

# Shorter University

## Title IX Policy

### Introduction

Shorter University is committed to building and preserving a community in which all of its members can work and live together, free from all forms of exploitation, intimidation and harassment, including sexual harassment.

Shorter University affirms a commitment to Christian values and works to provide a campus community environment free from harassment. Shorter also is committed to recognizing, upholding, and enforcing the laws of the United States and the State of Georgia. Violation of those laws shall not be condoned on the campus or at any activity held off campus by any constituency. It is the policy of Shorter University, in keeping with the efforts to establish an environment in which the dignity and worth of all members of the institutional community are respected, that sexual harassment of students and employees at Shorter University is unacceptable conduct and will not be tolerated. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, when that behavior falls within the definition outlined below. Shorter University's sexual harassment policy applies equally to all individuals classified as a student, faculty, or staff member. Any reported incident of possible sexual harassment or assault will be investigated promptly.

Harassment violates federal and state laws, including, but not limited to, Title VII of the Civil Rights Act of 1964, which prohibits harassment in the workplace, and Title IX of the Education Amendments of 1972, which prohibits harassment of students as a form of discrimination that denies or limits a student's ability to participate in or benefit from the University's programs. Inquiries about Shorter's sexual harassment policy should be directed to the Title IX Coordinator by contacting the Office of the Vice President for Student Affairs (Fitton Student Union, room 237, 706-233-7232).

Additionally, The Campus Save Act is a 2013 amendment to the federal Jeanne Clery Act. SaVE was designed by advocates along with victims/survivors and championed by a bi-partisan coalition in Congress as a companion to Title IX that will help bolster the response to and prevention of sexual violence in higher education.

SaVE requires colleges and universities, both public and private, participating in federal student aid programs (covering virtually every campus in the United States) to increase transparency about the scope of sexual violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus community-wide prevention educational programming.

If you have any questions, feel free to reach out to the various campus resources available to you or contact the Title IX Coordinator by contacting the Office of the Vice President for Student Affairs (Fitton Student Union, room 237, 706-233-7232).

## Reporting

The University encourages the reporting of all perceived incidents of sexual discrimination, harassment, or misconduct. Shorter encourages those who have experienced any form of sex discrimination or misconduct to seek all available assistance, and to utilize the University grievance process and/or criminal prosecution of the alleged offender.

The University will support each individual in making decisions to report and will respect the individual's autonomy in deciding how to proceed to the extent possible. However, the University will balance the individual's interest with its obligation to provide an overall safe environment.

### **Off Campus Reporting**

Shorter University encourages all individuals to seek assistance from law enforcement immediately after an incident of sexual misconduct. To report such incidents to local law enforcement call:

Emergency Assistance	911
Rome Police Department	706-238-5111
National Sexual Assault Hotline	1-800-656-HOPE (4673)

### **On Campus Reporting**

The Shorter University Title IX grievance process begins when the University has "actual knowledge". Actual knowledge means notice to the Title IX Coordinator, or to an official with authority to institute corrective measures on the recipient's behalf. A report may be made to the Title IX Coordinator or a Responsible Employee in person, by telephone, in writing, or by email.

Title IX Coordinator contact information:

Ken Whitlow  
Fitton Student Union Room 237  
706-233-7232  
[kwhitlow@shorter.edu](mailto:kwhitlow@shorter.edu)

Individuals who believe they have either witnessed or been subjected to unlawful sex discrimination, harassment or violence may contact:

- **Title IX Coordinator** (706) 233-7232
- Director of Residence Life Office/Student Conduct (706) 233-7315
- Campus Safety (706) 233-7911
- Human Resources (706) 233-7444

NOTE: In the event that sexual assault or sexual violence occurred, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. (The decision to press charges does not have to be made at this time. However, following these procedures will help

preserve this option for the future.) Survivors should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed; but if this occurs, bring all original clothing to the hospital in a paper bag. (Plastic bags damage evidence.)

### **Responsible Employee**

All employees of Shorter University are considered to be a “Responsible Employee” and are required to report any incident of perceived sexual discrimination, harassment, or misconduct.

