Document Title:	Title IX Grievance Process
Supports Policy Number:	PS 4 Title IX Policy
Applies to:	All Students, Staff, Faculty, and Third-parties

PURPOSE

This procedure document outlines the grievance process referenced in the Bellevue University Title IX Policy, PS 4, in compliance with the University's requirement under Title IX at 34 CFR § 106.8(c) to adopt grievance procedures that provide for the prompt and equitable resolution of formal complaints.

DEFINITIONS

The definitions found in PS 4 apply to this document.

PROCEDURES

1 **Reports**

1.1 Reporting prohibited conduct under PS 4 to the University. Anyone wishing to make a report of alleged or possible prohibited conduct under this policy may do so by submitting a report through the University's online report form by visiting this webpage and c*licking on "Report It"*:

https://www.bellevue.edu/student-experience/student-services/dean-of-students/

Or contact Title IX Coordinator at:

Title IX Coordinator
Bellevue University
1000 Galvin Road South
Bellevue, Nebraska 68005
402-557-5299
TitleIX@bellevue.edu

1.2 Who May Submit a Report. Reports may be submitted by anyone subjected to Prohibited Conduct (Complainants), employees, or any other person with knowledge of Prohibited Conduct under this policy.

1.3 Anonymous Reporting. The University accepts anonymous reports of conduct alleged to violate this policy and will follow up on such reports. The reporter is encouraged to provide as much detailed information as possible to allow the University to investigate and respond as appropriate. The University may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the University staff to conduct a meaningful and fair investigation. University employees who are subject to the mandatory reporting requirement in PS 4 may not make reports anonymously.

1.4 Preliminary Assessment; Dismissal.

1.4.1 After receiving a report, the Title IX Coordinator will conduct a preliminary assessment to determine:

1.4.1.1.1 Whether the conduct, as reported, falls or could fall within the scope of PS 4; and

1.4.1.1.2 Whether the conduct, as reported, constitutes or could constitute Sexual Harassment as defined in PS 4.

1.4.2 If the Title IX Coordinator determines that the conduct reported does not fall within the scope of this policy, and/or does not constitute Sexual Harassment, even if the report were investigated and determined to be true, the Title Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA"). The Title IX Coordinator may refer the report to other University offices, as appropriate.

1.4.3 If the Title IX Coordinator determines that the conduct reported could fall within the scope of this policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to the procedures described in Section 3 of this grievance process.

1.4.4 As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if it is not apparent from the report.

2 Rights and Responsibilities of Parties and Witnesses. During the investigation and resolution of a complaint, the parties and Witnesses have the following rights and responsibilities as further detailed in this grievance process:

2.1 Rights of Parties

2.1.1 The right to a grievance process and the right to a reasonably prompt conclusion of the process, including informal resolutions and appeals.

2.1.2 The right to be treated equitably with respect to supportive measures and to the grievance process overall.

2.1.3 The right to a grievance process as described in this document that is free from bias and absent of conflicts of interests by University officials involved in the process (e.g., Title IX Coordinator, Investigator, Decision Maker, Appeal Officer, etc.).

2.1.4 The right to receive written notice of a formal complaint, determination of responsibility, determination of appeal, and other written notices.

2.1.5 The right to be presumed not responsible for the alleged conduct unless a formal determination of responsibility is made at the conclusion of the grievance process.

2.1.6 The right to an Advisor of the party's choice and the right for the Advisor to accompany the party to any meeting or proceeding carried out under the grievance process.

2.1.7 The right to be free from the imposition of sanctions for alleged conduct except following a determination of responsibility under the grievance process or as agreed upon in an informal resolution agreement.

2.1.8 The right to equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint and to receive a copy of the Investigative Report.

2.1.9 The right to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

2.1.10 The right to be free from intrusion on legally-recognized privileges (e.g., attorney-client privilege, doctor-patient privilege, etc.).

2.1.11 The right to be free from retaliation for reporting, assisting, or participation or refusal to participate in a report, complaint, or grievance process.

2.2 Rights of Parties and Witnesses

2.2.1 The right to be free from retaliation for reporting, assisting, or participation or refusal to participate in in a report, complaint, or grievance process.

2.2.2 The right to amnesty from student drug and alcohol policy violations in accordance with PS 4.

2.3 Responsibilities of Parties and Witnesses

2.3.1 The responsibility to read and follow PS 4 and this grievance process.

2.3.2 The responsibility to be truthful.

2.3.3 The responsibility not to retaliate any individual who has reported, assisted, or participated or refused to participate in a matter under this policy;

2.3.4 Alleged violations of an individual's responsibilities within the grievance process, other than violations of the prohibitions on Sexual Harassment and Retaliation, will be subject to review under the Student Code of Conduct for students, the Faculty Handbook for faculty, the Employee Handbook for employees, or other applicable University policies and standards

3 University Response to a Report

3.1 Upon receipt of a report of prohibited conduct under this policy, the Title IX Coordinator shall promptly:

3.1.1 Contact the Complainant to:

3.1.1.1 Discuss the availability of supportive measures;

3.1.1.2 Consider the Complainant's wishes with respect to supportive measures;

3.1.1.3 Inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint; and

3.1.1.4 Explain to the Complainant the process for filing a formal complaint.

3.1.2 Provide a written explanation to the Complainant of the process for filing a formal complaint.

3.1.3 Offer supportive measures to the Complainant, as appropriate.

3.2 The University may not impose punitive or disciplinary measures against any individual, including an alleged Respondent, unless a formal complaint has been filed, a formal grievance process has been carried out, and a formal finding of a policy violation has been made.

