrimination in employment and in access to educational opportunities. **Discrimination** is defined as adverse treatment of an individual based on that individual's membership in one or more of the protected groups listed above. Therefore, any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, housing and/or social access, benefits, and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the University policy on discrimination. **All University employees shall report all suspected incidents of discrimination or harassment to the appropriate persons.** Any discriminatory acts under Title IX must be reported to the Title IX Coordinator if made known to a campus mandatory reporter.

### **B. Harassment**

The University prohibits harassment against any employee, student, visitor, or guest on the basis of any class protected by University policy or KY state law. This policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters. The sections below describe the specific forms of prohibited harassment under University policy.

#### **1. Bias-Related Harassment**

This policy prohibits any form of harassment on the basis of actual or perceived membership in a protected class, by any member or group of the campus community, which unreasonably interferes with an individual's work or academic environment.

This environment may be created by verbal, written, graphic, threatening and/or physical conduct that is sufficiently severe, persistent, or pervasive so as to interfere with, limit, or deny

the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits, or opportunities. Merely offensive conduct and/or harassment of a generic nature not on the basis of membership in a protected class may not result in a violation of this policy but may be addressed through education and/or other resolution methods.

## **2. Sexual Harassment**

This policy prohibits any form of sexual harassment. Sexual harassment is unwelcome sexual- or gender-based verbal, written, direct/indirect, online, and/or physical conduct. Sexual harassment creates a hostile environment and may be disciplined when it is sufficiently severe, pervasive, persistent, or objectively offensive that it:

- has the effect of unreasonably interfering with, denying, or limiting employment opportunities or the ability to participate in or benefit from the University's educational, social, and/or residential program, or
- is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

## **3. Sexual Misconduct**

This policy prohibits any form of sexual misconduct. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, and/or gender identity of those involved, when a person commits an act without consent. The definition of consent below will be used in the interpretation and application of this policy:

**Consent.** Consent is an ongoing voluntary agreement, which can be given verbally or non-verbally, to engage in sexual activity. **Absence of protest is not consent.** In order to obtain consent, all parties:

- Must be fully conscious (If one is asleep, unconscious, or incapacitated due to drugs or alcohol and/or mental instability, consent cannot be given.)
- Must be willing to engage in sexual activity (If one is threatened, coerced, or restrained unwillingly, consent cannot be given.)

The same definition holds whether the assailant is a stranger, an acquaintance, friend or a significant other. The University policy is that a person has the right at any time to say "no" to sexual activity and that "no" means "no." It is the University's position that every human being is entitled to privacy and respect, and that rape is a violent crime of power as well as a violation of human dignity.

An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the respondent to a claim of sexual misconduct was intoxicated and, therefore, did not realize the other person's incapacity.

Any number of actions legally qualify as sexual misconduct, including but not limited to, the following categories:

**Consensual Relationships.** The Office of Civil Rights dictates that consensual romantic and/or sexual relationships where a power differential exists, whether real or perceived, will be assumed non consensual when a complaint is filed. The effect of such a relationship may render an individual's work, academic, or social environment intimidating, offensive, or hostile. Hence, all University employees are strongly discouraged from entering into romantic and/or sexual relationships which could lead to the creation of a hostile educational, social, and/or work environment for other members of the University community.

**Stalking:** Course of conduct targeted at an individual or group that would cause a reasonable person to feel afraid.

In Kentucky, stalking means an intentional "course of conduct" towards a "specific person" that

1. Does not serve an legitimate purpose,
2. Seriously alarms, annoys, intimidates or harasses that person and
3. Would cause a reasonable person to suffer substantial mental distress.

Constitutionally protected activity is excluded.

The "course of conduct" must include at least two acts, one of which can be the use of a device to communicate or transmit information, such as a telephone, computer, camera, scanner, copier, audio/video recorder and any equipment that enables use of the device.

**Relationship Violence:** Pattern of behavior used to establish power and control over another person within the context of a current or previous intimate relationship. Categories can include but are not limited to: physical battering, sexual assault, emotional or psychological abuse. Relationship violence includes harm or the threat of harm to an individual.