A Responsible Employee is defined as an employee:

- (a) Who has the authority to take action to redress sexual violence/harassment, or
- (b) Who has been given the duty of reporting incidents of sexual violence or any other misconduct by students or employees to the Title IX Coordinator or other appropriate school designee, or
- (c) Whom a student, faculty, or staff member could reasonably believe has this authority or duty.

The Title IX Coordinator must be informed of all reports and complaints related to this policy. Once the Title IX Coordinator receives actual knowledge of a complaint, the University is obligated to address the alleged Title IX issue.

### **Confidential Resources**

University counseling and health services personnel are considered confidential sources and are exempt from the mandatory reporting obligation of Responsible Employees. The Shorter University Campus Minister is also considered a confidential source. This means that should a potential Complainant of alleged sexual misconduct/harassment disclose the incident to a University counselor, health services employee, or the Campus Minister the incident will not be reported to the Title IX Coordinator without the individual’s consent.

On campus confidential resources may be contacted at:

Office of Student Support Services  
Fitton Student Union Room 222  
706-233-7417  
M-Th. 8:30 a.m. – 5:00 p.m.  
F 8:30 a.m. – 3:00 p.m.  
[www.shorter.edu/student-support-services](http://www.shorter.edu/student-support-services)

Campus Ministry Office  
Fitton Student Union Room 230  
706-233-7329  
droland@shorter.edu

### **Scope of Policy**

Shorter University’s Title IX policy on sexual harassment or misconduct applies to incidents which occur within the education programs or activities of the University. The education programs or activities include locations, events, or circumstances over which the school exercises substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student

organization that is officially recognized by the University (such as a fraternity or sorority house). The policy is applicable whether such program or activity occurs on or off campus.

### Rights of Complainant and Respondent

1. Right to be informed of the grievance process and all available options for resolution
2. Right to review all reports involved in the investigation
3. Right to supportive measures and access campus resources
4. Right to an advisor of their choice
5. Right to a prompt, fair, impartial investigation of all complaints
6. Right to present witnesses and other evidence relevant to allegations
7. Right to speak on their own behalf
8. Right to review any information that will be offered by the other party in support of the other party's position (consistent with FERPA regulations)
9. Right to a live hearing
10. Right to object to a Title IX Coordinator, Investigator, Decision-maker, Appeal Officer based on bias or conflict of interest
11. Right to be informed in writing of the findings of any investigation or hearing simultaneously
12. Right to appeal a final decision

### Definitions

**Advisor** is an individual chosen by the Complainant or Respondent to provide support throughout the Title IX Complaint Resolution Process. The Advisor's role is limited to a role of support during the process. The Advisor's role of support is at the sole discretion of Complainant and/or Respondent. If the complaint proceeds to a formal investigation, an Advisor is required for the live hearing. If the party has not chosen an advisor prior to the live hearing, the University will provide an Advisor to the party for the purposes of the live hearing. During a live hearing the Advisor will conduct the cross-examination as allowed on behalf of the Complainant or Respondent.

**Coercion** is the practice of forcing another party to act in an involuntary manner of use of intimidation or threats or some other form of pressure or force. Coercion may include the use of emotional manipulation to persuade someone to do something the person may not want to do. Being coerced into having sex or performing sexual acts is not consenting sex and such conduct is considered Sexual Misconduct.

**Consent** is *informed*. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is *voluntary*. It must be given without coercion, force, threats, or intimidation. Consent means the communication of an affirmative, conscious, and freely made decision by each participant to engage in agreed upon forms of sexual activity.

Consent is *revocable*. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Consent cannot be given when a person is *incapacitated*. A person cannot consent if he or she is unconscious or coming in and out of consciousness. A person cannot consent if he or she is under the threat of violence, bodily injury, or other forms of coercion. A person cannot consent if his or her understanding of the act is affected by a physical or mental impairment. A person cannot consent if he or she is under the influence of alcohol or drugs.

**Dating Violence** is violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship will be determined based on a consideration of the following factors: 1) the length of the relationship, 2) the type of relationship, and 3) the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** is defined as abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant or person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

**Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation, and coercion that overcomes resistance or produces consent.

**Officers with Authority** include those University employees who have the authority to redress prohibited misconduct under Title IX. Other employees may be required by the University to report any known allegations of a Title IX violation; however, they are not authorized by the University to resolve or redress sexual misconduct on behalf of the University.