4 Supportive Measures

4.1 The University may provide supportive measures to a Respondent and/or Complainant, as appropriate and reasonably available. Supportive measures may be established at any point following a report and generally remain in effect through the duration of the investigation, unless otherwise stated. Supportive measures are determined on a case-by-case basis by the Title IX

Coordinator and are provided without fee or charge to the Complainant or Respondent. The Title IX Coordinator will consider the Complainant's wishes and may consult with the parties, the Investigator, and/or other appropriate BU employees with respect to supportive measures.

4.2 Supportive measures provided to either party are confidential and shall not be disclosed by the University except to individuals who have a need to know in order to implement the supportive measures will be notified in writing by the Title IX (*e.g.,* both parties will be notified of a mutual contract restriction; faculty or University staff may be notified and directed to implement schedule or housing changes).

4.3 Examples of supportive measures include, but are not limited to:

4.3.1 Providing support services, such as referrals to on-campus services, private counseling, and/or other community resources;

4.3.2 Allowing and assisting a party to change his or her academic, on-campus work, or on-campus living situation;

4.3.3 Extending academic deadlines, modifying work or class schedules, or other course-related adjustments;

4.3.4 Increased monitoring, supervision or security at specified locations or activities;

4.3.5 Campus Security escort services while on campus;

4.3.6 Mutual restrictions on contact between the parties.

5 Emergency Removals

5.1 Conditions Warranting Emergency Removal.

5.1.1 The University reserves the right to remove a Respondent from the University or portions of its education program or activity on an emergency basis following an individualized safety and risk analysis. Removal includes but is not limited to the following actions during the pendency of a formal complaint process: a suspension from academic participation, a ban from University property/events/activities, or placing an employee administrative leave.

5.1.2 The Title IX Coordinator is responsible for conducting the individualized safety and risk analysis and may authorize emergency removal only when s/he determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

5.1.3 If the Title IX Coordinator determines that emergency removal is justified, s/he will provide to the Respondent written notice of the removal, including instructions on how to pursue an immediate appeal of the removal decision.

5.2 Appeal of Emergency Removal. Appeals of an emergency removal decision will be carried out as detailed in Section 16, except that in addition to the grounds for an appeal listed in that section, an emergency removal decision may also be appealed on the grounds that an immediate threat as described in Section 5.1.2 does not exist.

6 Initiating a Formal Complaint

6.1 A formal complaint is required in order to initiate formal investigation and grievance process.

6.2 A formal complaint may be filed by a Complainant with the Title IX Coordinator in writing or by electronic submission using one the contact methods outlined above in Section 1.1.

6.3 Only a Complainant or the Title IX Coordinator may file a formal complaint. A formal complaint filed by a Complainant must include the Complainant's physical or digital signature or otherwise indicate that the Complainant is the person filing the formal complaint.

6.3.1 In any case, including a case where a Complainant elects not to file a formal complaint, the Title IX Coordinator may file a formal complaint on behalf of the University if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University community.

6.3.2 Factors the Title IX Coordinator may consider include (but are not limited to): (a) was a weapon involved in the incident; (b) were multiple assailants involved in the incident; (c) is the accused a repeat offender; and (d) does the incident present a risk of occurring again.

6.4 At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University.

7 Consolidation of Formal Complaints. At any point prior to a live hearing, the University may consolidate formal complaints or cases under this grievance process against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of prohibited conduct arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this document and PS 4 to the singular "party," "complainant," or "respondent" include the plural, as applicable.

8 Timeframes; Extensions.

8.1 Calculation of Timeframes. Throughout this grievance process, whenever a timeframe indicates a period of days by which some act must be performed, the relevant time period will be calculated as follows:

8.1.1 Exclude the day of the event that triggers the period;

8.1.2 Except where particular provisions indicates business days instead of calendar days, count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government; and

8.1.3 Include the last day of the period until 5:00 p.m. central time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 5:00 p.m. central time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government

8.2 Extensions. Throughout this grievance process, whenever a timeframe is indicated, it is subject to reasonable and time-limited extensions for good cause with written notice to both parties in accordance with Section 9.2 below. Good cause for an extension may include but is not limited to:

8.2.1 The absence of a party, party's Advisor, or witness at any meeting, investigative interview, hearing, or other proceeding when the presence of such party, Advisor, or witness is essential to proceed. However, the reasons provided for the absence(s) can be considered as a factor in determining good cause.

8.2.2 Concurrent law enforcement activity.

8.2.3 The need for parties, witnesses, and other hearing participants to secure transportation, or to troubleshoot and make arrangements for technology needs to facilitate a virtual hearing.

8.2.4 The need to accommodate the schedules of the parties, Advisors, and witnesses upon reasonable request.

8.2.5 Determination by the Investigator that additional time is necessary to fully investigate a formal complaint and gather sufficient evidence to make a determination of responsibility.

8.2.6 Determination by the Decision Maker or Appeal Officer that additional time is necessary to make a determination of responsibility or appeal.

9 Notification

9.1 Initial Notification. Upon receipt of a formal complaint, the Title IX Coordinator will provide written notification to the parties. Such notice shall include:

9.1.1 Notice of the policies and grievance process in PS 4 and this document, including the informal resolution process.

9.1.2 Sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;

9.1.3 A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

9.1.4 Information on the rights and responsibilities of the parties under this grievance process, including:

9.1.4.1 The parties' right to have an advisor of their choice present during any grievance proceeding or related meeting, who may be, but is not required to be, an attorney.

9.1.4.2 The parties' right and equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

9.1.5 Information about University policies that prohibit knowingly making false statements or knowingly submitting false information during the grievance process

9.1.6 The name of the Investigator assigned to the matter;

9.1.7 A statement on the prohibition of retaliation under PS 4.

9.2 Ongoing Notification.

9.2.1 Throughout the grievance process, whenever a party is invited or expected at an investigative interview, hearing, or other meeting or proceeding under this grievance process, the University will provide that party with written notice of the date, time, location, participants, and purpose of the proceeding, with sufficient time for the party to prepare to participate. The Title IX Coordinator is generally responsible for providing this written notice, but the Investigator may send notice during the investigative stage and the Hearing Officer or Decision Maker may send notice during the hearing stage.

