

**Ohio Wesleyan University**  
**Policy on Sexual Misconduct,**  
**Including Sexual Harassment and Discrimination**  
*Updated August 2017*

**I. Introduction**

Ohio Wesleyan University (OWU) affirms its commitment to a safe and healthy educational environment and to the principle that its students have a right to be free from all forms of sexual misconduct, which includes sex- or gender-based harassment, discrimination or violence. The University will respond appropriately to notice of any form of sexual misconduct. When the University receives notice of an allegation of sexual misconduct, the University will conduct a prompt and fair investigation and will work to stop the misconduct and eliminate any hostile environment that the sexual misconduct creates; remedy the impact on the survivor or others impacted by the conduct; redress wrongs created by the misconduct; and prevent its recurrence. Sexual misconduct violates University policy, state and federal civil rights laws, and, in many cases, criminal law.

**II. Scope of Policy**

**A. Conduct Covered**

Sexual misconduct includes sexual harassment, discrimination, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, stalking, and intimate partner violence when these behaviors have a gender-based element.

**B. Persons Covered**

This policy applies to allegations of sexual misconduct **when full or part-time students are the accused**. If the **accused is a non-student employee of the University** go to <http://policies.owu.edu/pdfs/HarassmentPolicy.pdf>. Non-student employees can contact the Title IX Coordinator or Director of Human Resources for information on how to bring a sexual misconduct concern forward.

For purposes of this policy, full or part-time students employed by the University are defined as students, and University employees who take classes part-time are defined as employees. If the **accused is neither a student nor employee**, contact the Title IX Coordinator to receive information on support resources and options for reporting.

This policy applies to all persons. Complainants (those who accuse) and Respondents (those who are accused) can be male or female, straight, gay, lesbian, bisexual, transgendered, queer or gender non-conforming.

**C. Jurisdiction**

The policy applies to allegations of sexual misconduct on or off campus. It applies in face-to-face encounters, social media and other forms of electronic and non-electronic communication. Regardless of where and how it occurs, the policy applies whenever sexual misconduct creates a discriminatory and/or hostile environment that significantly affects another student's access to education, or University benefits or activities.

### III. Definitions

#### A. Consent

- **Consent is:**
  - clear, and
  - knowing, and
  - voluntary,
  - words or actions,
  - that give permission for specific sexual activity.
- Consent is active, not passive.
- Silence, in and of itself, cannot be interpreted as consent.
- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
- In order to give consent, one must be of legal age.
- A person cannot obtain consent from someone who is incapacitated.

#### B. Incapacity

- **Incapacity is:**
  - The inability of an individual to make rational, reasonable decisions
  - because the individual lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
- Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
- The question of what the Respondent should have known is objectively based on what a reasonable person in the place of the Respondent, sober and exercising good judgment, would have known about the condition of the Complainant.
- This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of drugs. (Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>).

#### C. Types of Sexual Misconduct

Sexual misconduct offenses include, but are not limited to:

1. **Sexual Harassment**
2. **Sex- or Gender-Based Harassment**
3. **Non-Consensual Sexual Contact**
4. **Non-Consensual Sexual Intercourse**
5. **Sexual Exploitation**

6. **Stalking**
7. **Interpersonal Violence**
8. **Other misconduct that is sex or gender-based**

1. **Sexual Harassment**

**Sexual Harassment is:**

- Unwelcome,
- sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any University program is encouraged to report it immediately to the Title IX Coordinator or a Deputy Coordinator. Remedies, education and/or training will be provided in response.

Sexual harassment based conduct may be subject to disciplinary actions when it creates a hostile environment or takes the form of quid pro quo harassment.

**Hostile Environment**

**A Hostile Environment is created when sexual harassment is:**

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
  - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational (and/or employment), social and/or residential program.

**Quid Pro Quo Harassment**

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- By a person having power or authority over another constitutes sexual harassment when
- Submission to such sexual conduct is made either explicitly or implicitly as a term or condition of rating or evaluating an individual's educational (or employment) progress, development, or performance.
- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational (or employment) program.

Examples include, but are not limited to: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances, sexual violence, intimate partner violence, stalking, or gender-based bullying.

2. **Sex- or Gender-Based Harassment**

**Sex- or Gender-Based Harassment is:**

- Unfairly treating an individual or group of individuals differently than others on the

basis of sex or gender.

- The following behaviors are prohibited when based on sex or gender:
  - Treating one student differently from another in determining whether the student satisfies any requirement or condition for the provision of any aid, benefit, or service.
  - Providing different aid, benefits, or services or providing aid, benefits, or services in a different manner.
  - Denying any student any such aid, benefit, or service.
  - Subjecting students to separate or different rules of behavior, sanctions, or other treatment.
  - Aiding or perpetuating discrimination against a student by providing significant assistance to any agency, organization, or person that discriminates on the basis of sex in providing any aid, benefit, or service to students.
  - Otherwise limiting any student in the enjoyment of any right, privilege, advantage, or opportunity.