**Rape** is forced sexual intercourse that is perpetrated against the will of a person or when the person is unable to give consent (i.e., unconscious, asleep, or under the influence of alcohol or drugs) and may involve physical violence, coercion or the threat of harm to the individual.

**Retaliation** is when action is taken against a Complainant or participant in the complaint process that (i) adversely affects the individual's employment or academic status; and (ii) is motivated in whole or in part by the individual's participation in the complaint process.

**Sexual Assault** includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's mental or physical incapacitation. The

conduct may include physical force, violence, threat or intimidation, duress, menace, or fear of immediate and unlawful bodily injury on the person of another.

**Sexual Exploitation** refers to a situation in which a person takes or attempts to take non-consensual or abusive sexual advantage of another. Examples of sexual exploitation include, but are not limited to:

Sexual voyeurism (such as watching a person undressing or using the bathroom without the consent of the person observed); and

Taking pictures, video, or audio recording another in a sexual act or in any other private activity without the consent of all involved in the activity or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity or disseminating sexual pictures without the photographed person's consent).

**Sexual Harassment** is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, on or off campus, when: 1) submission to such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or progress; or 2) submission to or rejection of such conduct is used as the basis for employment decisions or for academic evaluation, grades or advancement; or 3) such conduct is so severe, pervasive and objectively offensive that it denies a person equal education access; or 4) any instance of sexual assault, dating violence, domestic violence, or stalking.

Sexual Harassment, for the purposes of Title VII, also includes any such conduct that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating or hostile academic or work environment. Sexual harassment may take many forms. Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, administrators, staff, student employees, students, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, or visitors). Sexual harassment may occur in hierarchical relationships, between peers or between individuals of the same sex or opposite sex.

Examples of sexual harassment include, but are not limited to: subtle or persistent pressure for sexual activity; unnecessary touching, pinching or brushing against a person; requesting or demanding sexual favors concerning employment, academic activities or other University activities; unwelcome communications (verbal, written, electronic, etc.) of a sexual nature; failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior.

**Sexual Misconduct** is a broad, non-legal term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature or other inappropriate sexual behavior as determined by the University. This term can include sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. However, this term also includes conduct of a sexual nature which may not rise to the level above but is conduct that, as a Christian higher education institution, the University determines, in its sole discretion, is inappropriate based upon the teaching and ethical standards drawn from Scripture. Using this term serves to differentiate the University standards of conduct, which are biblically based, administrative and educational, from the criminal and civil justice systems in which people are charged with crimes that carry criminal penalty or found liable for civil violations. The University may find that a person has committed misconduct under the University student or faculty/staff code of conduct even though the legal standard may not hold them accountable.

**Stalking** includes a course of conduct directed at a specific person that would cause a reasonable person to: 1) fear for his or her safety or the safety of others; or 2) suffer substantial emotional distress. Such behaviors or activities may include, but are not limited to, non-consensual communications (i.e., face-to-face, telephone, email, and social media), threatening or obscene gestures, surveillance or showing up outside the targeted individual's classroom, residence, or workplace.

### Supportive Measures

The University will offer supportive measures to every Complainant, free of charge, and regardless of whether or not the Complainant wishes to initiate the formal grievance process. Supportive measures are individualized services to restore or preserve equal access to the University's program and activities, protect student and employee safety, or deter sexual harassment. Supportive measures may include, but are not limited to:

- Issuance of "No-contact Order"
- Alternatives in class schedule or course completion
- Residence hall reassignment
- Rescheduling of exams or assignments
- Limiting access to University property or activities pending resolution
- Leave of absence for employees
- Change in work schedule or office assignment

### Grievance Process

The process begins with the filing of a Formal Complaint with the Title IX Coordinator. A Formal Complaint is a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint alleging sexual harassment against a respondent and requesting that the school investigate the allegation.

The grievance process includes:

- Written Notice of Allegations
- Investigation by a neutral, objective investigator
- Live hearing
- Informal resolution, when applicable and consented to by each party
- Right to appeal
- Written notice of outcome provided simultaneously to each party

The University will use the “preponderance of the evidence” standard, which means more likely/probable than not, in resolving all allegations of violation of this policy.

The Respondent will be presumed not responsible for the allegations until a determination of responsibility has been made at the conclusion of the grievance process.

