

**LIBERTY UNIVERSITY NONDISCRIMINATION AND**  
**EQUAL OPPORTUNITY POLICY**

**1. INTRODUCTION**

Liberty University (“Liberty” or the “University”) is committed to providing a safe and nondiscriminatory learning, living, and working environment for all members of the University community. According to Liberty University’s Statement of Mission and Purpose, “through its residential and online programs, services, facilities, and collaborations, the University educates men and women who will make important contributions to their workplaces and communities, follow their chosen vocations as callings to glorify God, and fulfill the Great Commission.” This Nondiscrimination and Equal Opportunity Policy (“Policy”) is a key component of effectuating the University’s mission and its obligations under the law. All members of the University community are responsible for understanding and following this Policy.

This Policy outlines Liberty’s community expectations to pursuing a campus free of unlawful discrimination, harassment, and retaliation; the steps for recourse for those individuals who have experienced discrimination, harassment, or retaliation; and the procedures for determining whether a violation of this Policy has occurred.

Nothing in this Policy is intended to create a contract between Liberty University and any student, employee, independent contractor, vendor, or other individual or entity. Liberty University reserves the right to amend this Policy at any time for any reason.

**2. SCOPE**

This Policy applies to all forms of discrimination, harassment, and retaliation, as defined herein, except for Sexual Misconduct (as that term is defined in the Sexual Misconduct Policy). Incidents of Sexual Misconduct, including Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Exploitation, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and related Retaliation and Interference with Process, Attempt, and Complicity (as those terms are defined in the Sexual Misconduct Policy), will be handled under the University’s Sexual Misconduct Policy available on the Liberty University Office of Equity & Compliance (OEC) website at [www.liberty.edu/oec](http://www.liberty.edu/oec).

This Policy applies to all University community members, which include students, faculty, administrators, staff, trustees, volunteers, vendors, independent contractors, applicants for admission or employment, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity with the University or on University property. This Policy may also apply to individuals who interact with University

community members under certain circumstances. All University community members are required to follow University policies and to comply with all applicable laws.

This Policy applies to prohibited conduct committed by or against a University community member. Prohibited conduct may occur on campus or other Liberty property, or at University sanctioned events or programs that take place off campus, such as study abroad and internships. prohibited conduct may also occur off campus when that conduct (1) has continuing adverse effects on campus, or other University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment or participation in a University program or activity, or (3) creates a hostile environment for community members on campus, University property, or in a University program or activity.

### **3. NOTICE OF NONDISCRIMINATION**

In accordance with applicable federal and state laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 ("Title IX"), the Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act ("ADA") and ADA Amendments, the University does not unlawfully discriminate on the basis of race, color, ancestry, religion, age, sex, national origin, pregnancy or childbirth, disability, military veteran status, or any other Protected Class Status (as that term is defined in section 4 of this Policy below) under any law applicable to the University, in its educational programs and activities. Liberty maintains its Christian mission and reserves its right to act in furtherance of its religious objectives. As a faith-based institution, the University is exempted from certain laws and regulations concerning discrimination.

The University will not tolerate unlawful discrimination, harassment, or retaliation in any form. The University will promptly and equitably respond to all reports of discrimination, harassment, and retaliation as part of its commitment to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community. Inquiries, reports or complaints about discrimination, harassment, or retaliation may be directed to the Executive Director / Title IX Coordinator.

Executive Director / Title IX Coordinator  
1971 University Blvd.  
DeMoss Hall 1232  
Lynchburg, VA 24515  
Telephone: 434.592.4999  
Email: [oc@liberty.edu](mailto:oc@liberty.edu)

### **4. DEFINITIONS**

Protected Class Status: As used in this Policy, Protected Class Status includes race, color, ancestry, religion, age, sex, national origin, pregnancy or childbirth, disability, military veteran status, and all other Protected Class Statuses under laws applicable to Liberty University.

Complainant: An individual who is alleged to be the victim of conduct that could violate this Policy. A Complainant is also a party.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy. A Respondent is also a party.

## **5. PROHIBITED CONDUCT**

This Policy prohibits Discrimination, Discriminatory Harassment, and Retaliation and Interference with Process, as each of those terms is defined below. Attempts to engage in any of these forms of prohibited conduct, as well as aiding another in acts of prohibited conduct (also known as Complicity), also violate this Policy.