### 3. **Non-Consensual Sexual Contact**

**Non-Consensual Sexual Contact is:**

- any intentional sexual touching,
- however slight,
- with any body part or object,
- by a person upon another person,
- that is without consent and/or by force.

**Sexual Contact includes:**

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner (e.g. unwelcome kissing, unwelcome shoulder rubbing or other touching perceived by the recipient as sexually based).

### 4. **Non-Consensual Sexual Intercourse**

**Non-Consensual Sexual Intercourse is:**

- any sexual intercourse
- however slight,
- with any body part or object,
- by a person upon another person,
- that is without consent and/or by force.

**Intercourse includes:**

- Vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

### 5. **Sexual Exploitation**

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

#### **6. Sex- or Gender-based Stalking**

**Stalking is defined as:**

- A course of conduct, including electronic, verbal, or physical action
- That is repetitive and menacing
- Directed at a specific person
- On the basis of sex or gender
- That is unwelcome, AND
- Would cause a reasonable person to feel fear.

#### **7. Domestic/Intimate Partner Violence**

Domestic/Intimate Partner Violence is defined as violence or abuse between those in an intimate relationship to each other. Violence or abuse is not limited to physical abuse, but may be emotional and/or psychological as well.

#### **8. Other misconduct offenses that may fall under Title IX when the conduct is sex- or gender-based:**

- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender;
- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the

admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);

- Bullying, defined as:
  - Repeated and/or severe
  - Aggressive behavior
  - Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
  - That is not speech or conduct otherwise protected university policies

#### **IV. Attempted violations**

In most circumstances, the University will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

#### **V. Retaliation**

Retaliation occurs when an individual is harassed, intimidated, bullied, or discrimination against because they have chosen to make a complaint under this policy, participate in the investigation/adjudication of a complaint under this policy, or make a complaint to the Office of Civil Rights (OCR). For an act to be considered retaliation, it must have a discriminatory impact that limits or denies an individual's rights to their education, or participation in campus activities or other benefits. While the University cannot control all expression, and reserves the right to assess the impact on an individual, retaliation is prohibited and is a serious violation of University policy.

#### **VI. Parental Notification**

The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The University also reserves the right to designate which University officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

#### **VII. Methods of Reporting**

It is important for Complainants to understand that, with limited exceptions, all University employees (faculty, staff, administrators) are expected to immediately report actual or suspected sexual misconduct, including sexual harassment, discrimination, and violence to appropriate University officials. In order to make informed choices, it is important to be aware of confidential sources and mandatory reporting requirements of non-confidential sources when consulting campus resources.

On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected sexual misconduct, including sexual harassment or discrimination, to

appropriate University officials - thereby offering options and advice without any obligation to inform an internal or external agency or individual unless a survivor has requested information to be shared. Other resources exist for an individual to report crimes and policy violations and these resources will take action when an incident is reported to them.

The following describes the reporting options at Ohio Wesleyan University:

#### **A. Confidential Reporting Options**

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

- University Counseling Services: 740-368-3145 (or 3145 from a campus phone)
- Office of the University Chaplain: 740-368-3083 (or 3083 from a campus phone)
- Student Health Services: 740-368-3160 (or 3160 from a campus phone)

#### **B. Non-Confidential Reporting Options**

A Complainant has the right, and can expect, to have reports of sexual misconduct taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures. All OWU employees, excluding the confidential resources detailed above, are mandatory reporters under this policy and must share all details of the reports they receive with the University. Therefore, Complainants may want to consider carefully whether to share personally identifiable details with non-confidential employees.

#### **Request for Anonymity**

If a Complainant reports to a non-confidential resource, but does not wish for his/her/their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator or Deputy Coordinators. The Title IX Coordinator or Deputy Coordinators will then evaluate that request in light of the University's duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the University will likely be unable to honor a request for anonymity.

In cases where the Complainant, having reported to a non-confidential resource, requests anonymity and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the Complainant and the community to the extent possible based on the Complainant's limitations for privacy, but may not otherwise pursue formal action.

The University will take all reasonable and good faith steps to protect a Complainant's privacy, though privacy cannot be guaranteed. Following a report to a non-confidential resource, only a small group of officials who need to know will be told, including, as appropriate to address the matter, the VP for Student Engagement and Success/Dean of Students, Title IX Coordinator and team, Director of Public Safety, Director of Student Conduct and Community Standards, and Associate Dean for Student Success. Information will be shared as necessary with other administrators, investigators, witnesses and the Respondent.

