

Student Handbook



Quincy
University

2019-2020

Quincy University's Title IX Policy on Sexual Misconduct and Sex-Based Discrimination

Introduction

Quincy University has adopted institutional policies specific to sexual misconduct and sex-based discrimination in compliance with the Higher Education Amendments of 1972, otherwise known as Title IX, the Illinois Human Rights Act (775 ILCS 5/5A-101, et seq.), the Illinois Preventing Sexual Violence in Higher Education Act (110 ILCS 155/1, et seq.), and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as well as all other applicable Federal, State, and local laws. These policies relate to sexual misconduct and sex-based discrimination. As stated by the U.S. Department of Education's Office of Civil Rights, Title IX prohibits discrimination based on sex in education programs in federally funded schools. Title IX protects students, employees, and other individuals from all forms of sexual discrimination, regardless of the sex of the alleged perpetrator or complainant, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students (as well as other individuals) at the University are protected by Title IX in all aspects of the University's educational programs and activities. **The University does not discriminate on the basis of sex in the educational programs or activities it operates, and the University is required by Title IX not to discriminate in such a manner. Questions regarding Title IX may be referred to the University's Title IX Coordinator or the U.S. Department of Education's Office of Civil Rights.** Quincy University's Title IX Policy on Sexual Misconduct and Sex-Based Discrimination will be referred to herein as "Title IX Policy."

This Title IX policy applies to sexual misconduct and sex-based discrimination committed by students, faculty, staff, volunteers, and third-parties when the misconduct and/or discrimination occurs: (1) on the University's property; or (2) off the University's property when the misconduct and/or discrimination is in connection with a University sponsored activity or event, or the conduct creates a hostile educational environment for a member of the University.

It is against the University's policy to subject any person to separate or different rules of behavior, discipline, or other treatment based on the individual's sex.

Definitions

The following are definitions of some of the terms used under the Title IX Policy. If you have a question regarding any of the terms or provisions contained in this policy, please contact the Title IX Coordinator.

- **Complainant.** The Complainant is an individual who identifies as a victim of prohibited conduct under the Title IX Policy.
- **Respondent.** The Respondent is an individual who is alleged to commit prohibited conduct under the Title IX Policy.
- **Parties.** The parties are the Complainant and the Respondent collectively.
- **Reporting Party.** The Reporting Party is an individual who reports an alleged violation of the Title IX Policy.

- **Sex Discrimination.** Sex discrimination committed by a University employee or student, or third party against a student is a violation of the Title IX Policy. Sex discrimination is an adverse action or harassment based on sex (the status of being male or female), which is not necessarily sexual in nature, including, but not limited to, being harmed or disfavored on account of one's gender while a person of another gender has been treated better in a similar situation and harassment that expresses a bias or hostility about an individual's gender. Sex discrimination includes an adverse action that is pregnancy-related.
- **Sexual Misconduct.** Sexual misconduct committed by a University employee or student, or third party against a student, is a form of sexual misconduct under the Title IX Policy. Sexual misconduct covers a range of behaviors including electronic sexual misconduct, sexual violence, sexual harassment, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person to engage in a sexual act. Sexual misconduct can include behaviors that are student-to-student, employee-to-student, student-to-employee, and non-campus-affiliate-to-student. Someone of the opposite or same sex may perpetrate sexual misconduct. The following are examples of sexual misconduct under the Title IX Policy:
 - **Electronic Sexual Misconduct.** Electronic sexual misconduct committed by a University employee or student, or third party against a student, is a form of sexual misconduct under the Title IX Policy. Electronic sexual misconduct includes creating photographs, videos, or other visual or auditory recordings of a sexual nature of another person without consent, even if the activity documented was consensual. Similarly, sharing such recordings or other sexually harassing electronic communications without consent is a form of electronic sexual misconduct.
 - **Sexual Violence.** Sexual violence committed by a University employee or student, or a third party against a student, is a form of sexual misconduct under the Title IX Policy. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including sexual assault.
 - **Sexual Assault.** Sexual assault committed by a University employee or student, or a third party against a student, is a form of sexual misconduct under the Title IX Policy. Sexual assault includes any sexual conduct without the consent of the person or where his/her will is overcome by the use or threat of force, the use of drugs or intoxicants, or in any circumstance when a person is unable or incapable of exercising rational judgment. Sexual assault includes the following:
 - **Rape.** Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the other.
 - **Sexual Battery.** Sexual battery is defined as the touching of the private body parts of another person (including genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification or sexual abuse without the consent of the other.
 - **Sex-Based Harassment.** Sex-based harassment (also known as sexual harassment) committed by a University employee or student, or third party against a student, is a form of sexual misconduct under the Title IX Policy. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. In some circumstances, nonsexual conduct may take on sexual connotations and rise to the level of sexual harassment. Sexual advances, requests for sexual favors, and other conduct of a sexual nature constitute sexual harassment, including, but not limited to:

1. Any such proposals that are made under circumstances implying that one's response might affect such academic or personnel decisions as are subject to the influence of the person making such proposals. Examples might include: grades, educational progress, or employment decisions made, or are threatened to be made, based on submission to such conduct.
 2. Such conduct that is abusive of others and implies a discriminatory hostility toward their personal or professional interests because of their sex.
 3. Conduct that has the purpose or effect of creating an intimidating, hostile, or offensive environment.
 4. Conduct that is repetitive in nature in the face of previous indications of refusal.
- **Gender-Based Harassment.** Gender-based harassment committed by a University employee or student, or third party against a student, is a form of sexual misconduct under the Title IX Policy. Gender-based harassment refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature.
 - **Stalking.** Stalking committed by a University employee or student, or third party against a student, is a form of sexual misconduct under the Title IX Policy. Stalking means engaging in a course of conduct directed at a specific person or group that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Stalking includes unwanted (as indicated by prior notification from the alleged victim to the alleged perpetrator(s)) or obsessive attention by an individual or group toward another person. Stalking behaviors may include, following the victim in person or monitoring their physical whereabouts and/or online presence, sending them unwanted gifts, and/or initiating unwanted communications-directly or indirectly, in person, electronically, or otherwise.
 - **Voyeurism.** Voyeurism committed by a University employee or student, or third party against a student, is a form of sexual misconduct under the Title IX Policy. Voyeurism is intentionally observing others behaviors reasonably believed to be private without the knowledge or consent of the person(s) being observed.
 - **Dating Violence.** Dating violence committed by a University employee or student, or a third party against a student, is a form of sexual misconduct under the Title IX Policy. Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. Dating violence involves controlling, abusive, and/or aggressive behavior in a romantic relationship, which may include many physical, sexual, verbal, and emotional abuses.
 - **Consent.** Consent is a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the Complainant resulting from the use of force or threat of force by the perpetrator shall not constitute consent.

The manner of dress of the Complainant at the time of the offense shall not constitute consent. A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct. A person can withdraw consent at any time. Finally, a person cannot consent

to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:

- The person is incapacitated due to the use or influence of alcohol or drugs;
 - The person is asleep or unconscious;
 - The person is under the age of 17; or
 - The person is incapacitated due to a mental disability.
- **Hostile Environment.** A hostile environment exists when a Complainant is unable to attend or expresses discomfort in attending classes or participating fully in University functions due to the offensive, intimidating, or oppressive atmosphere generated by the alleged perpetrator.
 - **Responsible Employee.** A responsible employee for purposes of the Title IX Policy includes all full-time and part-time employees, including Quincy University adjunct faculty, the Compass Group (Chartwells Dining Services), the Follett Bookstore, and National Facilities Management, unless otherwise designated in their job responsibilities.
 - **Confidential Advisor.** A confidential advisor is a person who is employed by the University to provide emergency and ongoing support to student survivors of sexual violence with the training, duties, and responsibilities defined under the Illinois Preventing Sexual Violence in Higher Education Act.
 - **Title IX Coordinator.** The Title IX Coordinator is an integral part of the University's approach to ensuring that the University complies with the requirements of Title IX. The Title IX Coordinator has knowledge of the Title IX procedures and policies, and ensures that the University complies with Title IX and the University's Title IX Policy.
 - **Preponderance of Evidence.** With respect to the University's Title IX investigation, a preponderance of evidence standard is used. This means that, in order for the Respondent to be held responsible for a Title IX violation, the burden is on the University to show that there is a greater than 50% chance that the allegations of Title IX violations are true. In other words, the University is required to prove that the allegations of a Title IX violation are more likely to be true than not in order for the Respondent to be held responsible for a Title IX violation.

Procedure and Investigation

I. In General

As stated by the Department of Education's Office of Civil Rights, Title IX prohibits sex-based harassment by peers, employees, or third parties that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the University's education programs and activities (*i.e.* creates a hostile environment). Once the University receives notice of alleged sexual misconduct and/or discrimination, the University is obligated to take immediate and appropriate steps to investigate or otherwise determine what occurred and to respond appropriately. In the event a complaint of severe, persistent, or pervasive sexual misconduct (*i.e.*, a hostile environment) is reported to the University, the University must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent the harassment from recurring, and, as appropriate, remedy its effects.