### **5.1 Discrimination**

Discrimination is conduct based upon an individual's Protected Class Status that excludes an individual from participation, denies the individual the benefits of, treats the individual differently, or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a program or activity.

Examples of unlawful discrimination include:

- Consideration of an applicant's Protected Class Status as a negative factor in deciding whether to offer the applicant a job interview.
- Giving prohibited consideration to an individual's Protected Class Status in deciding whether to offer an employee a promotion.
- Requiring that members of Protected Class Statuses meet higher standards for advancement, promotion, or grading than employees who are not in Protected Class Statuses.
- Denying a student or employee the opportunity to participate in an educational activity because of his or her Protected Class Status.

### **5.2 Discriminatory Harassment**

Discriminatory Harassment is conduct (including verbal, nonverbal, physical, emotional, and psychological conduct) based on an individual's Protected Class Status, when:

- Submission to that conduct is made, either explicitly or implicitly, a term or condition of an individual's educational experience or employment, or the individual's submission or

rejection of such conduct is used as the basis of an educational program or activity decision or employment decision affecting such individual; or

- Conduct that a reasonable person would find so severe or pervasive that it substantially and unreasonably interferes with an individual's employment or participation in a Liberty education program or activity or creates a hostile work or educational environment "hostile environment."

Discriminatory harassment may occur in situations where there is a power differential between the people or where they share the same status (i.e., student-student, faculty-faculty, staff-staff).

Mere subjective offensiveness or subjective intimidation is not enough to create a hostile environment. The University must determine that a reasonable person (under similar circumstances and with a similar identity to the Complainant) would find the conduct harassing for there to be a hostile environment. The criteria for determining whether an environment is "hostile" include, but are not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the mental or emotional state of the person subject to the conduct;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct substantially and unreasonably interfered with the educational or work performance of the person subject to the conduct;
- Whether the statement was merely a discourteous, rude, or insensitive statement; and
- Whether the speech or conduct deserves the protections of academic freedom.

There need not be an intent to harm for Discriminatory Harassment to occur. Likewise, the conduct need not be directed at a specific person. Examples of Discriminatory Harassment may include, but are not limited to:

- Verbal abuse, offensive innuendo or derogatory words or slurs or name-calling, taunting, stereotyping, threats, intimidation, epithets, or comments based upon or motivated by the person's Protected Class Status;
- Threats or intimidation, whether actual or implied, based on or motivated by the person's Protected Class Status;
- Bullying based on or motivated by the person's Protected Class Status;
  - Bullying is the unwelcome, aggressive, and repeated use of intimidation to force a more vulnerable person to do what the bully desires or to harm a more vulnerable person. Bullying includes oral or written derogatory name-calling, taunting, and threatening harm; social actions of spreading false rumors to damage a reputation and causing extreme embarrassment; and physical actions of hitting, kicking,

spitting, tripping, pushing down, rude hand gestures, and injuring or taking another's property.

- Doxing based on or motivated by the person's Protected Class Status;
  - Doxing is the publication through any format (e.g., oral, written, or online) of a person's or group's personally identifiable information in an attempt to incite harassment or harm against the identified person or group. Doxing involves, but is not limited to, reporting, or posting personal information such as employer information, place of employment, place of worship, place of personal residence, or personal contact information with intent to exact revenge, impose punishment, or obtain justice through use of the information by third parties.
- Hazing based on or motivated by the person's Protected Class Status;
  - Hazing occurs when a student or employee endangers the health or safety or another student or employee or physically injures another student or employee in connection with or for the purpose of initiation, admission, or affiliation with a student organization or as a condition of continued membership in such organization. Further, hazing occurs even if the endangered or injured student or employee participates voluntarily in the hazing activity.
- Negative stereotyping based on or motivated by the person's Protected Class Status;
- Physical abuse, such as hitting, kicking, spitting, tripping, displaying signs, rude hand gestures, and injuring or taking another's property, based on or motivated by the person's Protected Class Status;
- Obscene gestures or leering based upon or motivated by the person's Protected Class Status;
- Written or graphic materials or objects, pictures, or other media placed on or circulated within University premises (e.g., walls, bulletin boards, computer terminals, vehicles, email, text messages, etc.) or on social media that show hostility or aversion toward a person or group based on or motivated by Protected Class Status or which create a hostile working / learning environment based on or motivated by a person's Protected Class Status; and
- Cyber or electronic harassment or stalking based on or motivated by a person's Protected Class Status.