9.2.2 The Title IX Coordinator will provide additional written notification to both parties to supplement the initial notification if, during the course of an investigation, the Investigator or Title IX Coordinator decides there is reason to investigate additional allegations that were not included in the initial notice provided under Section 9.1.

9.2.3 Written notices provided under this grievance process may be provided by delivery method and in a format determined by the individual completing the notification.

10 Informal Resolution

10.1 Request for Informal Resolution. In any case in which a formal complaint has been filed, either party may request Informal Resolution at any point prior to a determination of responsibility subject to the following:

10.1.1 The request must be signed, dated, and submitted by the requesting party in writing to the Title IX Coordinator and include the name of the Complainant and Respondent and case number, if any, and a brief explanation of any specific informal resolution measures being requested by the party, if known.

10.1.2 Cases in which a University employee is alleged to have sexually harassed a student are not eligible for informal resolution.

10.2 University Response to a Request for Informal Resolution.

10.2.1 University Discretion. Upon receipt of a request for informal resolution, the Title IX Coordinator will make a preliminary determination as to the propriety of informal resolution in the particular case based upon the allegations in the formal complaint, the health and safety of all parties and the campus community, whether or not the Respondent has admitted or wishes to admit responsibility, the adequacy of existing supportive measures in relation to an informal resolution process, and any other factors determined to be relevant. The Title IX Coordinator may consult with any assigned Investigator or Decision Maker and with University legal counsel in making this determination. If the Title IX Coordinator determines that informal resolution is not appropriate for the case, the Title IX Coordinator will send written notice of denial to the requesting party.

10.2.2 Notice of Request for Informal Resolution. If the Title IX Coordinator determines that informal resolution is appropriate, the Title IX Coordinator will send written notice of request for informal resolution which shall include:

10.2.2.1 A summary of the allegations from the formal complaint;

10.2.2.2 Information about the requirements of the informal resolution process and details about what the proposed informal resolution process will entail and possible outcomes;

10.2.2.3 A statement that both parties must agree to participate in informal resolution by signing a voluntary, written consent to the informal resolution process;

10.2.2.4 A statement about the consequences or effects of opting into the informal resolution process, including that it will suspend the grievance process at its current stage and that it precludes the parties from resuming a formal complaint arising from the same allegations unless a party formally withdraws their consent to the informal resolution process prior to agreeing to an informal resolution;

10.2.2.5 A statement about the records that will be maintained and shared within the informal resolution process;

10.2.2.6 A statement about the consequences or effects of signing a written informal resolution agreement following an informal resolution process, including that it will constitute final resolution of the formal complaint and that it will preclude the parties from resuming a formal complaint arising from the same allegations in the future;

10.2.2.7 A statement about the potential consequences of failing to adhere to the terms of a signed Informal Resolution Agreement; and

10.2.2.8 As statement about the right and process to withdraw consent to informal resolution.

10.2.3 Consent to Informal Resolution. Both parties must sign a voluntary, written consent to proceed with an informal resolution process. If one or more parties do not provide voluntary, written consent, the Title IX Coordinator will sent written notice to both parties that the request for informal resolution is denied and that the grievance process will continue.

10.3 Informal Resolution Process. Upon receipt of voluntary, written consent to informal resolution from all parties, the Title IX Coordinator shall designate an Informal Resolution Facilitator to oversee the informal resolution process. The purpose of the informal resolution process is to collaboratively develop a plan, agreeable to both parties and the University, that that will resolve the formal complaint without completing the grievance process or a determination of responsibility. The goal of the informal resolution process is to develop a written and binding Informal Resolution Agreement, signed by both parties and the Title IX Coordinator. Examples of informal resolution that may be facilitated by the University include but are not limited to: simple agreement, mediation, arbitration-like adjudication (similar to the grievance process but without a live hearing and live cross-examination), or a restorative justice process.

10.3.1 Role of Informal Resolution Facilitator. The role of the Informal Resolution Facilitator is to informally mediate an Informal Resolution Agreement that resolves the formal

complaint to the satisfaction of all parties and the University. For purposes of this section, "informal mediation" indicates that this term used used generically and shall not be interpreted as an indication that the University will provide a certified mediator. Rather, the University will provide informal facilitation and intervention, through the trained Informal Resolution Facilitator, in order to enable an agreeable case resolution between the parties.

10.3.2 Initiating Informal Resolution. The specific process for any informal resolution will be determined by the parties and the Title IX Coordinator, in consultation together. Before commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

10.3.2.1 Describes the parameters and requirements of the informal resolution process to be utilized;

10.3.2.2 Identifies the Informal Resolution Facilitator responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-party);

10.3.2.3 Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and

10.3.2.4 Explains parameters applicable to use of information, evidence, and statements provided in the informal resolution process on future proceedings on the Formal Complaint or other allegations of policy violations, including violations of this policy and other University policies.

10.3.2.5 Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

10.3.3 Informal Resolution Agreement. The Informal Resolution Agreement is considered a binding contractual agreement between the parties and the University.

10.3.3.1 The Informal Resolution Agreement may entail a myriad of resolutions so long as they are lawful and agreed upon by all parties and the University. Many resolutions may be equivalent or similar to supportive measures as outlined in PS 4, except that unlike pre-grievance supportive measures, such informal resolution measures may be disciplinary or punitive in nature as to the Respondent or otherwise burden the Respondent (such as requiring a Respondent to be removed from or reassigned units within student housing; or requiring a Respondent to change class sections), so long as the Respondent consents to the measures in an Informal Resolution Agreement.

10.3.3.2 The Informal Resolution Agreement may or may not address fault or admissions of guilt as negotiated by the parties and University.