### **C. Reporting to the Title IX Team**

Students are encouraged to report a concern directly to a member of the Title IX Team, who will review adjudication options, support resources, and appropriate accommodations that may be needed. A discussion of the concern directly with a Title IX team member is required for the Complainant to make a formal complaint with the University. Reports to the Title IX team can be made via email, phone or in person at the contact information below:

#### Title IX Coordinator

Dwayne Todd

Vice President for Student Engagement and Success/Dean of Students

HWCC 230

740-368-3135

[dk todd@owu.edu](mailto:dk todd@owu.edu)

#### Associate Dean for Student Success

Kristin Weyman

HWCC 211

740-368-3135

[kjweyman@owu.edu](mailto:kjweyman@owu.edu)

#### Title IX Deputy Coordinator – Student Conduct

Jess Ettell Irvine

Director of Student Conduct and Community Standards

HWCC Room 225

740-368-3175

[jlettell@owu.edu](mailto:jlettell@owu.edu)

#### Title IX Deputy Coordinator - Athletics

Kirsta Cobb

Associate Athletics Director/Senior Woman Administrator

Edward Gymnasium Room 109

740-368-3746

[ktcobb@owu.edu](mailto:ktcobb@owu.edu)

### **D. Reporting to the Office of Civil Rights**

OWU's Sexual Misconduct Policy complies with federal law. The University's policies are subject to Title IX of the Education Amendments of 1972. Title IX bans sexual discrimination in schools that receive federal financial aid. If you believe the University has failed to follow its Title IX obligations, you may contact the Office of Civil Rights in the US Department of Education ([ocr@ed.gov](mailto:ocr@ed.gov)).

## **VIII. Amnesty for Victims and Witnesses**

The University community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests

of this community that victims choose to report to University officials, and that witnesses come forward to share what they know. To encourage reporting, the University pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). The University pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the University will provide educational options, rather than punishment, to those who offer their assistance to others in need.

## **IX. False Reports**

The University will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

## **X. Rights of the Parties in Sexual Misconduct Cases**

The following rights are established for Complainants and Respondents:

### **A. Rights of the Complainant**

The following rights reference grievance procedures that are described more fully in the major section that follows titled “Sexual Misconduct, Including Sexual Harassment and Discrimination Grievance Procedures.”

- The right to an investigation and appropriate resolution of all credible reports or notice of sexual misconduct made in good faith to University officials.
- The right to be informed in advance of any public release of information regarding the incident, should the University have a duty mandated by federal requirements such as the Clery Act, to notify the campus community of an ongoing safety concern (the Complainant’s name or other personally identifying information would not be used).
- The right not to have any personally identifiable information released to individuals external to the investigation and hearing without his/her/their consent unless lawfully required to do so.
- The right to have University policies and procedures followed without material deviation.
- The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the Complainant’s desire.
- The right to have reports of sexual misconduct responded to promptly.
- The right to be notified of available counseling, mental health, victim advocacy, health, legal resources, student financial aid, visa and immigration resources, or other student services for victims of sexual assault, either on campus or in the community.

- The right to request a campus no-contact order (or a trespass order against a non-affiliated 3<sup>rd</sup> party) when someone has engaged in or threatens to engage in behavior covered by this policy that presents a danger to the welfare of the Complainant or others.
- The right to notification of, options for, and available assistance in changing academic and living situations after an alleged sexual misconduct incident, if so requested and if such changes are reasonably available (no formal report, or campus or criminal investigation need occur before this option is available).  
Accommodations may include:
  - Change of an on-campus student's housing to a different on-campus location;
  - Assistance from University support staff in completing the relocation;
  - Transportation accommodations;
  - Arranging to dissolve a housing contract and pro-rating a refund;
  - Exam (paper, assignment) rescheduling;
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal;
  - Alternative course completion options.
- The right to have the institution maintain such accommodations for as long as necessary, and for protective measures to remain as confidential as possible, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.
- The right to be informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the investigation report.
- The right to ask the University to interview witnesses, the opportunity to respond to the testimony of all witnesses, including the Respondent, and the right to challenge documentary evidence.
- The right to a hearing on the report (should a hearing be held), including timely notice of the hearing date, and at least 7 business days for preparation.
- The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law.
- The right not to have prior sexual history unrelated to the allegations under investigation admitted as evidence in a campus hearing.
- The right to receive updates on the status of the investigation and/or resolution.
- The right to petition that any member of the investigation team or conduct body be recused on the basis of demonstrated bias.
- The right to bring an advocate or advisor of the Complainant's choosing to all phases of the investigation and resolution proceeding.
- The right to provide evidence by means other than being in the same room with the Respondent if a hearing is to be conducted.
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice.

- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties.
- The right to be informed in writing of when a decision of the University is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the findings and sanctions from the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.

## **B. Rights of the Respondent**

The following rights reference grievance procedures that are described more fully in the major section that follows titled “Sexual Misconduct, Including Sexual Harassment and Discrimination Grievance Procedures.”