One type of harassment is sexual harassment. Sexual harassment and other forms of sexual misconduct are covered under the University's Sexual Misconduct Policy.

Note, however, that many of the above behaviors (which may include Bullying, Hazing, Doxing, threats, intimidation, physical abuse, etc.) may violate other University honor codes (e.g., The Liberty Way, the Online Honor Code, and the Graduate Honor Code) and be subject to discipline even when those behaviors are not based on or motivated by a Complainant's actual or perceived membership in a Protected Class Status.

### **5.3 Retaliation and Interference with Process**

Retaliation and Interference with Process is any act of intimidation, threat, coercion, or discrimination or any other adverse action or threat thereof against any individual for the purpose of interfering with any right or privilege secured under this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a process under this Policy. Encouraging or assisting another person to engage in retaliation or to interfere with the process is also considered Retaliation and Interference with Process and violates this Policy.

The University does not prohibit the parties from discussing with others the allegations in a complaint. However, acts that may constitute Retaliation and Interference with Process do violate this Policy. Such acts may include, but are not limited to: acts or comments that are intended to discourage a person or would discourage a reasonable person from engaging in activity protected under this Policy; acts or comments that are intended to influence whether a person participates, either as a party or as a witness or advisor in a process under this Policy; acts or comments intended to embarrass a participant in the process. Other acts that may constitute Retaliation and Interference with Process include adverse changes in employment status or opportunities; adverse academic action; and adverse changes to academic, educational, and extra-curricular opportunities.

Retaliation and Interference with Process may occur in-person, through social media, email, text, and other forms of communication, or through representatives, or any other person. Retaliation and Interference with Process may occur even if the allegations in the report or complaint that prompted the Retaliation or Interference are unsubstantiated.

## **6. REPORTING PROHIBITED CONDUCT**

The University strongly encourages all individuals to report incidents of prohibited conduct under this Policy to the University. Liberty is committed to protecting the privacy of individuals involved in a report of prohibited conduct. Allegations of prohibited conduct and the identity of those reporting and those accused will be considered private. Information regarding a report will only be shared with others on a need-to-know basis, as required or permitted by law, or to carry out the complaint resolution process pursuant to this Policy.

Reports, including complaints, of alleged prohibited conduct should be made to the University's OEC and / or:

Executive Director / Title IX Coordinator  
1971 University Blvd.  
Lynchburg, VA 24515  
DeMoss Hall 1232  
Telephone: 434.592.4999  
Email: [oecliberty@liberty.edu](mailto:oecliberty@liberty.edu)

Reports can be made to the OEC by telephone (434.592.4999), email ([oecliberty@liberty.edu](mailto:oecliberty@liberty.edu)), in person (Green Hall, Rm. 1845K) and online through the [\\_OEC Incident Report \(www.liberty.edu/oecliberty\)](http://www.liberty.edu/oecliberty).

Reports may be made at any time, including non-business hours by phone, email, mail, or the University's website. Individuals also have the option to file an anonymous report using the Report Form. Reports to the University should include as much information as possible, including the names of the Complainant, Respondent, and other involved individuals, and the date, time, place, and circumstances of the incidents, to enable the University to respond effectively.

For incidents involving an emergency situation where there exists an immediate threat of physical harm to any person or property or medical attention is required, community members should call 911 and LUPD (434.592.3911) immediately. In addition, if you believe a crime has occurred, avoid touching objects or areas where the incident or crime has occurred. For example, law enforcement will photograph vandalism and graffiti for future record.

Individuals are encouraged to make a report as soon as possible following an alleged incident. There is no statute of limitation for reporting prohibited conduct to the University under this Policy; however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and respondents may no longer be affiliated with the University. If a report or complaint is made more than five (5) calendar years after an alleged incident, the University may decline to process it but reserves the right to take other administrative action as appropriate. If such late report involves an individual accused of misconduct who is still a member of the University community as a student or employee, a complaint generally will be processed.