For a complete list of definitions for sexual harassment, assault, and misconduct in accordance to University and KY State Laws go [here](#).

## **II. Reporting**

All University employees who are aware of or witness discrimination, harassment, sexual misconduct, or retaliation are required to promptly report to the Title IX Coordinator, subject to the rules for mandatory and non-mandatory reporters described in this policy. **Complaints and reports should be made as soon as possible after an incident.** Any student who is aware of or who witnesses discrimination, harassment, sexual misconduct, or retaliation is encouraged to

promptly report to the Title IX Coordinator. Reports to police and/or Title IX officials do not obligate the complainant to file any criminal or university conduct charges, for that reason Transylvania University offers several reporting options, including both indirect and direct.

#### **A. Indirect Reporting Options**

1. **Anonymous and Third Party Reporting:** The Title IX Coordinator accepts anonymous and third-party reports of conduct alleged to violate this policy and will follow up on such reports in a timely manner. The individual making the report is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator or designee to investigate and respond as appropriate. The University may be limited in its ability to investigate an anonymous or third party report unless sufficient information is provided. To file an anonymous Title IX complaint go [here](#).
2. **Confidential Disclosure:** If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with non-mandatory reporters, including counselors, health service providers, [victim services advocates](#), [domestic violence resources](#), local or state assistance agencies, or members of the clergy who are permitted by law to maintain confidentiality (except in extreme cases of immediacy of threat or danger or abuse of a minor). Non-mandatory sources may submit anonymous statistical information without identifying information to our reporting bodies for our legal responsibility to send out a timely warning and for Clery Act reporting purposes. If a reporting party is unsure of a resource's ability to maintain confidentiality, the reporting party is advised to ask them before talking to them. [On-Campus Counseling](#) is available for students and/or the [Employee Assistance Program](#) is available to employees both free of charge.
3. **Red Flag Reporting** is available to the campus community as a reporting method for those that are not comfortable with existing internal reporting channels. To file a report using Red Flag Reporting go to [www.redflagreporting.com](http://www.redflagreporting.com) or call 1-877-64-RedFlag (1-877-647-3335).

#### **A. Direct Reporting Options**

1. **Direct Reporting to Title IX Coordinator:** Reporting Parties are encouraged to speak to University officials, such as the [Title IX Coordinator](#), to make formal reports. Complainants have the right, and can expect, to have complaints taken seriously by the University when formally reported and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to all those involved as information will be shared on a need-to-know basis with a small group of officials, witnesses, and the respondent(s). The number of people with this knowledge



will be kept as low as reasonably possible to preserve a complainant's rights and privacy.

**2. Police Reporting:** Reports may also be made to the police, especially if a crime is or may be involved, by calling the following numbers:

- Emergency 9-1-1

Lexington Police Department- [Special Victims Services](#)

Sheriff's Office: 859-252-1771

- [Department of Public Safety](#) 859-233-8118 (on-campus incidents)

Individuals are encouraged to call 9-1-1, if someone is in immediate danger.

Allegations of criminal conduct can be reported to law enforcement even when it is not clear whether the conduct rises to the level of a crime. Regardless, law enforcement can assist with obtaining medical care, getting immediate law enforcement response and protection, connecting the individual with victim advocate services and counseling support, initiating a criminal investigation as appropriate, and answering questions about the criminal process.

### **III. Retaliation**

The 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 civil rights. Any act of retaliation will result in appropriate disciplinary action.

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging a violation of their civil rights, supporting a complainant, or for assisting in providing information relevant to a claim, is a serious violation of the this policy. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator.

### **IV. Following the Report Filed**

All initial contacts will be treated with the maximum possible privacy: specific information on any complaint received by any party will be reported to the Title IX Coordinator, but, subject to the University's obligation to investigate and redress violations, every reasonable effort will be made to maintain the privacy of all those involved. In all cases, the University will give consideration to the complainant with respect to how the complaint is pursued but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an complainant chooses not to initiate or participate in a formal complaint. From the time of the initial complaint the Title IX Coordinator will make every effort to resolve within 60 days.