10.3.4 Effect of Informal Resolution Agreement.

10.3.4.1 Upon execution of an Informal Resolution Agreement, the formal complaint will be closed as fully resolved and, regardless on any admission of responsibility, will not result in a formal determination of responsibility against the Respondent for a violation of PS 4.

10.3.4.2 Any party that fails to adhere to the terms of an Informal Resolution Agreement may be subject to discipline. For students, such failure shall be considered a violation of the Student Code of Conduct and may be subject to discipline, up to and including expulsion. For employees, such failure shall be considered a violation of the terms of employment and may be subject to discipline, up to and including termination.

10.3.5 **Terminating the Informal Resolution Process**. If at any point, the Informal Resolution Facilitator believes that the informal resolution process is no longer safe, effective, or valuable, the Informal Resolution Facilitator may terminate the informal resolution process by providing written notification of the termination and the reasons for the termination.

10.4 **Right to Withdraw Consent to Informal Resolution**. At any time prior to agreeing to an informal resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

10.4.1 A request to withdraw consent to informal resolution must be signed, dated, and submitted by the requesting party in writing to the Title IX Coordinator.

10.4.2 Upon receipt of a request to withdraw consent, the Title IX Coordinator will grant the request and direct the Informal Resolution Facilitator to immediately cease all informal resolution actions and transmit all records to the Title IX Coordinator.

10.5 **Termination of Informal Resolution Process; Resumption of Grievance Process**. Upon withdrawal of either party's consent to informal resolution of the termination of an informal resolution process by the Informal Resolution Facilitator, the Title IX Coordinator will provide written notice to both parties and Advisors, if known to the University, that the formal grievance process will be resume at the point at which it was previously suspended as a result of the informal resolution process. The Title IX Coordinator will also notify all officials involved in the grievance process and take any steps necessary to promptly resume the grievance process.

11 Investigation

11.1 **Designated Investigator**. The Title IX Coordinator designates a trained Investigator, who is responsible for conducting a fair and impartial investigation of the Prohibited Conduct alleged in the formal complaint.

11.2 **Purpose**. The purpose of the investigation and responsibility of the Investigator is to gather evidence sufficient to reach a determination regarding responsibility for the alleged Prohibited Conduct.

11.3 **Evidence Gathering**. The Investigator may gather information in multiple ways.

11.3.1 Evidence gathering shall include an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

11.3.2 Other efforts may include but are not limited to the following:

11.3.2.1 Collecting statements from the Complainant, Respondent, and Witnesses via face-to-face discussions, interviews, or written correspondence.

11.3.2.1.1 Such statements, discussions and interviews may be captured by audio or video recording at the discretion of the Investigator;

11.3.2.1.2 The Complainant and Respondent may, but are not required, to be accompanied to any meeting, investigative interview, or other proceeding by the Advisor of their choice, who may be, but is not required to be, an attorney.

11.3.2.1.3 During the investigative stage, the Advisor is allowed to be present but is not allowed to participate or to speak or act on behalf of the party.

11.3.2.1.4 Any Advisor who does not comply with the restrictions in this section may be removed and excluded from the remainder of the meeting, interview, or proceeding.

11.3.2.2 Receive documents, materials, or other evidence from the Complainant, Respondent, and Witnesses;

11.3.2.3 Review student records and other relevant documents and evidence in the University's possession and/or owned by the University;

11.3.2.3.1 The Investigator shall be entitled to access University records and evidence as relevant and necessary to the investigation. This includes, but is not limited to accessing or taking possession of the following: student records; University personnel records; employee and student email; security footage and secure entry data; courses in the learning management system; University devices and other property; and any other University records or evidence that may be relevant.

11.3.2.3.2 With respect to providing University records or property within their control to the Investigator, all University employees are authorized and directed to cooperate with an investigation under this policy and provide all requested records to the Investigator in a timely manner.

11.3.2.4 Independently seek out other evidence or conduct independent research relevant to the investigation (e.g., viewing parties' or witnesses' social media accounts, conducting independent research on terminology or subject matters unfamiliar to the Investigator, or identifying additional witnesses);

11.3.2.5 Seek consultation or statements from expert witnesses who may provide relevant information to understand a technical matter (*e.g.*, the University Director of Information Technology Services in matters involving University IT systems).

11.3.3 The Investigator may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party has provided voluntary, written consent for the Investigator to do so for purposes of the grievance process.

11.4 **Evidence Review**. At least 10 calendar days prior to completion of an investigative report, the Investigator shall provide both parties and their Advisors, if known to the University, an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint. The Investigator shall provide all such evidence to the Title IX Coordinator for official recordkeeping. This includes all evidence gathered, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or another source. There is no right of review for evidence not directly related to the allegations, to illegally obtained evidence, or to evidence that is otherwise barred from use in this grievance process. The Investigator shall redact, when possible, or withhold such information from the evidence review.

11.4.1 At least ten (10) calendar days prior to completion of an investigative report, the Investigator shall provide both parties and their Advisors, if known to the University, with written notice of the conclusion of evidence gathering and a copy of all evidence directly related to the allegations in electronic format or a hard copy.

11.4.2 The written notice shall advise the parties and Advisors of their equal opportunity to submit a written response to the evidence.

11.4.3 The written notice shall provide the date of the deadline for submission of written responses to the evidence. Only a party or an Advisor may submit written responses to the evidence. Responses received after the deadline may not be taken into consideration.

11.4.4 The Investigator shall consider the written responses to the evidence prior to completion of the investigative report.

11.5 **Investigative Report**. At the conclusion of the investigation, the Investigator will prepare a written Investigative Report. The Investigative Report is typically issued within sixty (60) calendar days after receipt of the formal complaint, subject to reasonable extensions in accordance with Section 8.2.