- The right to an investigation and appropriate resolution of all credible reports or notice of sexual misconduct made in good faith to University officials.
- The right to be informed in advance of any public release of information regarding the incident, should the University have a duty to notify the campus community of an ongoing safety concern.
- The right to have University policies and procedures followed without material deviation.
- The right to be notified of available counseling, mental health, advocacy, health, legal resources, student financial aid, visa and immigration resources, or other student services for respondents to sexual assault claims, either on campus or in the community.
- The right to request a campus no-contact order (or a trespass order against a non-affiliated 3<sup>rd</sup> party) when someone has engaged in or threatens to engage in behavior covered by this policy that presents a danger to the welfare of the Respondent or others.
- The right to be informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the investigation report.
- The right to ask the University to interview witnesses, the opportunity to respond to the testimony of all witnesses, including the Respondent, and the right to challenge documentary evidence.
- The right to a hearing on the report (should a hearing be held), including timely notice of the hearing date, and at least 7 business days for preparation.
- The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law.
- The right not to have prior sexual history unrelated to the allegations under investigation admitted as evidence in a campus resolution process.
- The right to receive updates on the status of the investigation and/or resolution.
- The right to petition that any member of the investigation team or conduct body be recused on the basis of demonstrated bias.
- The right to bring an advocate or advisor of the Respondent’s choosing to all phases of the investigation and resolution proceeding.

- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice.
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties.
- The right to be informed in writing of when a decision of the University is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the findings and sanctions from the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.

**C. Rights Associated with an Investigation and/or Hearing:**

- The Respondent and Complainant have the right to meet with the Title IX Coordinator or designee for an informational pre-hearing meeting about the Sexual Misconduct Policy, Including Sexual Harassment and Discrimination and the Grievance Procedures.
- The Respondent and Complainant have the right to be informed in writing of the charge(s), the other party involved, the date(s) of the alleged violation(s), the section(s) of the Policy that is alleged to have been violated, the range of sanctions that may be imposed, the date, time, place of any conduct hearing and the right of appeal.
- The Respondent and Complainant have the right to challenge any Hearing Officer or Appeals Officer that he, she, they believes is unable to objectively hear the case. Any challenge must be presented in writing to the Office of Student Conduct at least three (3) business days prior to the hearing.
- The Respondent and Complainant have the right to a decision based on the preponderance of the evidence. More precisely, there must be a preponderance of evidence to find a Respondent responsible. When there is no preponderance of evidence or if the preponderance of evidence supports the Respondent, the Respondent will be found “not responsible” for the alleged violation.
- During the investigation, the Respondent and Complainant have the right to respond to allegations and statements of fact, including the presentation of evidence and witnesses.
- Witnesses appearing at a hearing must be approved by the Title IX Coordinator or designee, and must be presented in writing to the Office of Student Conduct at least three (3) business days prior to the hearing. Interview lists longer than three individuals may require more than three days’ notice at the discretion of the Director of Student Conduct and Community Standards. The investigator(s) may choose to interview other witnesses the University believes may have relevant information to share about the allegations, or to call them to testify at a hearing, at any point in the resolution process as the investigation or hearing may require.
- The Respondent and Complainant have the right not to appear at a scheduled hearing. The hearing will proceed as scheduled if either or both exercise the right. If the respondent does not appear at the hearing it will not be presumed that he, she, they violated the rule(s) for which he, she, they is accused. If the complainant does not appear it will not be presumed that the alleged violation did not occur.

- The Respondent and Complainant have the right to refuse to answer questions.
- The Respondent and Complainant have the right to appeal in accordance with the stipulations described in this policy.

**Ohio Wesleyan University**  
**Sexual Misconduct, Including Sexual Harassment**  
**and Discrimination Grievance Procedures**

(Updated August 2017)

**I. Responding to Reports Concerning Sexual Misconduct, Including Sex/Gender-Based Harassment or Discrimination:**

Ohio Wesleyan University provides for a prompt and effective response to all notice of a potential violation of this policy. The University engages in a prompt preliminary inquiry to determine if there is reasonable cause to believe the policy has been violated. If so, the University will initiate an investigation that is thorough, reliable, impartial, prompt and fair. This investigation determines whether the University's policy has been violated. If so, the University will promptly implement an effective remedy designed to end the misconduct, prevent its recurrence and address its effects.

The University's Student Conduct System, including this policy addressing sexual misconduct (sexual harassment or discrimination), is operated by the University, and under the requirements of Title IX must act in response to notification of possible sexual misconduct.

The Conduct System enforces the rules of a private college. Its purpose is to determine whether a student has violated its rules and, if so, what sanctions and remedies should apply. Because under Title IX, sexual misconduct is a form of discrimination prohibited by civil rights laws, the standard for finding a student responsible for a sexual misconduct violation is "preponderance of evidence" (or "more likely than not").

The Student Conduct System operates under its own rules, procedures, standards, and sanctions, which are described in this policy. The Title IX Coordinator has final authority for all Title IX matters, including investigations, resolution methods, findings, and sanctions. Filing a report about sexual misconduct with the University is independent of filing a report with the police. You may file reports with the University and the police, which we encourage; with the University, only; or with the police, only. If you file complaints with both the University and the police, the University will not wait for the criminal justice system to run its course before commencing its own process, except in cases where the University temporarily delays its investigation while criminal investigators gather evidence. Occasionally, the University and police will share information and conduct joint investigations for the sake of efficiency, but how they use the results will be decided independently.