#### **A. Role of the Title IX Coordinator and/or designee**

The Title IX Coordinator is charged with coordinating the University response to reports of misconduct under this policy and federal guidelines provided by OCR. At times a trained designee will be appointed to further investigate complaints filed.

The role of the Title IX Coordinator or designee is a complex role that

- works to ensure a fair and neutral process for all parties;
- explains options for resolution, both formal and informal to both parties;
- communicates the provisions for confidentiality;
- provides both parties information on options for obtaining advocacy, medical and counseling services, and remedial actions available;
- assists with making criminal reports;
- coordinates with other campus officials to take appropriate interim actions such as no contact orders, academic accommodations, and rearrangement of housing, dining, and work assignments.

**Remedial Accommodations:** Several remedial accommodations are available to the complainant, including but not limited to, classroom accommodations, no contact orders, no trespass orders, counseling services, residential living accommodations, and/or other accommodations that can help create an increased feeling of safety.

In addition, if the University feels that the respondent is a continued threat on our campus, the University has the right to grant temporary suspension until resolution of the investigation.

## **B. Federal Timely Warning Obligations**

Complainants of sexual misconduct should be aware that University administrators must issue crime alerts for incidents reported to them that represent a serious or continuing threat to students or employees. Should University administrators judge that a crime alert is warranted, the University will withhold a victim's name and other identifying information while providing enough information for community members to make safety decisions in light of the potential danger. For more information about the Clery Act go [here](#).

## **C. Confidentiality and Reporting of Offenses**

Transylvania University will make every effort to safeguard the identities of individuals who seek help and/or report discrimination, harassment, and/or retaliation. While steps are taken to protect the privacy of victims, the University may need to investigate an incident and take action once an allegation is known, whether or not complainant chooses to pursue a complaint.

In cases where a report is made about an incident involving a complainant who is hesitant to come forward, the Title IX Coordinator or designee may seek additional information to ensure campus safety, even if information identifying either complainant or respondent is withheld in the initial report. The Coordinator will conduct an initial inquiry, looking for any sign of pattern,

predation, violence, or threat. When such exists, institutional action may be required to secure campus safety. As such, no employee should ever promise absolute confidentiality except non-mandatory reporters (campus counselors, campus health professionals, and the Associate Dean of Students for Inter-religious Life). Reports may be private, but not confidential.

The University will not pursue disciplinary action for improper use of alcohol or other drugs against an complainant of sexual misconduct or against another student who shares information as either a witness to or as a reporter of sexual misconduct as long as the report is made in good faith.

Deliberately false and/or malicious accusations of discrimination, harassment, or retaliation, (as opposed to complaints which, even if erroneous, are made in good faith) are just as serious an offense as discrimination, harassment, or retaliation and will be subject to appropriate disciplinary action.

The University will not require a party to abide by a nondisclosure agreement, in writing or otherwise that would prevent the re-disclosure of information related to the outcome of the proceeding.

#### **D. Role of the Advocate**

Individuals involved in a Title IX investigation regardless if they choose to go through the informal or formal resolution processes described below are encouraged to utilize a [Faculty/Staff Advocate](#). A Faculty/Staff Advocate is a Transylvania administrator or faculty member who is trained to support both complainants (alleged victims) and respondents (alleged perpetrators) in sexual harassment, assault, or misconduct cases. An Advocate can assist a student throughout the University process. Advocates may work with the Title IX Coordinator to assist in arranging accommodations that would benefit either party, including but not limited to housing assignment changes, assignment or exam rescheduling, and alternative course completion options. Students can choose from a diverse [list](#) of potential Advocates and may switch Advocates at any point should they choose. Students are not required to accept the offer of advocacy services, but are strongly encouraged to do so.

#### **E. Student Complaint Resolution Process**

The University will respond to any alleged violation of this policy received by the Title IX Coordinator. This section outlines the two ways in which reported offenses can be pursued: informal and formal processes. Regardless of the process, the Title IX Coordinator will keep records of any resolution.