11.5.1 The Investigative Report will include:

11.5.1.1 A summary of the allegations;

11.5.1.2 A statement of the scope of the investigation and methods of evidence gathering used;

11.5.1.3 A fair summary of the relevant evidence, including disputed and undisputed material facts and a numbered list of all documentary and physical evidence relied upon in the report.

11.5.2 The Investigator shall provide an electronic or hard-copy the Investigative Report to the Title IX Coordinator, who shall forward a copy, along with copes of all documentary and physical evidence relied upon in the report to the assigned Decision Maker prior to the hearing.

11.5.3 The Investigator shall provide an electronic or hard-copy the Investigative Report to both parties and their Advisors, if known to the University.

12 Hearings

12.1 Initiating a Hearing. Upon receipt of the Investigative Report, the Title IX Coordinator shall schedule the case for a live hearing with a Decision Maker, who may conduct or oversee the hearing or designate a separate Hearing Officer to do so. In either event, the Decision Maker shall be present and fulfill all roles of the Decision Maker as described in PS 4 and this grievance process. The Title IX Coordinator is responsible for providing written notice of the hearing in accordance with Section 9.2 to both parties and their Advisors, if known to the University.

12.2 Live Hearing may be Virtual. Hearings under this grievance process may be conducted with all parties and participants physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may be required to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Upon request of either party or in the University's discretion, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. The written notice of hearing will indicate the location or mode of participation (*e.g.*, the address that the parties/participants should report to for the hearing or instructions to participate via videoconference).

12.3 Hearing Procedures

12.3.1 Public Attendance Prohibited. To protect the rights and privacy of all parties, the University does not allow guests, observers, members of the public or other third parties in the hearing. Only University officials involved in the grievance process, University legal counsel, the Complainant, Respondent, and each party's Advisor may be present in the hearing. Witnesses will be present only while testifying and are not allowed to observe other parts of the proceedings.

12.3.2 Pre-hearing Procedures.

12.3.2.1 The Title IX Coordinator shall request and the parties shall provide the following information in writing to the Title IX Coordinator prior to the scheduled hearing:

12.3.2.1.1 No later than five (5) days prior to the hearing:

12.3.2.1.1.1 Whether or not the party intend to bring an Advisor of choice to the hearing. This will allow the University sufficient time to assign an Advisor to conduct cross-examination on the party's behalf at the hearing.

12.3.2.1.1.2 A list of witnesses, including if applicable the assigned Investigator(s), the party intends to call at the hearing. This does not prevent the parties from calling additional witnesses during the hearing, but parties are expected act in good faith in disclosing all potential witnesses known to the party at the time. The Title IX Coordinator will ensure that each party receives a copy of the other party's witness list.

12.3.2.1.2 No more than two (2) business days prior to the hearing, a list of questions each party intends to ask each witness identified on the witness lists.

12.3.2.1.2.1 The Title IX Coordinator will share each party's questions with the other party.

12.3.2.1.2.2 The Hearing Officer will evaluate whether the questions are relevant, and prior to or at the outset of the hearing, explain the rationale for any relevancy decisions with both parties.

12.3.2.1.2.3 This does not prevent the parties from asking additional questions at the live hearing, for which the Hearing Officer will determine relevancy during the course of the hearing.

12.3.3 Basic Stages of Hearing. The hearing will follow the basic stages below. The Hearing Officer may impose time limits on opening and closing statements so long as each party is provided equal time and opportunity at each stage. Unless otherwise directed by the Hearing Officer, at each stage the Complainant will go first, followed by the Respondent.

12.3.3.1 Opening the Hearing.

12.3.3.1.1 The Hearing Officer shall open the hearing by starting the recording or transcription required by Section 12.4. The Hearing Officer shall introduce the matter by noting the parties, assigned case number (if any), and summarizing the allegations in the formal complaint and the purpose and scope of the hearing.

12.3.3.1.2 All individuals present in the hearing shall be identified on the record by their name and role (*i.e*., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor, Investigator, Hearing Officer, and Decision Maker).

12.3.3.2 Written Statements. Each party is allowed, but not required, to present a written statement at the hearing of no more than 10 type-written pages using reasonable margins, spacing, and no less than 12-point font size. A written statement should briefly summarize the party's complaint or defense and the party's requests as to the outcome of the matter. The written statement must be signed and dated by the Respondent or Complainant and will become a part of the hearing record.

12.3.3.3 Presentation of Evidence

12.3.3.3.1 Investigative Report and Underlying Evidence. The Decision Maker shall formally receive the investigative report as an exhibit into evidence for consideration in the determination of responsibility. The Investigator(s) named in the investigative report shall be available for the live hearing and may be called by either party as a witness to submit to cross-examination. For the avoidance of all doubt, the investigative report may be considered by the Decision Maker in making the determination of responsibility, as long as the Investigator is available for the live hearing and both parties have the opportunity to cross-examine the Investigator(s), whether or not the Investigator(s) actually testifies or is called by a party to submit to cross-examination. The Decision Maker shall also receive into evidence as exhibits all documentary and physical evidence considered by the Investigator, except that the Decision Maker must, upon objection of party or the Decision Maker's own motion, exclude and disregard any evidence prohibited under Section 12.3.4.

12.3.3.3.2 Offer and Receipt of Exhibits by Party. Each party may offer relevant documentary and physical evidence it wishes the Decision Maker to receive into evidence as exhibits and consider in reaching a determination of responsibility. Documentary and physical evidence may be offered by a party at the outset of their case presentation or throughout their witness testimony. The Decision Maker shall receive exhibits into evidence upon request of a party, except that the Decision Maker must, upon objection of the other party or the Decision Maker's own motion, exclude and disregard any evidence prohibited under Section 12.3.4.

12.3.3.3.3 Witnesses. Each party call witnesses to testify at the hearing.

12.3.3.3.3.1 Each witness called will customarily pass through the following steps of testimony:

12.3.3.3.3.1.1 Direct examination or questioning conducted by the party who called the witness. A party who is testifying as a witness may provide testimony in a narrative format. A party may not be questioned by their own Advisor.