### **Investigation**

1. Title IX Coordinator will assign an investigator
2. Written Notice of Allegations will be provided to each party
3. The burden of proof and gathering of evidence rests on the University
4. The investigator will conduct a thorough and objective search for relevant facts and evidence pertaining to the formal complaint. The investigator will request and conduct interviews with the Complainant, Respondent, and witnesses. Written notice will be provided to each party including the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare and participate.
5. The parties have a right to have an advisor, who may or may not be an attorney, present during the interview(s). However, the advisor may not speak on the party’s behalf during, or participate directly in, meetings or other proceedings prior to the live hearing.
6. Each party will have equal opportunity to present witnesses and evidence, or not to participate in the investigative process.
7. The investigator may independently identify and interview witnesses and obtain evidence other than that offered by the parties. The investigator may decline to interview witnesses unlikely to yield relevant information. The investigator will decline to interview character witnesses if they have no relevant information about the incident.
8. All interviews will be audio recorded (if applicable). Interviewees may request their recorded interview.
9. Neither party shall be restricted from discussing the allegations under investigation or from gathering and presenting evidence.
10. The investigator will seek, but not require, a waiver of legal privilege if information protected under a legally recognized privilege is provided by or sought. Information protected by legal privilege may not be relied upon by the investigator or decision-makers unless the privilege is waived.

11. 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 are offered to prove consent.
12. Once the investigator finishes gathering the available evidence, the investigator will compile all the information directly related to the allegations raised in the formal complaint, including the evidence upon which the school does not intend to rely in reaching a determination. This information is compiled into the "investigative report".
13. The investigator shall send the parties and their advisor the "investigative file" (redacted), so that each can meaningfully respond to the evidence prior to the conclusion of the investigation.
14. Upon receiving the "investigative file", the parties have 10 days to submit a written response, to be included as an addendum to the "investigative file," which the investigator will consider prior to completion of the "investigative report." The party can argue for evidence not included in the report to be included. The investigator will provide each response to the "investigative file" to the other party. Each party will have 2 days to respond to the other party's response.
15. Investigator creates an "investigative report" that fairly summarizes relevant evidence and, at least 10 days prior to hearing, sends to each party and the party's advisor, the investigative report for the parties' review and written response.
16. Upon reviewing the "investigative report" and any written responses thereto, the Title IX Coordinator will determine whether the investigation reveals facts requiring or permitting dismissal of the formal complaint. If dismissal is warranted, the Title IX Coordinator will inform the parties, in writing, of the dismissal decision, the reason therefore, and an opportunity to appeal the dismissal.
17. If the Title IX Coordinator determines that the matter should not be dismissed, the Title IX Coordinator will send a Notice of Hearing contemporaneously to the parties.

### **Pre-Hearing**

1. The Title IX Coordinator will appoint decision-makers (Hearing officer or Hearing Panel) consisting of trained staff and/or faculty who are free of bias or conflict of interest.
2. The Title IX Coordinator will provide written "Notice of Hearing" to the parties including date, time, location, participants (including witnesses), and purpose of the hearing at least 10 days before the hearing.
3. Each party will be allowed 24 hours to object to any appointed decision-maker(s) on grounds of perceived bias or conflict of interest. The grounds of objection must be articulated in writing. The Title IX Coordinator will decide whether to replace any decision-maker(s).

4. The Title IX Coordinator will provide decisionmaker(s) and parties/advisors the Investigative Report and all “relevant” evidence relied upon within the Investigative Report and the parties’ responses thereto at least 10 days prior to the hearing.
5. The Hearing Officer/Chair will:
  - Hear and rule on any evidentiary challenges raised by parties
  - Review any pre-submitted cross-examination questions for relevance (optional for parties to pre-submit)
  - Conduct overview of rules and procedures for the hearing – Answer hearing process-related questions
  - Address requests for an accommodation due to a disability
  - Test technology

### **Live Hearing**

If a Formal Complaint cannot be resolved through an informal process or if either the Complainant or the Respondent requests a Hearing, a formal live hearing will be conducted by a Hearing Officer or Hearing Panel. Under this option, the following rules apply:

1. Unless waived by the parties, following the pre-Hearing conference the parties will be given a minimum of ten (10) business days’ notice of any formal Hearing. The notice must include the date, time, and location of the Hearing, as well as instructions for those participating in Hearings through online means.
2. Within five (5) business days of the Notice of Hearing, parties will be required to identify Witnesses to be called at the Hearing, as well as to provide a brief written explanation of the information each Witness would be asked to provide, such that the presiding Hearing officer can determine their relevance. The presiding Hearing officer has the discretion to exclude from the Hearing Evidence/Witnesses/questions deemed irrelevant.
3. Hearings will be closed to the public. The University shall create an audio or audiovisual recording, or transcript, of any live Hearing and make it available to the parties for inspection and review. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the Hearing.
4. A Complainant and a Respondent at a Hearing must have an Advisor with them. In cases in which a party does not have an Advisor, the University will provide an Advisor, at no expense, to assist them in the Hearing process.
5. Cross-examination of the Complainant, Respondent, and any Witnesses may not be conducted by the opposing party but must be conducted by their Advisor. Questions are to be directed to the presiding Hearing officer or Hearing panel chair, who will determine whether or not each question will be admitted into the Hearing. If a question is deemed repetitious or not relevant, the decision-maker(s) must explain the decision to exclude it. When parties are being subjected to cross-examination, the Advisor may not answer on behalf of the party. Doing so could result in removal from the proceeding.
6. 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 alleged conduct, 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. The presiding Hearing officer makes final determinations on the relevance of questions and Evidence.

7. Attendance at a Hearing may be in person or may be conducted through remote means, provided that all parties and the presiding Hearing officer or Hearing panel can see and hear one another in real time during the course of the Hearing.
8. If a Complainant, Respondent, or Witness is not in attendance at a live Hearing, the Hearing officer or Hearing panel cannot rely on the previously submitted statements of the absent party in reaching a determination, but may utilize all other Evidence, including Witnesses who interacted with the absent party, but not hearsay testimony of what the absent party told that individual. A Complainant, Respondent, or Witness statement can also not be utilized in a determination if that person refuses to submit to cross-examination at a live Hearing.
9. Hearing officers/Hearing panels cannot draw an inference 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.
10. No Hearing officer or Hearing panel member can also serve as an investigative authority or Appellate Authority in the same Complaint
11. Following the Hearing, the Hearing officer or Hearing panel will have three (3) business days to issue a decision letter. The decision letter must be sent simultaneously to both/all parties.
12. Decision letters must include:
  - a. The identification of the allegations;
  - b. A description of the procedural steps taken from the receipt of a Formal Complaint through determination, including any notifications to the parties, interviews with parties and Witnesses, site visits, methods used to gather other Evidence, and Hearings held if any;
  - c. Findings of fact supporting the determination;
  - d. Conclusion regarding the application of the University's Standard of Student Conduct standards to the facts;
  - e. 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 University's Education Program or Activity will be provided by the University to the Complainant, and;
  - f. The University's procedures and permissible bases for the Complainant and Respondent to appeal.
13. If for any reason there is reasonable cause for the University to delay the issuance of the decision letter, this will be communicated to the parties by the Title IX Coordinator.
14. If a Student Respondent withdraws or graduates from the University pending the resolution of a Complaint, the process will continue and, the University will not issue a transcript on behalf of the Student until the conclusion of the process.

## **Informal Resolution**

At any time prior to the determination of a final decision, the parties may seek Informal Resolution to resolve the Complaint. The following conditions apply to Informal Resolution:

1. Informal Resolution is a voluntary process. No party may be compelled to participate in Informal Resolution. Informal Resolution shall be initiated upon the written Consent of the parties.
2. Prior to an Informal Resolution, the parties will be provided with: (a) written notice of the allegations; (b) the requirements of the Informal Resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and (c) the consequences of withdrawing from the informal process and resuming the formal process, and including the records that will be maintained or could be shared.
3. Once a party agrees to participate in Informal Resolution, they may withdraw from the process at any time prior to a final agreement and resume the formal grievance process. Information shared in the Informal Resolution process may not be introduced into the formal process without independent Evidence.
4. Once a final agreement is established through Informal Resolution, the Complaint may not return to the Formal Complaint process unless one or both parties fails to abide by any conditions established in the agreement. Informal Resolution format options include mediation and restorative conferences and other forms of facilitated dialogue.
5. Mediation may not be used to resolve complaints of Rape, Statutory Rape, Dating Violence, Domestic Violence, Stalking Based on Sex, or any case in which imminent threats of harm may exist.
6. The University may not offer an Informal Resolution process in sex-based complaints unless a Formal Complaint is filed and may not offer or facilitate an Informal Resolution process to resolve allegations that a University Official sexually harassed a student.