An investigation may take at least 21 business days, or more, depending upon the number and availability of witnesses, the academic calendar, and other factors. Cases where violence and/or harassment has occurred will take priority. It is a goal to resolve complaints within 60 business days from notice of complaint. The timeframe will exclude the days that classes are not in session. The College may extend an investigation process for reasonable circumstances and will provide this information to the complainant and respondent in writing. The 60-day window will not include appeals that may be filed.

**II. Reporting Sexual Misconduct:**

If you are the victim of sexual misconduct, or you know someone who is a victim of sexual misconduct, OWU urges you to report it. Please consult the section titled Methods of Reporting in the Policy on Sexual Misconduct, Including Sexual Harassment and Discrimination for a full description of reporting options and methods.

For an immediate threat, call the police at 911 or OWU Public Safety at 740-368-2222 (2222 from a campus phone).

To report a case of sexual misconduct when the immediate threat has passed, contact:

Title IX Coordinator  
Dwayne Todd  
Vice President for Student Engagement and Success/Dean of Students  
HWCC 230  
740-368-3135  
dktodd@owu.edu

Associate Dean for Student Success  
Kristin Weyman  
HWCC 211  
740-368-3135  
kjweyman@owu.edu

Title IX Deputy Coordinator – Student Conduct  
Jess Ettell Irvine  
Director of Student Conduct and Community Standards  
HWCC Room 225  
740-368-3175  
jlettell@owu.edu

Title IX Deputy Coordinator – Athletics  
Kirsta Cobb  
Associate Athletics Director/Senior Woman Administrator  
Edward Gymnasium Room 109  
740-368-3746  
krcobb@owu.edu

Public Safety  
OWU Public Safety  
740-368-2222 (2222 from a campus phone)

You may also contact Residential Life Staff, including Residential Life Coordinators and Resident Assistants. They will provide you with information about your options and how to file a report. With the exceptions noted below, the person you contact will notify the Title IX Coordinator or designee about your meeting.

There is no time limit for reporting a case of sexual misconduct. However, timely reporting

maximizes the University's power to respond and investigate in an effective manner. Because this policy applies to current students, the University may be limited in the actions it can take when a report is filed against a former student who is accused of sexual misconduct when he, she, they was a student.

### III. Terms Used in the Adjudication Process:

- **Complainants** are those who allege misconduct by a student.
- **Respondents** are students who are accused of misconduct.
- **Appellants** are those who appeal a decision.
- **Appellees** are those who respond to an appeal.
- **Hearing Panels** are comprised of three trained faculty or professional staff who make findings and decide sanctions in Title IX cases.
- **Appeal Officers** are Hearing Officers who have had no previous role in a given case and hear appeals to decided cases.
- **Business days** are weekdays when the University is open and classes are in session.
- A **Report** is information provided about possible sexual misconduct.
- A **Formal Complaint** is a written accusation of sexual misconduct that is resolved through use of the formal resolution process.

### IV. Resolution Processes:

Concerns about sexual misconduct should be reported to the one of the individuals listed in Section II above in order for the University to move forward with a resolution process. The Title IX Coordinator is designated to formally investigate reports of sexual misconduct by students, to address inquiries and to coordinate the University's compliance efforts regarding reports of misconduct by students, regardless of the University role of the Complainant, who may be another student, faculty, staff, guest or visitor. Various roles and responsibilities of the Title IX Coordinator may be delegated to other individuals.

#### **A. Informal Resolution Process**

Students have the option of pursuing an Informal Resolution Process, in which the Title IX Coordinator or designee attempts to facilitate a mutually-agreeable resolution to the conflict without a formal hearing, and monitors the process for safety. Before pursuing the Formal Resolution Process, every reasonable effort should be made to constructively resolve conflict. Whenever possible and safe, the problematic behavior, conflict or misconduct should first be discussed by the impacted person and the person engaged in the problematic behavior, conflict or misconduct. The Title IX Coordinator or designee will facilitate such conversations, upon request, and monitor them for safety.

Various conflict resolution mechanisms are available, including mediation. Mediation is not used when violent behavior is involved, when the Coordinator determines a situation is not eligible, or the parties are reluctant to participate in good faith. The University does not require the Complainant or Respondent to contact the person involved if doing so is

impracticable, or if the impacted party believes that the conduct cannot be effectively addressed through informal means. If informal efforts are unsuccessful, the Formal Resolution Process may be initiated. Either party has the right to end the informal process and begin the formal process at any time prior to resolution.