## 7. AMNESTY

Liberty strongly encourages the reporting of prohibited conduct by Complainants and other individuals. The integrity of the process is dependent upon the honesty of all involved in the complaint resolution process. Sometimes, individuals are hesitant to report to Liberty officials or participate in complaint resolution processes because they fear that they themselves may be accused of a violation of The Liberty Way or other Liberty policy that may have been occurring at the time of the incident, such as drug / alcohol use and possession, watching "X" or "NC-17" rated movies, engaging in sexual activity outside of a biblically-ordained marriage between a natural-born man and a natural-born woman, or cohabiting or spending the night with the opposite sex. To encourage reporting and transparency, individuals who make a good faith report of prohibited conduct, and individuals who participate in a prohibited conduct complaint resolution process, will not be disciplined by Liberty for any violation of Liberty policies in which they might have engaged in connection with the reported incident, except in the limited circumstances outlined in this section.

In cases involving highly concerning behavior (e.g., significant alcohol or drug use), Liberty may seek to have a conversation with individuals designed to reduce risk and promote health, safety, and wellbeing. However, any recommended training or educational programming would be optional, non-disciplinary, and not reflected on a community member's official records if not completed. In addition, Liberty may still pursue disciplinary action for the alleged violation of Liberty policies in instances where any other individual is physically harmed by the connected conduct constituting a violation of the Liberty policies, where the connected conduct constitutes a

felony crime or prohibited conduct, where an employee who engaged connected conduct that is a violation of Liberty policy holds a leadership role on campus (including a leadership role over students or employees), or where an employee engaged in connected conduct that is a violation of Liberty policy with a student.

Outside of those limited circumstances, Liberty will not discipline an individual who makes a good faith report or participates in the complaint resolution process for any violation of Liberty policies in which they might have engaged in connection with the reported incident.

## **8. SUPPORTIVE / INTERIM MEASURES**

When the University receives a report of alleged prohibited conduct, it will assess the allegations to determine whether supportive / interim measures are appropriate. The Executive Director / Title IX Coordinator may initiate supportive / interim actions, accommodations, or protective measures as necessary to protect the parties and the broader Liberty community. Such supportive / interim actions, accommodations, and protective measures are available to the Complainant, Respondent, and others adversely impacted by prohibited conduct or the process under this Policy, if requested and appropriate under the circumstances. Supportive / interim measures are not sanctions, and the University will seek to avoid unnecessarily burdening either party.

Examples of supportive / interim measures include, without limitation:

- Issuing a “no contact” directive prohibiting the parties involved from communicating with each other;
- Changing an individual’s on-campus residency, dining, or transportation arrangements;
- Changing an individual’s student or employee status or job responsibilities;
- Changing an individual’s work or class schedule or job assignment;
- Providing academic accommodations or providing assistance with academic issues;
- Allowing a voluntary leave of absence;
- Providing security escorts;
- Access to counseling and medical services; and
- Making information about civil legal protective orders and restraining orders available to a Complainant.

The University determines which measures are appropriate on a case-by-case basis based on the particular facts and circumstances of the situation. Not all supportive / interim measures are appropriate in all cases. To request a supportive / interim action or protective measure, individuals should contact the Executive Director / Title IX Coordinator.

## **9. PROCEDURES FOR RESPONDING TO REPORTS AND COMPLAINTS OF PROHIBITED CONDUCT**

To report or file a complaint of prohibited conduct, an individual should contact the Executive Director / Title IX Coordinator and either make a report or indicate he or she wants to file a complaint.



The Executive Director / Title IX Coordinator<sup>1</sup> will conduct an initial review and assessment of each report and complaint and will determine the appropriate course of action. The Executive Director / Title IX Coordinator has discretion to determine an appropriate responsive process based on the facts and circumstances. If the Executive Director / Title IX Coordinator decides a report should proceed through the complaint resolution process, the Executive Director / Title IX Coordinator will submit a complaint. This signature does not make the Executive Director / Title IX Coordinator a party to the complaint resolution process or adverse to the Respondent.