## **Sanctions**

1. Judicial sanctions or other actions that are not considered supportive measures may not be imposed on a Respondent prior to a determination of responsibility except in cases meeting the requirements for removal on an emergency basis. The University may deem emergency removal necessary in order to protect students' rights and personal safety.
2. Sanctions will be determined by the Hearing Officer/Panel.
3. Sanctions if a Respondent is found responsible include, but are not limited to:
  - Expulsion
  - Suspension
  - Probation
  - Written warning or reprimand
  - Mandatory counseling

4. A University employee/official found to be responsible for a violation of this policy will be subject to discipline up to and including termination of employment.
5. No student, University employee or official will be subject to retaliation or discipline for reporting, in good faith, an incident of sex discrimination, or sexual misconduct/harassment.
6. Both Complainants and Respondents will be informed in writing of any and all sanctions imposed.

## **Appeals**

A Complainant or Respondent may appeal the decision of the decision-maker(s) by submitting a written statement to the Title IX Coordinator within three business days of the date the decision letter is sent to the parties.

1. Two types of appeals will be considered:
  - a. Appeal of the process for a determination regarding responsibility
  - b. Appeal of the process following a mandatory or discretionary dismissal of a formal complaint or an allegation contained in a formal complaint
2. The three grounds for appeal are:
  - a. Procedural irregularity that affected the outcome
  - b. **New** evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome; and
  - c. Title IX Coordinator, investigator(s), and/or decision-makers had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.
3. Each party will be notified in writing by the Title IX Coordinator when an appeal is filed
4. If the appeal is timely, the Title IX Coordinator will appoint an Appeal Officer, who cannot be one of the original decision-makers, investigator, or Title IX Coordinator, to hear the appeal.
5. The appeal will be confined to a review of the documentation and record of the investigation and hearing, and pertinent documentation regarding the grounds for appeal. The appeal does not create an entitlement to a new investigation or full re-hearing of the Complaint.
6. Upon receipt of the Appeal the Appeals Officer will have 5 business days to issue a written determination. The Appeal Officer may take one of three actions on the appeal:
  - a. Dismiss the appeal for failure to meet the grounds of appeal, upholding the initial outcome, and sanctions.
  - b. Remand to the original investigator or hearing officer/panel with specific instructions on the remanded issue(s).
  - c. Modify the outcome and/or sanction with a rationale supporting the modification.
7. The Title IX Coordinator will simultaneously forward the Appeal Officer's written decision to each party.
8. The Appeal Officer's decision is final and there are no further appeal options.

## Training

Shorter University satisfies its responsibility to educate all community members through a variety of programs.

1. All students and employees will receive training on the Title IX policy annually. At hall meetings during the first week of classes in both Fall and Spring semester, Residence Life staff will provide information to all students regarding sexual assault and awareness, as well as reporting options and supportive resources on campus.
2. The University will provide appropriate training to University Officials with responsibilities under this Policy, including the Title IX Coordinator, Investigators, Hearing panel members, appeal panel members, and any individual who facilitates the Informal Resolution process.
3. Such training will cover the definition of Title IX Sexual Harassment, the scope of the University's Education Program or Activity, how to conduct an investigation and grievance process including Hearings, appeals, and Informal Resolution processes under this policy, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
4. The University will ensure that Hearing panel members receive training on any technology to be used at a Hearing and on issues of relevance of questions and Evidence, including questions and Evidence about the irrelevancy of Complainant's sexual predisposition or prior sexual behavior.
5. The University will ensure that Investigators receive training on issues of relevance in order to create an investigative report that fairly summarizes relevant Evidence. These training materials are publicly available on the University's Title IX website and will be made available for in-person review upon request.

## **Record Keeping**

The University will maintain records for a period of seven years regarding investigations, hearings, resolutions (formal or informal), sanctions, dismissals, appeals and training.