12.3.3.3.3.1.2 Cross-examination by the opposing party or by opposing party's Advisor.

12.3.3.3.3.1.3 In the discretion of the Hearing Officer, re-direct examination by the party who called the witness and re-cross examination by the opposing party or by opposing party's Advisor.

12.3.3.3.3.1.4 The Decision Maker also has the right and responsibility to ask questions and elicit information from parties and witnesses on the decision-maker's own initiative to aid

the Decision Maker in obtaining relevant evidence both inculpatory and exculpatory.

12.3.3.3.3.2 Only relevant cross-examinations and other questions may be asked of a party or witness. Questions deemed irrelevant in pre-hearing procedures are not allowed. This does not prevent the parties from asking additional questions at the live hearing. The Decision Maker is responsible for determining relevance in accordance with Section 12.3.4.4 below. The Decision Maker will provide a verbal explanation for any decision(s) within the hearing to exclude a question as not relevant.

12.3.3.3.3.3 Cross-examination must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally. A party may not cross-examine an opposing party. Only an Advisor may conduct cross-examination of a party. If a party does not have an Advisor present at the live hearing, the University will provide without fee or charge to that party, an Advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. If necessary, the Hearing Officer or Decision Maker may stop and postpone the hearing for a reasonable time, as necessary to assign an Advisor to the party. The Title IX Coordinator shall assist in assigning an Advisor.

12.3.3.3.3.4 **Stipulations to Witness Testimony**. In lieu of testimony of any particular witness, the parties may, through their respective Advisors, mutually agree to stipulate to what a witness would testify. This includes any Investigator, in which case the parties may stipulate through their respective Advisors, the Investigator(s) would testify to the information contained in the investigative report.

12.3.3.4 **Closing Statements**. Each party will be provided the opportunity to make closing statements. A closing statement should briefly summarize the party's complaint or defense and the party's requests as to the outcome of the matter. Only a Complainant or Respondent, may offer closing statements; an Advisor may not conduct the closing statement on a party's behalf.

12.3.3.5 **Closing the Hearing**. The Hearing Officer announces the closing of the hearing and ends the recording or transcription.

12.3.3.6 **Rescheduling Hearings.** Hearings shall take place at the time and place set by the written notice of hearing unless rescheduled upon the written request of a party for good cause shown. The Decision Maker, Hearing Officer, and/or Title IX Coordinator may also reschedule a hearing at their own discretion for reasonable purposes. A party requesting a reschedule

shall provide a copy of the written request to the other party. Good cause for a request to reschedule a hearing may include, but are not limited to:

12.3.3.6.1 Illness of the party, a party's Advisor, or a witness.

12.3.3.6.2 A change in Advisor or newly discovered evidence that requires additional time for preparation.

12.3.3.6.3 The parties are negotiating an agreement to proceed with Informal Resolution.

12.3.3.7 **Recesses**. The Hearing Officer may recess the hearing for breaks, meals, and from day to day until the hearing is completed. The Hearing Officer may also approve reasonable requests from a party or Advisor for a recess, so long as they are made in good faith, for reasonable purposes, and will not unduly burden the other party.

12.3.4 Evidentiary Rules

12.3.4.1 **Formal Rules of Evidence Do Not Apply**. Formal rules of evidence do not apply to hearings under this grievance process. The Decision Maker may receive any evidence containing relevant information and disregard any portions thereof which would be prohibited under this section.

12.3.4.2 **Standard of Evidence**. The standard of evidence for a determination of responsibility shall be by clear and convincing evidence[1], meaning the Decision Maker must determine, based upon credible facts supported by the evidence, that the allegations against the Respondent are highly probably to be true.

12.3.4.3 **Witness Oath or Affirmation**. Any party or witness providing testimony or statements in the hearing shall be requested by the Hearing Officer to swear or affirm that the statements and information they provide is true and correct to the best of their knowledge.

12.3.4.4 **Relevancy Determinations**. All evidence considered by the Decision Maker and questions asked of a testifying party or witness during a hearing must be relevant. The Decision Maker is responsible for determining relevance of any evidence or question asked of a testifying party or witness. The Decision Maker may consult with the Hearing Officer and/or University legal counsel in making relevancy determinations. Either party has the right to object to evidence or questions based upon relevance. The relevancy determination shall be based what a reasonable person would consider relevant based upon logic and common sense. Whenever a Decision Maker excludes evidence or disallows a question based upon relevance, the Decision Maker shall

[1] Except in cases where an applicable state law requires a different standard of evidence, including but not limited to Illinois and California. The Title IX Coordinator will notify the parties in writing prior the hearing if a different standard of evidence is required by law.

explain to the reasons for this decision orally to the parties on the record. In general, the following will be excluded as not relevant:

12.3.4.4.1 Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent;

12.3.4.4.2 Information protected by a legally recognized privilege;

12.3.4.4.3 Any party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party has provided voluntary, written consent for the Investigator to do so for purposes of the grievance process;

12.3.4.4.4 Evidence that is unnecessarily duplicative of other evidence already in the record.

12.3.4.5 **Party or Witness Refusal to Submit to Cross-Examination; Effect.** If a party or witness does not submit to cross-examination at the live hearing, the Decision Maker may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. This includes both oral and written statements of a party or witness. A party or an Advisor acting on behalf of a party may waive the right to cross-examine the other party or any witness: (1) in writing prior to the live hearing (which shall permit the Decision Maker to consider the party or witness's statements whether or not the party or witness is present at the hearing); (2) orally at the hearing; or (3) by declining, refusing, or otherwise failing to ask cross-examinations during the course of the hearing. A waiver of a party's right to cross-examine the other party or any witness shall not render the statements of the party or witness inadmissible.