**Informal Resolution Process:** Informal resolution is a process overseen by the Title IX Coordinator, the primary goal of which is to end harassment, prevent the reoccurrence, and

remedy any known impact on the campus community. The Title IX Coordinator will determine if informal resolution is appropriate, based on the willingness of the parties, the information gathered during the investigation, and the nature of the alleged conduct. Sanctions are generally not pursued as the result of an informal resolution process, though the parties may agree to appropriate remedies.

Anyone participating in the informal resolution process can stop that process at any time and request to continue through the formal resolution process. In addition, the University reserves the right to change an informal resolution process to a formal resolution process, if sufficient evidence suggests the need to do so. However, it is not necessary to pursue an informal resolution process first in order to initiate a formal resolution process.

**Formal Resolution Process:** A student wishing to bring formal sexual misconduct charges against another student has the right to use the University Judicial system. Anyone wishing to bring charges against another student should contact the Title IX Coordinator, who, along with the Dean of Students' office, will explain the formal conduct process. In addition, the Title IX Coordinator can initiate a formal hearing process if deemed appropriate. The formal resolution process, in addition to working toward ending harassment, preventing the reoccurrence, and providing remedies for any known impact(s) on the campus community, may also result in sanctions should the Hearing Board find that the respondent is in violation of the policy.

Due to the sensitive nature of sexual misconduct, a somewhat different procedure from the standard Judicial process is used to hear these cases.

**Preparing for the Hearing:** The complainant will be asked to write an account of the incident that will be used to generate a charge letter to the respondent and will be entered as evidence in the judicial hearing. If the complainant wants the University to impose a no-contact order on the respondent, they should request one at this time.

The respondent will receive a charge letter once charges have been determined by the Dean of Students or designee, and the complainant will be notified when this letter is delivered. The respondent will be offered a [Faculty/Staff Advocate](#) and will be asked to respond to the complaint in writing within 72 hours of receiving it, and that response will be shared with the complainant.

Any persons having specific knowledge of the matter may be called as witnesses by either the complainant or the respondent. Witness lists should be submitted to the Dean of Students or designee at least 72 business hours before the hearing. Witness lists will then be shared with all involved parties at least 48 hours before the hearing. Witnesses will be required to submit a statement at least 72 business hours before the hearing to

the Dean of Students or designee. No surprise witnesses and or guests will be permitted. Further, all documentary evidence that will be introduced to the hearing should be submitted to the Dean of Students or designee at least 72 business hours before the hearing so that it, too, may be shared with all involved parties at least 48 business hours before the hearing. No sexual history or character evidence about either party will be accepted.

Once all witness lists and documentary evidence have been shared among both the complainant and the respondent, both are invited to submit questions in writing for the hearing panel to consider asking during the hearing. These questions are due 24 business hours before the hearing. Whether these questions will be introduced at the hearing is at the discretion of the panel.

Please Note: Only those directly involved in the case will be made aware of the charges made, therefore, we do not recommend discussing the case with other campus community members to respect the privacy of those involved in the case.

**Sexual Misconduct Hearing Board:** The Title IX Coordinator and the Dean of Students Office will convene a Sexual Misconduct Hearing Board consisting of three Transylvania community members to conduct a closed hearing. More specifically, the board will consist of current faculty/staff Judicial Council members. Two members of the board will be the same gender as the accused. All hearing board members are required to receive annual training on all issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of the complainants and promotes accountability. All involved parties will be informed of the composition of the panel at least 5 days prior to the hearing, and can object to any member of the board for cause. Replacement of any hearing board member is at the Title IX Coordinator's and the Dean of Students' or the designee's discretion.

**The Hearing:** The order of the hearing will normally be as follows:

1. Introduction and reading of the alleged violations
2. Opening statement by complainant
3. Opening statement by respondent
4. Presentation of witnesses by complainant
5. Presentation of witnesses by respondent
6. Evidence not previously made available by the complainant
7. Evidence not previously made available by the respondent
8. Questions from the hearing board
9. Closing statement by the respondent
10. Closing statement by the complainant
11. Closed deliberation by the hearing board
12. Rendering of decision by the hearing board

As with all University judicial system cases, a hearing may proceed even if one or both parties fail to attend the hearing. Further, once a sexual misconduct complaint has been brought forward, the University shall proceed in the adjudication of the case in accordance with Title IX. In such cases, the Title IX coordinator will always be notified at the beginning of the process.