Quincy University is considered to have notice of alleged sexual misconduct and/or sex discrimination if a responsible employee knew of the alleged sexual misconduct and/or discrimination, or in the exercise of reasonable care in completing job responsibilities, should have known about the alleged sexual misconduct and/or sex

discrimination. Responsible employees are mandated to report any knowledge of alleged sexual misconduct and/or sex discrimination to the Title IX Coordinator and/or the Title IX Investigator. In the event the allegations involve the Title IX Coordinator and/or the Title IX Investigator, the Complaint can be made to the VP of Finance/CFO

Title IX Coordinator: **Tanya Moore, Director of Human Resources**
1800 College Avenue
Francis Hall B-38
Quincy, IL 62301
217- 228-5415
mooret@quincy.edu

Title IX Investigator: **Sam Lathrop, Director of Safety & Security**
1800 College Avenue
Friars' Hall, 106
217-228-5432, ext. 3990
lathrsa@quincy.edu

VP of Finance/CFO: **Mark Strieker**
1800 College Avenue
Francis Hall B-33
217-228-5432, ext. 3722
striema@quincy.edu

Quincy University may receive notice of alleged sexual misconduct and sex discrimination in several ways, including, but not limited to, the filing of a Complaint with the Office of Student Development and/or Safety and Security, formal or informal notification to the Title IX Coordinator, University Responsible Employee notification, third-party notification (parent, friend, student), and indirect notification via an at-large community member, media, or local law enforcement.

Once the University receives notice of an alleged Title IX violation, the burden is on the University to gather sufficient information to reach a fair and impartial decision whether sexual misconduct and/or sex discrimination occurred, and if so, whether the University needs to redress a hostile educational environment.

In the event that allegations of sexual violence are reported, the Complainant may have a medical forensic exam completed at no cost to the Complainant at one of the resources listed below, pursuant to the Sexual Assault Survivors Emergency Treatment Act.

II. Complainant and Respondent Rights

During a Title IX investigation, both the Complainant and the Respondent will receive a copy of the Title IX Policy. In addition, both the Complainant and the Respondent have the following rights:

1. To have prompt, fair, and impartial investigation that proceed in a timely manner;
2. To be advised of and have access to available campus and community support resources, including, but not limited to:

Campus Resources:

Quincy University Confidential Advisors
QUANADA
1900 Harrison
Quincy, IL 62301
217-223-2030
info@quanada.org
www.quanada.org

Quincy University Counseling Center
1800 College Avenue
Friars' Hall, 114
Quincy, IL 62301
217-228-5432, ext. 3785
qucounselor@quincymedgroup.com
www.quincy.edu/student-life/counseling

Quincy University Health & Wellness Center
1800 College Avenue
Friars' Hall, 113
Quincy, IL 62301
217-217- 228-5432, ext. 3790
www.quincy.edu/student-life/student-life/wellness-center

Quincy University Residence Life
Brenner Library, Lower Level
1800 College Avenue
Quincy, IL 62301
217-228-5432, ext. 3788
quireslife@quincy.edu
www.quincy.edu/student-life/residence-life

Quincy University Safety and Security
Friar's Hall 106/115
1800 College Avenue
Quincy, IL 62301
217- 228-5600
www.quincy.edu/student-life/campus-safety

Quincy University Student Success Center
Brenner Library Lower Level
1800 College Avenue
Quincy, IL 62301
217-228-5432, ext. 3353
mccrubr@quincy.edu
holtmdo@quincy.edu
www.quincy.edu/academics/academic-services

Community, State, and National Resources:

Quanada Sexual Assault Program
1900 Harrison Street
Quincy, IL 62
(217) 223-2030
www.quanada.org

Illinois Coalition Against Sexual Assault (ICASA)
100 North 16th Street
Springfield, IL 62703
(217) 753-4117
www.icasa.org

National Sexual Assault 24-Hour Hotline
(800) 656-HOPE
Online.rainn.org (online chat)
www.rainn.org

Illinois Dept. of Children and Family Services Domestic Abuse 24-Hour Hotline
(877) 863-6338
www.dhs.state.il.us/page.aspx?item=75378

National Domestic Violence 24-Hour Hotline
(800) 799-SAFE
<http://www.thehotline.org/about-us/contact/> (live chat)
www.thehotline.org/contact

Blessing Hospital
1005 Broadway Street
Quincy, IL 62301
(217) 223-8400
www.blessinghealth.org