12.3.4.6 **Out of Hearing Statements.** The preceding rule requires the Decision Maker to disregard prior statements by any individual unless the individual who made the statement submits to cross-examination at the live hearing.

12.3.4.7 **Late Submissions**. Submission of evidence after the close of the hearing may be made only with the permission of the Decision Maker after written notice of the request is provided to the other party. Late

submissions will generally not be allowed unless the evidence is newly discovered or in other exceptional circumstances in the discretion of the Decision Maker. The Decision Maker must provide both parties an equal opportunity to submit written responses to any late submissions and may reopen the hearing to allow for additional hearing on the matter.

12.3.5 Advisors; Advisor Participation

12.3.5.1 Right to an Advisor of Choice. Each party has the right to have an Advisor of their choice, who may accompany the party to any meeting or proceeding under this policy, receive certain information about the case from the University, and ask relevant questions of the other party and any witnesses during a live hearing, subject to the limitations in this document and/or PS 4. An Advisor may be, but is not required to be, an attorney. Each party is responsible for notifying the University of their Advisor of choice and ensuring that the Advisor is present at any meeting, proceeding, or hearing. Each party is responsible for any costs or fees charged by their Advisor of choice.

12.3.5.2 Advance Notification. Each party must inform the Title IX Coordinator whether or not they intend to bring an Advisor of choice to the hearing in accordance with Section 12.3.2. This will allow the University sufficient time to assign an Advisor to conduct cross-examination on the party's behalf at the hearing.

12.3.5.3 University-assigned Advisor. If a party does not have an Advisor present at a hearing under this grievance process, the University will provide an Advisor for the party to conduct cross-examination on the party's behalf. In such event, the Title IX Coordinator shall assign an Advisor from a list of trained Advisors selected by the University. This provision shall not be interpreted to require the University to pay for or provide an attorney to any individual. The Decision Maker or Hearing Officer may stop and recess or reschedule a hearing as necessary to assign and allow a reasonable time for preparation of an Advisor to conduct cross-examination on the party's behalf. If a party refuses to allow an Advisor to conduct cross-examination on their behalf, the Advisor will remain in the hearing and available to conduct cross-examination, but the party will not be permitted to conduct cross-examination themselves.

12.3.5.4 Limitations on Advisor Participation. An Advisor's role is to accompany the party to any meeting or proceeding under this policy and to conduct reasonable and relevant cross-examination of the opposing party and other witnesses during any hearing within the grievance process. While a party has the right to have an Advisor present at any meeting, investigative interview, hearing, or other proceeding under this grievance process, an Advisor is generally prohibited from participating, speaking, objecting, submitting evidence or statements, calling or questioning

witnesses other than the opposing party, or otherwise acting on a party's behalf except as explicitly stated in PS 4 or this grievance process.

12.4 Recordkeeping. The University shall create a true and correct record of each hearing under this grievance process by audio recording, audiovisual recording, or transcription. Such recording or transcription will be available to the parties for inspection and review upon request.

13 Dismissal. A formal complaint may be dismissed and closed at any point in accordance with this section. Only the Decision Maker can dismiss a case after a formal complaint has been filed.

13.1 Mandatory Dismissal. The Decision Maker is required to dismiss a formal complaint if:

13.1.1 The conduct alleged in the formal complaint would not constitute prohibited conduct as defined in PS 4 even if proved to be true;

13.1.2 The conduct alleged did not occur in a University education program or activity as defined in PS 4 even if proved to be true; or

13.1.3 The conduct alleged did not occur against a person in the United States.

13.2 Discretionary Dismissal. The Decision Maker may, in his/her discretion, dismiss a formal complaint at any time during the investigation or hearing if:

13.2.1 The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;

13.2.2 The Respondent is no longer enrolled as a student with or employed by the University; or

13.2.3 Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

13.3 Written Notice of Dismissal Required. The Decision Maker shall issue a written Notice of Dismissal, which shall be provided to both parties by the Title IX Coordinator simultaneously, and will include a brief statement of the reason(s) for the dismissal.

13.4 Dismissal; Appeals; Effect.

13.4.1 Either party may appeal a dismissal. Appeals of a dismissal decision will be carried out as detailed in Section 16, except that in addition to the grounds for an appeal listed in that section, a dismissal decision may also be appealed on the grounds that the Decision Maker erred in determining that grounds for dismissal exist under this section.

13.4.2 Dismissal of a formal complaint under PS 4 does not preclude action by the University under the Student Code of Conduct (PS 1901), the Student Housing Handbook, the Employee Handbook, or any other University policy. The Decision Maker or Title IX Coordinator may disclose information as appropriate to other University officials responsible for investigating such violations.

14 Determination of Responsibility

14.1 Standard of Evidence. The standard of evidence for a determination of responsibility shall be by clear and convincing evidence,[2] meaning the Decision Maker must determine, based upon

[2] See footnote 1, above.

credible facts supported by the evidence, that the allegations against the Respondent are highly probably to be true.

14.2 Objective Decision. The Decision Maker is obligated to be free from bias and conflicts of interest and objectively evaluate all relevant evidence, both inculpatory and exculpatory, and must therefore independently reach a determination regarding responsibility without giving special deference to the investigative report.

14.2.1 The preceding section shall not be interpreted to prohibit the Decision Maker from seeking legal advice from University legal counsel.

14.2.2 In the event that the Decision Maker determines that the Respondent is responsible for a violation of PS 4, the Decision Maker may also, prior to determining sanctions and issuing a written decision, consult with the Title IX Coordinator and any other appropriate University officials with disciplinary authority or responsibility regarding appropriate sanctions or discipline to be imposed.