Options for resolution include, but are not limited to, informal discussions and resolution facilitated by the Executive Director / Title IX Coordinator, investigation and / or determination by the Executive Director / Title IX Coordinator, or assignment of a designated individual to investigate the report or complaint and / or determine an appropriate response. The Executive Director / Title IX Coordinator will document each report and complaint received, the process used, and the outcome. The University will notify the parties of the outcome of the process. In instances where the outcome of the process results in a dismissal longer than one semester, expulsion, or termination of employment, the respondent who was the subject of the sanction may appeal the decision in accordance with the appeal rights as set forth in this Policy.

In circumstances when the conduct at issue does not constitute a violation of this Policy, but nevertheless does not meet the University's expectations for our community, the University reserves the right to take appropriate responsive action.

The following general provisions apply to any responsive process under this Policy.

### **9.1 Treatment of the Parties**

All individuals involved in the responsive process are entitled to be treated with respect. The University will strive to provide support and assistance to all who are engaged in the responsive process. Information regarding campus and community services will be shared with the Parties.

### **9.2 Advisor**

The Complainant and Respondent in a process may be accompanied to meetings by an advisor of their choice. Generally, the advisor selected by the Complainant or Respondent should be free of conflicts of interest in the process. If the chosen advisor is an employee, faculty member or student, the advisor should be free of conflicts in his or her position. The University may not require an employee, student, or faculty member to serve as an advisor. An individual has the right to decline a request to serve as an advisor.

Guidelines and requirements for advisors include:

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<sup>1</sup> 1 When this Policy refers to actions of the Executive Director / Title IX Coordinator, those actions may be fulfilled by the Executive Director / Title IX Coordinator or their designee.

- The purpose of the advisor is to support an individual during the process. An advisor is permitted to accompany the individual to meetings and interviews, if any, throughout the process. In selecting an advisor, each party should consider the potential advisor's availability to attend meetings, which may occur in person. As a general matter, the University will not delay its process to accommodate the schedules of advisors.
- Advisors may confer with their advisee, but advisors may not actively participate in the process. The advisor may accompany the Complainant or Respondent to all meetings relating to the process. The advisor may not appear in lieu of the Complainant or Respondent or speak on their behalf in either in-person or written communications to the University. The advisor may not communicate directly with any school official involved in the process and may not interrupt or otherwise delay the process.
- If a party selects an attorney as an advisor, the advisor's participation in the process is in the role of an advisor and not as an attorney representing a party. The advisor will have access to highly confidential information and is prohibited from sharing information obtained as an advisor during the process with anyone, including another in an attorney-client relationship with the party.
- Parties must notify the Executive Director / Title IX Coordinator whom they have selected as their advisor. Each party must complete / sign a FERPA release giving the advisor access to the party's education records that are relevant to the complaint resolution process.
- The University will notify a party to a process if another party involved in the process has obtained an advisor.
- The University reserves the right to dismiss an advisor with cause.

### **9.3 Requests for Accommodations**

Individuals who need accommodation should contact the Executive Director / Title IX Coordinator. The University will consider requests for accommodations submitted to the Executive Director / Title IX Coordinator on a case-by-case basis. Accommodations the University may provide include:

- Providing reasonable accommodations as required by law to an individual with a disability who requests an accommodation necessary to participate in the process.
- Providing an interpreter for individuals who are limited English-language proficient.

Requests for disability-related accommodations may also be made directly to the Office of Disability Accommodation Support ("ODAS") (for students) or Human Resources (for employees), with a copy to the Executive Director / Title IX Coordinator. Contact information is available in section 6 of this Policy above.

### **9.4 Obligation to Act in Good Faith and Be Truthful**

Reports of alleged prohibited conduct, including complaints, should be made in good faith. Reports that are not made in good faith may be a form of Retaliation and Interference with Process under this Policy and / or may violate other University policies. All parties and witnesses have an obligation to be truthful in a process under this Policy.

#### **9.5 Witness Participation**

Through our commitment to a Christian life, Liberty community members live a life of personal integrity, sensitivity to the needs of others, and social responsibility. Among other virtues, as followers of Jesus Christ, we seek righteousness, mercy, and justice. In keeping with these virtues, Liberty students and employees who may be witnesses or have relevant information to a report or complaint of prohibited conduct are expected to participate in the process under this Policy when requested by the Executive Director / Title IX Coordinator or another University representative.