**Special Accommodations or Proxy:** Either party may request to present their case outside the physical presence or line of sight of the other party. Every effort will be made to accommodate such requests. Either party wishing to make a request for special accommodations must submit in writing their request at least 48 business hours prior to the hearing to the Title IX Coordinator and Dean of Students (or designee). Some examples of special accommodations are the use of telephoned hearings and/or skype. Further, either party may petition to present their case by proxy at least 48 business hours prior to the hearing. The University, however, cautions parties that using a proxy may lead to a party not being able to fully respond to questions presented by the hearing panel or other issues brought up in the hearing. A party's proxy may not be legal counsel or their Faculty/Staff Advocate.

**Hearing Board Outcome:** Following the hearing, the decision of whether a policy violation has occurred will be determined by using a **preponderance of the evidence** standard. A finding of a policy violation by a preponderance of the evidence, which differs from the legal process without a reasonable doubt, means that it is more likely than not that the policy violation occurred. If, following the hearing, the decision is that no policy violation has occurred the process will end. Regardless of the outcome, the complainant, the respondent, and the Title IX Coordinator will be notified of the finding in writing once the charge letter is generated.

If a student is found in violation of University policy, the hearing board will assess appropriate disciplinary sanctions after consultation with the Title IX Coordinator and Dean of Students (or designee). The Dean of Students (or designee) will notify the respondent, the complainant, and the Title IX Coordinator in writing of the Dean of Students' decision. PLEASE NOTE: To ensure all things are considered, some sanctions might take up to 7 business days to fully define and to determine the parameters of the particular sanction given.

**Student Withdrawal While Charges Pending:** Should a responding student decide to withdraw from the University and/or not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the University unless any and all sanctions have been satisfied. The Title IX Coordinator will continue to act to promptly and effectively remedy the effects of the conduct upon the complainant and the community.

**Sanctions:** Sanctions for a student who has violated Standards of Conduct, may include, but are not limited to, verbal or written warning, required educational program, social probation, suspension, and expulsion. For a complete list of sanctions and their definitions go [here](#).

## **F. Investigation Finding For Employees**

Upon receipt of the investigative report, the Title IX Coordinator will determine if this policy has been violated by using a preponderance of the evidence standard. A finding of a policy violation by a preponderance of the evidence means that it is more likely than not that the policy violation occurred. If the Title IX Coordinator decides that no policy violation has occurred, then the process will end. Regardless of the outcome, the complainant and the respondent will be notified of the finding in writing. The respondent's department head/director, Dean, Vice President, and the President will also be notified of the finding.

In the event that the employee violated University policy, the Vice President of the respondent will determine appropriate disciplinary sanctions based on the recommendation from the Title IX Coordinator. Regardless of the outcome, the complainant, the respondent, and the Title IX Coordinator will be notified in writing of the outcome within fifteen working days of the date of the notice from the Title IX Coordinator. If the Vice President serves as a party or witness in the investigation, the Title IX Coordinator's recommendation will be sent to the President for determination of disciplinary sanctions.

### **a . Employee Resignation While Charges Pending**

Should a responding employee resign while charges are pending, the records of the Title IX Coordinator will reflect that status, as will University responses to any future inquiries regarding employment references for that individual. Should an employee decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the employee's absence to a reasonable resolution and that employee will not be permitted to return to the University unless any and all sanctions have been satisfied. The Title IX Coordinator will continue to act to promptly and effectively remedy the effects of the conduct upon the complainant and the community.

### **b. Employee Sanctions**

Sanctions for an employee who has violated this policy may include, but are not limited to, verbal or written warning, required counseling, training, demotion, reassignment, suspension with or without pay, and termination.