### **B. Formal Resolution Process**

Notice of a formal report can be made in person, by phone, via email or in writing to the Office of Student Conduct or the Title IX Coordinator or Deputy Coordinators. Upon receipt of a report, the Title IX Coordinator will confer with the Office of Student Conduct on appropriate interim action, accommodations for the Complainant or other necessary remedial short-term actions. As necessary, the University reserves the right to initiate a report and to initiate resolution proceedings without a formal report or participation by the victim of misconduct.

The Title IX Coordinator or designee will conduct a preliminary inquiry after receiving notice or a complaint in order to determine whether a more comprehensive investigation will occur. The Coordinator or designee will take preliminary statements from the Complainant and sometimes from the Respondent and certain critical witnesses in making the determination of the appropriateness of a more formal investigation. These statements will be taken after the parties or witnesses have been informed of their right to be accompanied by an adviser of their choice.

Following the preliminary inquiry conducted by the Title IX Coordinator or designee, if the Complainant wishes to pursue a formal resolution or if the University, based on the alleged policy violation, determines the need to pursue a formal resolution, then the Title IX Coordinator will appoint a trained investigator(s) to conduct the investigation, which will begin promptly after determining that a resolution should proceed. Investigations are completed expeditiously once the Title IX Coordinator receives formal notice from the Complainant that he/she/they want to move forward with a resolution process.

The University's investigation or resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the University may undertake a short delay (several days to weeks) in its investigation or resolution process to comply with a law enforcement request for cooperation (e.g. to allow for criminal evidence collection) when criminal charges based on the same behaviors that invoke this process are being investigated. If delayed, the University will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

Following the preliminary inquiry and referral from the Title IX Coordinator, the investigators will take the following steps (not necessarily in order):

- Assist the Title IX Coordinator in determining what specific policy violations should be alleged as part of the report;
- Meet with the Complainant to finalize his/her/their statement;
- Commence a thorough, reliable and impartial investigation by identifying relevant issues, developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Provide regular updates to both the Complainant and Respondent, as appropriate, throughout the investigation;
- Meet with the Associate Dean for Student Success to review all evidence, documentation and information gathered, allowing for the Associate Dean to offer recommendations for additional investigation elements and to challenge any evidence of bias in order to ensure a thorough, reliable and impartial investigation. The Associate Dean has formal authority with regard to the completion of investigative reports, which includes overseeing the investigation, reviewing draft investigative reports for thoroughness or potential bias, requiring additional investigative action, and approving the final investigative report and recommendation of findings.
- Meet with each party to review all the evidence, documentation and information gathered and provide each party the opportunity to suggest additional investigation elements or questions to be asked of the other party or witnesses;
- Engage in a comprehensive analysis of the evidence gathered; create an investigation report reflecting all the information gathered, credibility analysis, key issues and fact analysis; and develop a recommendation of findings based on a preponderance of the evidence (whether a policy violation is more likely than not to have occurred);
- Present the investigative report and recommended findings to the Respondent and Complainant. The Respondent may accept or reject the findings. Accepting the recommended findings means that there will not be a subsequent hearing of the case and, if appropriate, sanctions will be issued by the Title IX Coordinator. Rejecting the recommended findings will lead to a hearing by a Title IX Hearing Panel;
- If the Respondent rejects the recommended findings, present the investigation report and recommended findings to a Title IX Hearing Panel, which will make official findings based on the investigation report and the results of a hearing;
- Share the findings and sanctions determined by the Title IX Hearing Panel and update the Complainant on the status of the investigation and the outcome.

At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Following the recommendation of findings by the investigator(s), and if the findings are rejected by the Respondent, the Associate Dean for Student Success or designee will appoint a Title IX Hearing Panel to conduct a hearing to determine whether the Respondent is in

violation of the contested aspects of the report, and if so, to issue appropriate sanctions. The parties will be notified of the appointed panel members. If a party objects to one of the appointed panel members based upon a conflict of interest, the party must provide written notice to the Associate Dean for Student Success or designee within two business days from the notification, explaining the conflict of interest. At the hearing, the findings of the investigation will be admitted, but is not binding on the Hearing Panel members as the deciders of fact. The investigator(s) may give evidence and be subject to questioning by the Hearing Panel and the parties. Using a preponderance of the evidence standard, the Hearing Panel will determine whether it is more likely than not that the Respondent violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

Where the finding is a violation of the policy, the Hearing Panel will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator, when applicable. The University will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the University community.

The parties will receive written notification of the outcome, to the extent permitted or mandated by law. In cases involving non-consensual sexual intercourse, non-consensual sexual contact, intimate partner violence, and/or stalking, the written notification includes the finding, any resulting sanctions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications, explains appeals options and procedures, and any changes to the results that could occur before the decision is finalized.

Information about hearing protocol and other logistical matters will be provided to relevant parties at an appropriate time if or when the University decides to hold a hearing.

