

TITLE IX ADMINISTRATIVE PROCEDURES, PART C: RESPONSE PROCEDURES

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PART C: RESPONSE PROCEDURES

I. Purpose

The purpose of these Response Procedures is to describe how the University will respond promptly and effectively upon gaining knowledge of conduct that reasonably may constitute sexual harassment under the University's Title IX Policy or Title IX.

II. Scope and Application

These Response Procedures apply for all Reports of conduct that may constitute sexual harassment under the Title IX Policy.

III. Authority

These Response Procedures are promulgated pursuant under section XIV.A of the Title IX Policy.

IV. Response to Reports of Sexual Harassment

(A) Upon obtaining actual knowledge of conduct that reasonably may constitute sexual harassment, the Title IX Coordinator will coordinate the University's response thereto, and such response will be prompt and in a manner that is not deliberately indifferent. The Title IX Coordinator shall recuse themselves if they have a conflict of interest or bias for or against either party.

(B) As part of any such response:

- (1) Complainants and respondents will be treated equitably by the University;
- (2) Complainants will be offered supportive measures, as appropriate, as described in Section VI, below; and
- (3) No disciplinary sanction will be imposed on a respondent before the grievance process outlined in the Grievance Procedures has been followed.

V. Notices in Response to Reports of Sexual Violence

(A) If a Report describes conduct that could fit the definition of sexual violence, dating violence, domestic violence, and/or stalking, then as soon as reasonably practicable after receipt of the Report and identification of the complainant, the Title IX Coordinator will provide the complainant with a concise notice of the complainant's rights and options that satisfies the applicable requirements of the

Preventing Sexual Violence in Higher Education Act. If such a Report is received through electronic means, the Title IX Coordinator will provide the concise notice to the electronic reporter within twelve (12) hours of receiving the electronic Report.

(B) If appropriate under the Clery Act, based on the allegations received, the Title IX Coordinator will forward any report of sexual violence, dating violence, domestic violence, and/or stalking to the University's Department of Public Safety.

VI. Supportive Measures

The University will offer and coordinate supportive measures, as appropriate, as described in this Section.

A. Supportive Measures in General

(1) Supportive measures are individualized measures offered as appropriate, as reasonably available, and without fee or charge to a complainant or respondent, for the purpose(s) of:

- (i) Restoring or preserving that individual's access to the University's education program or activity, including measures that are designed to protect the safety of the individual(s) or the University's educational environment; and/or
- (ii) Providing support during the Grievance Procedures for resolving Formal Complaints or an informal resolution process.

(2) The specifics as to what one or more supportive measures the University may offer a given individual at a given time will vary depending on what the University deems to be reasonably available under the given circumstances.

- (i) Not all potential supportive measures may be reasonably available at any given time, under any given circumstance.
- (ii) A potential supportive measure that would require the University to fundamentally alter the nature of a program or activity is not reasonably available.
- (iii) The University is not obligated to offer supportive measures that are not reasonably available.
- (iv) The University will not offer a supportive measure that unreasonably burdens either party or is not designed to meet either or both of the intended goals of supportive measures.

(v) The University will not impose any supportive measure for punitive or disciplinary reasons.

(3) Examples of supportive measures that may be (but are not guaranteed to be) offered by the University, as appropriate and reasonably available, include, but are not necessarily limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more individuals; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sexual harassment.

B. Supportive Measures Process

(1) As soon as reasonably practicable after a Report is received, the Title IX Coordinator will assign an appropriate employee (which employee may be the Title IX Coordinator) to offer and coordinate supportive measures for the complainant as appropriate. That employee shall explain to the complainant (i) the process for filing a Formal Complaint and (ii) that supportive measures are available whether a Formal Complaint is filed or not.

(2) As soon as reasonably practicable after a respondent is notified about the allegations against them in a Formal Complaint (because the Grievance Procedures were initiated), the Title IX Coordinator will assign an appropriate employee (which employee may be the Title IX Coordinator and/or may be the same employee assigned for the complainant) to offer and coordinate supportive measures for the respondent as appropriate.

(3) In determining what supportive measures to offer a party, the party will be consulted and may request one or more specific supportive measures if they wish. Such requests will be taken into account, but the University does not guarantee they will be fulfilled.

(4) A party has discretion to accept or decline each supportive measure offered to them by the University.

(5) If a party accepts an offered supportive measure, the University will provide it.

(6) The University may, as appropriate, but need not, modify or terminate any supportive measure it has previously provided if circumstances change such that the supportive measure can no longer be

considered reasonably available, starts to unreasonably burden either party, or no longer meets either or both of the intended goals of supportive measures.

(7) The University may, as appropriate, at any time, offer additional or alternative supportive measures to a party for their consideration.

(8) A party may request that the University modify or terminate any provided supportive measure applicable to them, if the party's circumstances change, by contacting the Title IX Coordinator.

(9) A party may request additional or different supportive measures applicable to them, if the party's circumstances change materially, by contacting the Title IX Coordinator.

(10) All offers of supportive measures (whether in the original instance, as a modification, addition, or otherwise) and the parties' responses thereto shall be documented by the University in writing(s) to the party for whose benefit they are being made (a "Supportive Measures Offer").

(11) The University may prescribe further reasonable processes for administering the offering, coordination, and implementation of supportive measures under this Section.

VII. Emergency Removal and Administrative Leave

(A) The University reserves the right to remove a respondent from the University's education programs or activities on an emergency basis, if the University determines, on the basis of an individualized safety and risk analysis, that an immediate and serious threat to the health or safety of a complainant or any students, employees, or other individuals arising from the allegations of sex discrimination justifies such removal.

(1) Any such individualized safety and risk analysis will be conducted by the University's Campus Threat Assessment Team (CTAT).

(2) Determinations regarding removal will be made by the Title IX Coordinator based on CTAT's analysis. In making such a determination, the Title IX Coordinator may consult with other appropriate employees or University departments, such as the Department of Public Safety.

(B) If the University determines that emergency removal of a respondent is justified in accordance with paragraph (A), the Title IX Coordinator will provide notice to the respondent of such determination (a "Notice of Emergency Removal") as soon as possible.

(C) The University will provide the respondent with an opportunity to challenge the determination immediately following the emergency removal.

(1) The Notice of Emergency Removal will describe the process by which the respondent may make such a challenge.

(2) The Title IX Coordinator will assign an appropriately trained, impartial employee to hear and decide the challenge. Such employee will be identified in the Notice of Emergency Removal.

(D) Any emergency removal of a respondent will last only as long as justified by the individualized safety and risk analysis.

(E) The University also reserves the right to place an employee respondent on administrative leave from employment responsibilities during the pendency of the resolution of a Formal Complaint against the employee under the Grievance Procedures. The University's general procedures for employee administrative leave shall apply for purposes of any administrative leave under this paragraph.

(F) The provisions of this Section must not be construed to modify any rights under section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.

VIII. Recordkeeping and Confidentiality

(A) Records related to the University's responses to Reports under these Response Procedures shall be maintained in accordance with the University's Title IX Recordkeeping Procedures.

(B) Except as permitted by FERPA, required by law, or necessary to carry out the purposes of Title IX, the University will keep confidential the identity of:

(1) Any individual who makes a Report of sexual harassment;

(2) Any complainant;

(3) Any respondent; and

(4) Any reporter.

(C) Similarly, except as permitted by FERPA, requirement by law, or necessary to carry out the purposes of Title IX, the University will keep confidential supportive measures except as necessary to facilitate the measure(s) provided.

=====END OF PROCEDURE TEXT=====