## **G. Appeals**

Appeals of the decision of the Dean of Students (for students) or the Vice President/President (for employees) may be filed by the complainant or the respondent or both. All requests for appeal considerations must be submitted in writing to the Title IX Coordinator within **five**

**business days** who will then share it with the appropriate office (Dean of Students/Designee for students) or (Vice President/President for employees) for consideration. The Title IX Coordinator and the Dean of Students or designee will ensure it meets the following criteria to permit the appeals to move forward.

Appeals are limited to allegations of the following:

- A procedural error or omission occurred that significantly impacted the outcome.
- There is new evidence, unknown or unavailable during the investigation, that could substantially impact the finding or sanction. A summary of this new evidence and its potential impact upon the investigation must be included in the appeal.
- The sanctions imposed are substantially disproportionate to the severity of the violation.

The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a finding and sanction/responsive action(s) are final. When a party requests an appeal, the other party (parties) will be notified and given an opportunity to respond.

For students: In cases involving student conduct, a person designated by the Dean of Students will review the appeal request(s).

For employees: In cases involving employee conduct, a person designated by the President will review the appeal request(s).

Where the designee finds that at least one of the grounds is met, and proceeds with the appeal, additional principles governing the hearing of appeals include the following:

- The original decision will only be changed when there is a compelling justification to do so. Interim and/or protective actions will be imposed and/or continued as appropriate.
- Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal.
- **The designee will render a decision within ten business days** to the Title IX Coordinator who with the assistance of the designee will provide written notice of the appeal to all parties in a timely manner from the date of the appeal review.
- All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final: further appeals are not permitted under this policy.

## **H. Failure to Complete Sanctions**



All respondents are expected to comply with conduct sanctions within the time frame specified in their written notice. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension, expulsion, and/or termination from the University. For students, failure to comply may result in suspension and/or hold to prevent future registration.

## **V. Records**

In implementing this policy, records of all complaints, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely in the office of Health and Wellness. To minimize the risk of improper disclosure, disciplinary records are kept under the supervision of the Title IX Coordinator in an offsite online computer database with servers in multiple locations separate from all other records. Should the integrity of the confidential records be violated, all affected parties would be notified in writing from the Title IX Coordinator.

## **VI. Resources**

### **A. University Title IX Coordinator**

Contact information on the Title IX Coordinator and Investigators can be found [here](#).

Ashley Hinton-Moncer, Title IX Coordinator

859-233-8854

[ahinton@transy.edu](mailto:ahinton@transy.edu)

### **B. Interpersonal Violence Prevention Programming and Training**

The Office of Interpersonal Violence Prevention Programming organizes training and awareness programs for the Transylvania community. Awareness programs include, but are not limited to, increased understanding of sexual misconduct, stalking, partner violence, and consent.

Students are required to complete Everfi's Haven prior to their arrival on campus. Haven provides a brief overview of the effects of trauma and the role alcohol and other drugs can play in sexual violence. Students are also required to attend mandatory orientation sessions for Title IX and Green Dot. The Title IX orientation program helps students understand the school's grievance procedures and reporting options including both formal and confidential disclosure options. The training also provides students with an understanding of what constitutes a hostile environment and encourages students to report without the need of determining what does and does not create a hostile environment. Students are also informed of the confidential reporting resources both on and off campus.

For more information about the primary prevention programs and Green Dot bystander intervention programs targeted toward student groups go [here](#).

Ashley Gutshall, Coordinator of Interpersonal Violence Prevention Programming  
859-233-8131  
[agutshall@transy.edu](mailto:agutshall@transy.edu)

All mandatory reporters are required to complete several online trainings provided by Workplace Answers. The Title IX Coordinator is also available for on-demand training to answer any additional questions.

A complete list of trainings provided can be found [here](#).

### **C. Additional Resources**

Some forms of harassment and discrimination may violate federal and state laws, and a Complainant or Respondent may choose to contact the following agencies regarding their complaint:

#### **Philadelphia Office for Civil Rights**

U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Phone: (215) 656-8541  
TDD: 1-877-521-2172  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

**Revisions:** These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator may make minor modifications to procedure that do not materially change the process. However, the Title IX Coordinator may also vary procedures materially with notice (on the University's policy website, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy or applicable law requires otherwise.