Quincy Medical Group
1025 Maine Street
Quincy, IL 62301
(217) 222-6550
www.quincymedgroup.com

Quincy Police Department
110 S. 8th Street
Quincy, IL 62301
(217) 228-4470 (non-emergency) or 911
www.quincyl.gov/public-safety/quincy-police

Adams County Health Department
330 Vermont Street
Quincy, IL 62301
(217) 222-8440
<http://www.co.adams.il.us/health>

3. To file a complaint with local and/or campus law enforcement, and to request and receive assistance from campus authorities in notifying law enforcement;
4. To not actively participate in the investigation;
5. To electronically report allegations of sexual misconduct titleix@quincy.edu or www.quincy.edu/student-life/campus-safety
6. To anonymously report allegations of sexual misconduct www.quincy.edu/student-life/campus-safety.
7. To ask questions and obtain information regarding the Title IX Policy;
8. To have equal access to information during the Title IX investigation, including, but not limited to, witness statements, the identity of witnesses, relevant documents, and other evidence;
9. To request interim protective measures and accommodations, including, but not limited to, changes to academic, living, dining, working, transportation, and working situations, obtaining and enforcing a campus-issued order of protection or no contact order, if such protective measures are reasonably available, and honoring an order of protection or no contact order in State court;
10. To receive assistance, upon request, in accessing and navigating campus and local health and mental health services, counseling, academic and advocacy services; and
11. To request and receive assistance from campus authorities in notifying law enforcement;
12. To receive notice of the name(s) of the individual(s) with authority to: (a) make a decision regarding whether a violation under the Title IX policy has occurred (b) impose sanctions; and (c) make a decision during the appeals process. The Complainant and the Respondent shall have the opportunity to request a substitution if the participation of such an individual poses a conflict of interest.

III. Filing a Complaint

Any Quincy University student, faculty member, or staff who believe they have been a victim of sexual misconduct or sex discrimination or any member of the campus community who has knowledge of alleged sexual misconduct or sex discrimination may file a Complaint with Director of Safety & Security and Title IX Investigator. The Complaint will then be forwarded to the Title IX Coordinator. Title IX Complaint forms are available at www.quincy.edu/student-life/campus-safety. However, Complaint forms are not required to be used in order to make a Complaint under the Title IX Policy. Complaints can also be emailed to the Title IX Coordinator, Confidential Advisor, or any responsible employee.

As indicated in this Policy, if a Responsible Employee learns of a possible violation of the Title IX Policy, the Responsible Employee is required to report the violation to the appropriate University officials, and the University is obligated to investigate the matter, pursuant to Title IX. The Complainant can make a request of confidentiality with the University's confidential advisor or the Title IX Coordinator or when contacted by the University regarding a Complaint filed by a Reporting Party. The Title IX Coordinator will give consideration to the request. The Title IX Coordinator will consider a variety of factors, including the severity, persistency, pervasiveness of the alleged conduct, and the risk to the Complainant and the University if the allegations are not investigated. In the event the Title IX Coordinator determines that the University should proceed with the investigation, despite the Complainant's request for confidentiality, the Title IX Coordinator will provide an explanation to the Complainant and offer University resources to the Complainant for support. Regardless, all information that is disseminated by the

University regarding the Title IX Complaint will only be disbursed on a “need-to-know” basis. The University will not disclose the identities of the Complainant or the respondent, except as necessary to resolve the Complaint or to implement interim protective measures and accommodations or when provided by State or Federal law. If a request for confidentiality is made to the University’s confidential advisor, the confidential advisor will provide the Title IX Coordinator with information regarding the allegations, but will not divulge the names of the parties or Reporting Party (if applicable), unless the Title IX Coordinator decides that the Complaint should be pursued.

In cases involving sexual violence, the University will provide students with access to confidential advisors to provide emergency and ongoing support to survivors of sexual violence. The confidential advisors may not be responsible employees. In the course of working with the Complainant, the confidential advisor will do all of the following:

1. Inform the Complainant of his/her choice of possible next steps regarding the Complainant’s reporting options and possible outcomes, including, but not limited to, reporting pursuant to the University’s Title IX policy and notifying local law enforcement;
2. Notify the Complainant of resources and services for survivors of sexual violence, including, but not limited to, student services available on campus and through community-based resources, including, but not limited to, sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services, and mental health services;
3. Inform the Complainant of the Complainant’s rights and the University’s responsibilities with respect to orders of protection, no contact orders, or other similar lawful orders issued by the University or a criminal or civil court;
4. Provide confidential services to and have privileged, confidential communications with survivors of sexual violence in accordance with Section 8-804 of the Illinois Code of Civil Procedure;
5. Upon the Complainant’s request and as appropriate, liaise with campus officials, community-based sexual assault crisis centers, or local law enforcement and, if requested, assist the Complainant with contacting and reporting to campus officials, campus law enforcement, or local law enforcement; and
6. Upon the Complainant’s request, liaise with the necessary campus authorities to secure interim protective measures and accommodations for the Complainant.