#### **9.6 Confidentiality and Privacy**

The University strives to protect the privacy interests of all parties involved in a report of prohibited conduct. Allegations of prohibited conduct are considered private and generally will only be shared with other University employees on a need-to-know basis. However, because of the need to respond equitably to reports of alleged prohibited conduct, the University cannot guarantee strict confidentiality in most cases. Individuals with concerns regarding confidentiality may speak with the Executive Director / Title IX Coordinator about the process.

#### **9.7 Conflicts of Interest**

If a Complainant or Respondent has any concern that any individual acting for the University under this Policy has a conflict of interest or bias, such concern should be reported in writing to the Executive Director / Title IX Coordinator. Any concern regarding a conflict of interest or bias must be submitted within two (2) calendar days after receiving notice of the potentially conflicted / biased person's involvement in the process. The Executive Director / Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest or bias exist on the part of anyone acting for the University under this Policy.

If Complainant or Respondent has any concern that the Executive Director / Title IX Coordinator has a conflict of interest or bias, such concern should be reported in writing to the General Counsel.

The parties should be mindful that the University has a small and close-knit campus community. That a Complainant or Respondent simply knows a person acting for the University under this Policy or has had some limited interaction with such a person generally would not be deemed a disqualifying conflict of interest or bias that would preclude that person's involvement in the process. However, the University encourages the parties to bring any concern of conflict of interest or bias to the Executive Director / Title IX Coordinator's attention for consideration.

#### **9.8 Investigation**

In instances where the Executive Director / Title IX Coordinator determines that the appropriate responsive process involves assigning an investigator to the report or complaint, the University will designate one or more investigators. The investigator(s) will conduct the investigation in a manner appropriate to the circumstances of the case. Investigations may include interviews with the Complainant, the Respondent, and appropriate witnesses, and gathering any relevant and available evidence. The Complainant and Respondent will be given equal opportunities to inform the investigator(s) of any witnesses they believe should be interviewed, other evidence they believe should be reviewed by the investigator(s), and questions they believe should be asked of the other party or any witnesses. The investigator(s) will assess the relevance of the proposed witnesses, evidence, and / or questions and determine the scope of the investigation. All determinations of whether prohibited conduct occurred under this Policy are made using the “preponderance of the evidence” standard of review. Simply put, a determination of responsibility under this Policy means that it is more likely than not that the prohibited conduct occurred.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair. All individuals will be treated with respect.

## **10. SANCTIONS AND REMEDIES**

Should a Respondent be found responsible for prohibited conduct, the University reserves the right to take whatever available measures it considers necessary to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community. Not all instances of prohibited conduct will be deemed equally serious. Remedies or sanctions may be tailored based on the severity of the offense and any previous conduct violations.

Sanctions and remedies may be imposed alone or in combination. Examples of possible sanctions and remedies include, but are not limited to:

- Verbal or written warning or reprimand;
- University probation;
- Points;
- Dismissal, ranging from one (1) semester to five (5) years with possible reinstatement requirements determined by the University;
- Expulsion;
- Withholding of diploma or degree for a defined period of time or until the completion of assigned sanctions;
- Temporary or permanent revocation of degree;
- Revocation of admission to Liberty;
- Temporary or permanent restricted access to areas of campus, and campus events, activities, organizations, or courses;
- Temporary or permanent removal from class or living or housing assignment;
- Conditions upon presence on campus or at University events;
- Campus ban;

- No contact directive;
- Required attendance at an educational training, meetings, or program;
- Writing a reflection paper;
- Behavioral contracts;
- Fines;
- Written apology;
- Required assessment, counseling, or recovery program;
- Community service hours;
- Loss of salary or benefit, such as travel funding;
- Suspension of promotion and salary increments ranging from one (1) semester to five (5) years, with possible reinstatement requirements required by the University;
- Removal or non-renewal of scholarships or honors;
- Transfer or change of job or responsibilities;
- Demotion;
- Termination of employment; and
- Payment of restitution or costs incurred.

## 11. **APPEAL OF DECISION**

Respondents who are found responsible for prohibited conduct and were subject to a penalty of either: (1) a dismissal of more than one semester, (2) expulsion, or (3) termination have the right to appeal the decision or the sanction or both, provided one or more ground(s) for appeal are met. Grounds for appeal are as follows:

- Material procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the matter; and
- The Executive Director / Title IX Coordinator, investigator(s), or other decision-maker(s) had a conflict of interest or bias that affected the outcome of the matter.