#### **V. Interim Remedies/Actions:**

The Title IX Coordinator or designee may provide interim remedies intended to address the short-term effects of sexual misconduct, including sexual harassment, discrimination and/or retaliation (i.e. to redress harm to the alleged victim and the community and to prevent further violations). The University will keep interim remedies and actions as private as possible.

These remedies for students may include, but are not limited to:

- Referral to counseling and health services
- Education to the community
- Altering the housing situation of the Respondent or, if desired, the Complainant
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

**Interim Suspension:**

The University may interim suspend a student or organization pending the completion of the investigation and resolution, particularly when, in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the on-campus presence of the Respondent or the ongoing activity of a student organization whose behavior is in question.

In all cases in which an interim suspension is imposed, the student or student organization will be given the opportunity to meet with the Title IX Coordinator or designee prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy is grounds for expulsion or termination.

During an interim suspension, a student may be denied access to University housing and/or the University campus/facilities/events. As determined by the Title IX Coordinator or designee, this restriction can include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator or designee, alternative coursework options may be pursued to ensure as minimal an impact as possible on the individual.

The institution will maintain as confidentially as possible any accommodations or protective measures, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.

**VI. Sanctions:**

The following sanctions may be imposed upon students found to have violated the Policy on Sexual Misconduct, Including Sexual Harassment and Discrimination. While not an exhaustive list, the following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

- Warning
- Probation

- Educational Activities
- Counseling Assessment or Therapy
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Transcript Notation
- Revocation of Organizational Recognition

## VII. Appeals:

Appeal proceedings as described below apply to both parties. The parties will receive written notification of the outcome of the administrative hearing, to the extent permitted or mandated by law. In cases involving non-consensual sexual intercourse, non-consensual sexual contact, intimate partner violence, and/or stalking, the written notification includes the finding, any resulting sanctions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications, explains appeals options and procedures, and any changes to the results that could occur before the decision is finalized.

### A. **Requesting an Appeal**

If the Respondent accepts the findings of the investigation, those findings cannot be appealed. Following a Hearing Panel's findings, any party may appeal the findings and/or sanctions only under the grounds described, below.

#### **The ONLY grounds for appeal are as follows:**

1. **A procedural (or substantive) error** occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. **To consider new evidence**, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

All sanctions imposed by the original Hearing Panel will be in effect during the appeal. A request may be made to the Title IX Coordinator to delay implementation of the sanctions until the appeal is decided, but the presumptive stance of the institution is that the sanctions will go into effect immediately. Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

The decision of the Hearing Panel may be appealed by petitioning the Title IX

Coordinator. Any party who files an appeal request must do so in writing to the Title IX Coordinator within 5 business days of receiving the written decision. The Title IX Coordinator will appoint an Appeal Officer to consider the appeal. The Appeal Officer will be a Hearing Officer who has not had any previous role in the case before him or her. The parties will be notified of the appointed Appeal Officer. If a party objects to the appointed Appeal Officer based upon a conflict of interest, the party must provide written notice to the Title IX Coordinator within two business days from the notification, explaining the conflict of interest.

The Title IX Coordinator will share the appeal request with the other party (e.g. if the Respondent files an appeal, the appeal is shared with the Complainant, who may also wish to file a response and/or bring their own appeal on separate grounds; this response or appeal will be shared with the initial appealing party). If the ground for appeal is a procedural error, the relevant University official who is alleged to have violated procedures will be asked to file a response or respond to questions from the Appeal Officer. Appeals are not typically heard in person, but rather will be considered on the basis of written or recorded documentation relative to the appeal claim, or on additional questions the Appeal Officer may pose to relevant parties. The Appeal Officer will send a letter of outcome for the appeal to all parties involved in the original or appeal hearing.

The Appeal Officer can take one of two possible actions:

- 1) Dismiss an appeal request as untimely or ineligible, or
- 2) Grant an appeal and remand the finding for further investigation or reconsideration at the hearing level.

The original findings and sanctions will stand if the appeal request is not timely or substantively eligible, and that decision is final. The party requesting appeal must show clear procedural error or new relevant information that was not available at the time of the original hearing, as the original hearing is presumed to have been conducted in a thorough, reliable, and impartial manner.

Most remanded cases will be reheard by the original Hearing Panel. The results of a reconvened hearing with the original Hearing Panel cannot be appealed. In rare cases where a procedural (or substantive) error cannot be cured by the original Hearing Panel (as in cases of bias), the Appeal Officer may order a new hearing with a different Hearing Panel. The results of a new hearing (with a new Hearing Panel) can be appealed, once, on either of the applicable grounds for appeals.

## **B. Procedures governing the hearing of appeals**

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.
- Every opportunity to return the appeal to the original Hearing Panel for reconsideration (remand) should be pursued.
- Appeals are not intended to be full re-hearings of the allegation (de novo). Except in rare cases, appeals are not heard in-person, but instead are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal.