14.3 Written Notice of Determination Required.

14.3.1 The Decision Maker shall issue a written Notice of Determination, which shall be provided to both parties by the Title IX Coordinator simultaneously, and will include:

14.3.1.1 Identification of the allegations of prohibited conduct;

14.3.1.2 A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

14.3.1.3 Findings of fact supporting the determination;

14.3.1.4 Conclusions regarding the application of Student Code of Conduct, the Faculty Handbook, or Employee Handbook to the facts and, if warranted, recommendations to appropriate University officials regarding additional sanctions for violations outside the scope of PS 4;

14.3.1.5 A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided by the University to the Complainant; and

14.3.1.6 The procedures, permissible grounds, and timeframe for appeal under this grievance process.

14.3.2 Timing. The Notice of Determination is typically issued within fourteen (14) calendar days after the hearing is closed, subject to reasonable extensions in accordance with Section 8.2.

14.3.3 Effective Date of Determination. A determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The University will not impose disciplinary sanctions or be obligated to provide remedies until the determination is final as defined in this section.

15 Sanctions and Remedies

15.1 Sanctions. The Decision Maker may impose sanctions as allowed under PS 4 following a determination of responsibility. The Decision Maker will enumerate all sanctions in writing within the Notice of Determination.

15.2 Remedies. The Decision Maker may impose also direct the University to provide reasonable remedies designed to restore or preserve a Complainant's equal access to the education program or activity following a determination of responsibility.

15.2.1 The University will not disclose to a Respondent any remedies that do not directly affect the Respondent. Such remedies will be listed on a separate sheet as an addendum to the Notice of Determination and will not be disclosed to the Respondent or any other third party, except the to Title IX Coordinator, to University officials with a need to know in order to implement the remedies, or as required by law.

16 Appeals

16.1 Appeal Rights. Either party is entitled to appeal from a determination of responsibility.

16.2 Deadline and Submission of Appeal. In order to be accepted, the appeal must:

16.2.1 Be in writing and signed by the party requesting the appeal;

16.2.2 State the name of the Complainant and Respondent and case number, if any.

16.2.3 Be received by the Title IX Coordinator within seven (7) calendar days of the date listed on the Notice of Determination;

16.2.4 State the grounds for the appeal as permitted under this grievance process;

16.2.5 State the action requested on appeal (for example, a request for a new hearing or a request to reverse the violation and sanctions).

16.3 Grounds for Appeal. A party may appeal only based on one or more of the following grounds:

16.3.1 Procedural irregularity that affected the outcome of the matter, including an erroneous relevance determination that affected the outcome;

16.3.2 New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or

16.3.3 The Title IX Coordinator, Investigator(s), or Decision Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

16.4 Appeal Procedure.

16.4.1 Appeal Officer. The Appeal Officer is responsible for determining if grounds for appeal exist and, if so, the appropriate remedy.

16.4.2 Appeal Record. The appeal record consists of the complete recording or transcription of the live hearing, all exhibits received into evidence (including the investigative report), the Notice of Determination and any other notices issued during the course of the case, and the written request for appeal.

16.4.3 Appeal Process.

16.4.3.1 Upon timely receipt of an appeal that meets all the requirements of Section 16, the Title IX Coordinator, the Title IX Coordinator will provide written notice of appeal to both parties, which will include the following:

16.4.3.1.1 A copy of the request for appeal;

16.4.3.1.2 Information about each party's opportunity to submit a written statement in support of or against the appeal and the requirement that such written statements be submitted to the Title IX Coordinator within five (5) calendar days of the notice of appeal;

16.4.3.2 The Title IX Coordinator shall provide a copy of the complete appeal record to the Appeal Officer.

16.5 Objective Appeal Determination. The Appeal Officer is obligated to be free from bias and conflicts of interest and objectively evaluate all relevant evidence, both inculpatory and exculpatory, and must therefore independently reach a determination regarding the outcome of the appeal based upon the Appeal Officer's independent review of the appeal record.

16.5.1 The Appeal Officer may not conduct independent research, solicit or accept other statements, or rely upon evidence or information outside of the appeal record. However, the Appeal Officer may consult with University legal counsel, Title IX Coordinator, and other appropriate University officials in the same manner as the Decision Maker as outlined in Section 14.2.

16.5.2 In resolution of an appeal, the Appeal Officer must determine whether grounds for the appeal exist and, if so, determine and direct an appropriate remedy for case resolution. In this regard, the Appeal Officer may:

16.5.2.1 Affirm or overturn the determination of responsibility;

16.5.2.2 Affirm, reverse, or modify the findings or determination; and/or

16.5.2.3 Affirm, reverse, or modify the sanctions and remedies.

16.5.2.4 In exceptional circumstances, primarily in cases of newly discovered evidence, an Appeal Officer may order a case to be returned to an earlier stage of the grievance process for additional consideration (i.e., for new evidence to be investigated by the Investigator and/or for additional live hearings to hear testimony and allow cross-examination of a newly discovered witness).

16.6 Written Notice of Appeal Determination Required. The Appeal Officer shall issue a written Notice of Determination, which shall be provided to both parties by the Title IX Coordinator simultaneously, which shall consist of a short and plain, written statement of the resolution of the appeal, including any changes made to the outcome. The Notice of Appeal Determination is typically issued within ten (10) calendar days after the deadline for the parties' written appeal statements, subject to reasonable extensions in accordance with Section 8.2.

16.7 Appeal Determination is Final. The Appeal Officer's decision is final and becomes effective immediately.

Supports Policy:	PS 4 Title IX Policy
Keywords:	Title IX, VAWA, sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation, consent, hostile environment,

	report, complaint, supportive measures, informal resolution, grievance process, investigation, hearing, appeal
Responsible Office:	Title IX Coordinator
Contact Information:	402-557-7299 TitleIX@bellevue.edu
Approved by:	Kevin Cleary, Title IX Coordinator
Effective Date:	November 15, 2026
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APPROVED:

This procedure document was signed by Kevin Cleary, Title IX Coordinator, on November 2, 2026.