### **Requesting an Appeal**

To request an appeal, the Respondent must submit a written appeal statement, not to exceed 2,000 words, challenging the outcome of the process. The written appeal statement must explain which of the grounds above the Respondent is invoking for the appeal. The written appeal statement must not merely assert the ground(s) for the appeal but must also provide support for the ground(s). Example: if asserting a material procedural irregularity, the Respondent must identify the procedural irregularity that occurred and explain how the procedural irregularity affected the outcome. In other words, explain how, without the procedural irregularity, the decision-maker would have reached a different conclusion or imposed a more lenient sanction. The written appeal statement must be received by the Executive Director / Title IX Coordinator within two (2) calendar days following the date the Respondent was notified of the outcome of the process. While the Respondent may be assisted by an advisor in preparation of the appeal, the appeal statement

must be submitted by the Respondent, must be the Respondent's own statement, and may not be used to submit the statements of others on Respondent's behalf. Failure to file a timely written appeal statement constitutes a waiver of any right to appeal.

When a timely written appeal statement is received, the Executive Director / Title IX Coordinator will first review the appeal statement to determine whether the appeal states a permissible ground for appeal (as set forth above). The Executive Director / Title IX Coordinator may remove or redact any portions of the appeal statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the appeal process. If the written appeal statement fails to meet any of the ground(s) or required information for appeal, the Respondent will be notified, and the appeal may be denied.

### **Consideration of Properly Stated Appeal**

If the Executive Director / Title IX Coordinator determines that the appeal states a permissible ground for appeal and meets the required information outlined above, the Complainant will be notified of the appeal and provided an opportunity to review the appeal statement and submit a written response in support of the original finding of responsibility and / or the original sanction. Any written response from the Complainant in support of the original finding and / or the original sanction must not exceed 2,000 words and must be submitted to the Executive Director / Title IX Coordinator within two (2) calendar days of receiving notice of the appeal. While the Complainant may be assisted by an advisor in preparing the responsive appeal statement, the responsive appeal statement must be submitted by the Complainant and must be the Complainant's own statement and may not be used to submit the statements of others on the Complainant's behalf.

The Executive Director / Title IX Coordinator will review any responsive appeal statement and may remove or redact any portions of the statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the process.

The Executive Director / Title IX Coordinator will appoint one or more appeal officer(s) to consider the appeal. It is within the appeal officer(s) discretion to request additional information, including a statement from the investigator(s). The appeal officer(s) will not rehear the case. Rather, the appeal officer(s) will determine whether it is more likely than not that the asserted ground(s) for appeal have been satisfied. If the appeal officer(s) determines that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal is satisfied:

- The appeal officer(s) may overturn the original determination or impose a lesser sanction, depending upon if the appeal is of the determination or the sanction or both;
- The appeal officer(s) may remand the matter for a new determination and / or sanction consistent with the appeal officer(s)' findings if the appeal officer(s) cannot conclude it is more likely than not that, with the new evidence, the Respondent would have been found not responsible for any prohibited conduct or received a lesser sanction.

- The appeal officer(s) may remand for a lesser sanction consistent with the appeal officer(s)' findings if the appeal officer(s) cannot decide the appropriate lesser sanction(s).

If the matter is remanded and the determination on remand is a finding of responsible and the imposition of a sanction of dismissal of more than one semester, expulsion, or termination of employment, the determination made on remand is also appealable, provided one or more of the above grounds for appeal are met.

If the appeal officer(s) determines that there is insufficient evidence to conclude that it is more likely than not that at least one ground for appeal has been satisfied, the appeal officer(s) will dismiss the appeal. This dismissal decision is final and is not appealable.

The appeal officer(s) will simultaneously issue an appropriate written decision to the Respondent and the Complainant. The University will strive to complete the appeal within twenty (20) calendar days following the appeal officer(s)' appointment; however, in some cases, more time may be required.

## 12. **EXTERNAL REPORTING**

Inquiries / complaints may be directed to the U.S. Department of Education Office for Civil Rights:

The Office of Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-1100  
Telephone: (800) 421-3481  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
<http://www.ed.gov/ocr>