- Appeals decisions are to be deferential to the original Hearing Panel, making changes to the findings only where there is clear error or newly-available evidence;
- An appeal is not an opportunity for Appeal Officers to substitute their judgment for that of the original Hearing Panel merely because they disagree with the finding and/or sanctions.
- Sanctions imposed are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Appeal Officer will typically render a written decision on the appeal to all parties within five (5) business days from hearing of the appeal. The Appeal Officer's decision to deny an appeal request is final.

### **VIII. Participation of Advisors in the Resolution Process:**

All parties are entitled to an advisor of their choosing to guide and accompany them throughout the campus resolution process. The advisor may be a University advisor, a friend, mentor, family member, attorney or any other supporter a party chooses to advise them. People who will be called as witnesses may not serve as advisors.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors may confer quietly with their advisees as necessary, provided they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors may be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting, provided their advisee is present for the meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the University an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the University investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a Deputy Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The University expects that the parties will wish the University to share documentation related to

the allegations with their advisors. The University provides a consent form that authorizes such sharing. The parties must complete this form before the University is able to share records with an advisor. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advisors are expected to maintain the privacy of the records shared with them by the University. These records may not be shared with 3<sup>rd</sup> parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The University expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

The parties must advise the investigators of the identity of their advisor at least two (2) business days before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advisors at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials. Additionally, when parties or their advisors are reviewing any documents or recordings in a case file, they may only make handwritten notes. No photographs, dictations, scans, or other reproductions of materials in a case file are permitted without the authorization of the Director of Student Conduct and Community Standards.

## **IX. Additional Relevant Policies and Practices:**

### **A. Notification of Outcomes**

The outcome of a campus hearing is part of the education record of the responding party, and is protected from release under a federal law, FERPA. However, the University observes the legal exceptions as follows:

- Parties to non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and intimate partner violence incidents have an absolute right to be informed of the outcome, essential findings/rationale, and any sanctions that may result, in writing, without condition or limitation, and without substantial delay between notifications to each party.
- The University may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a University policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property, intimate partner violence, stalking and kidnapping/abduction. In doing so, the University will not release any information that could lead to the identification of the reporting party.

## **B. Alternative Testimony Options**

For sexual misconduct reports, and other reports of a sensitive nature, whether the alleged victim is serving as the Complainant or as a witness, alternative testimony options may be offered, such as placing a privacy screen in the hearing room, or allowing the Complainant to testify outside the physical presence of the Respondent, such as by video conference or phone. While these options are intended to help make the Complainant more comfortable, they are not intended to work to the disadvantage of the Respondent.

## **C. Past Sexual History/Character and Past Conduct Violations**

The past sexual history, sexual character or conduct violations of a party will not be admissible by the other party in the investigation or hearing unless such information is determined to be highly relevant by the Director of Student Conduct and Community Standards (pertaining only to past or subsequent interactions between the parties that offer context). All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be reviewed in advance of the hearing by the Director of Student Conduct and Community Standards.

## **D. Witness Participation in an Investigation**

Witnesses are expected to cooperate with and participate in the University's investigation. Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in a hearing. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone or web conferencing if they cannot be interviewed in person. Parties who elect not to participate in the investigation will have the opportunity to offer evidence during the hearing and/or appeal stages of the process, though failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence. Any witness scheduled to participate in a hearing must have been interviewed first by investigators (or have proffered a written statement), unless all parties consent to the participation of that witness in the hearing.

Witnesses appearing at a hearing must be approved by the Title IX Coordinator or designee, and must be presented in writing to the Office of Student Conduct at least three (3) business days prior to the hearing. Witness lists longer than three individuals may require more than three days' notice at the discretion of the Coordinator of Student Conduct. The University may choose to interview or call other witnesses the University believes may have relevant information to share about the allegations at any point in the resolution process as the investigation or hearing may require.

## **E. Training for Those Implementing These Procedures**

Personnel tasked with implementing these procedures (e.g.: Title IX Coordinator, Investigators, Hearing Panel Members, Appeal Officers, etc.) will be trained at least annually. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to sexual harassment and discrimination allegations; the University's Policy on Sexual Misconduct, Including Sexual Harassment and Discrimination; confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance.

## **F. Conflicts of Interest and Bias**

The University is committed to ensuring that its resolution processes (e.g.: investigation, hearing, appeal, etc.) are free from actual or perceived bias or conflicts of interest that would materially impact the outcome. Any party who feels that there is actual or perceived bias or conflict of interest that would materially impact the outcome may submit a written petition to the Director of Student Conduct and Community Standards for the person's removal from the process. The petition should include specifics as to the actual or perceived bias or conflict of interest, and why the petitioner believes the bias or conflict could materially impact the outcome. Such petitions may also be made to the Title IX Coordinator, or to the University President in the event that the potential conflict or bias involves the Title IX Coordinator.

**G. Withdrawal Prior to Resolution**

If a student withdraws from the University after being accused of sexual misconduct and prior to final resolution, the pending case will be noted in the student's record and the student must resolve the issue before reenrolling.