Sexual misconduct against an individual under the age of 18 may constitute child abuse and/or neglect under the Illinois Abused and Neglected Child Reporting Act. In Illinois, state law requires that most professions in education, law enforcement, and social work (among other professions) report suspected abuse. These individuals are called mandated reporters. Mandated reporters include, but are not limited to: medical professionals, social workers, social service administrators, domestic violence program personnel, crisis line hotline personnel, psychologists, law enforcement, and school personnel. In the event allegations of sexual misconduct involving an individual under the age of 18, the mandated reporters are required to disclose this information to the proper state authorities.

The University is prohibited from retaliating against an individual for the purpose of interfering with any right or privilege under Title IX. Retaliation will not be tolerated against individuals who file a Title IX Complaint, participate in a Title IX investigation or proceeding, or advocate for an individual’s Title IX rights. Accordingly, intimidation, threats, coercion, or discrimination for engaging in such activities is strictly prohibited.

Any student who reports an alleged violation(s) under the Title IX Policy, in good faith, to a responsible employee will not receive a disciplinary sanction for a student conduct violation, such as underage drinking or possession or use of a controlled substance, that is revealed in the course of such a report, unless the University determines that

the violation was egregious, including, but not limited to, an action that places the health and safety of any other person at risk.

Distinguishing between harassing or discriminatory conduct and conduct that is purely personal or social without a harassing or discriminatory educational effect requires a determination based on all of the facts pertaining to the situation. False accusations of harassment or discrimination can seriously injure innocent people. Initiating a false harassment or discrimination complaint or initiating a harassment or discrimination complaint in bad faith may result in disciplinary action. A finding for the accused does not constitute a finding that the complaint was in bad faith.

IV. Interim Measures

Interim measures are individualized services offered to either or both the Complainant and Respondent parties involved in the alleged Title IX violation, prior to an investigation or while an investigation is pending. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus and other similar accommodations. In the event interim measures are established, the interim measures will be individualized and appropriate based on the information gathered by the Title IX Coordinator, who will make every effort to avoid depriving a student of his/her education. Because the measures needed by each student may change over time, the Title IX Coordinator will communicate with each student throughout the Title IX investigation to ensure that any interim measure is necessary and effective based on the student's evolving needs.

Within 12 hours after receiving a Complaint, the University will respond to the electronic reporting party and provide the reporting party with the aforementioned "Complainant and Respondent Rights," as well as the aforementioned University and community resources.

V. Investigation of Complaint

The Complaint will be investigated by the Title IX Investigator. The Title IX Investigator will investigate the available evidence, as well as objectively assess the credibility of the witnesses, to determine whether sexual misconduct and/or sex discrimination occurred, and whether a hostile educational environment should be addressed. Should the Title IX Investigator have a conflict of interest, the Complaint will be investigated by an individual appointed by the Title IX Coordinator, who has training in Title IX investigations.

A. Initial Determination

After receiving a Complaint, the Title IX Investigator will speak with the Complainant and the Reporting Party (if applicable). After speaking with the Complainant and the Reporting Party (if applicable), the Title IX Investigator will determine if the allegations rise to a violation of the Title IX Policy if the allegations are true.

If the Title IX Investigator determines that the allegations – if true – do not rise to a violation of the Title IX Policy, the University will close its Title IX investigation. The Title IX Investigator will provide the Title IX Coordinator with his or her determination. The Title IX Coordinator will then notify the Complainant and/or the Reporting Party of the Title IX Investigator's Initial Determination and that the University will close the Title IX Investigation.

However, in the event the allegations – if true – could violate another University policy, the potential violation will be handled pursuant to the procedures outlined in the Student Handbook.

If the Title IX Investigator determines that the allegations – if true – rise to a Title IX violation, the University will continue the Title IX investigation.

If the Complainant does not want to participate in the investigation or wishes to withdraw the Complaint, but the University determines that the severity of the allegations warrants further investigation, the Title IX Coordinator will select an unbiased University employee, who will serve as the Complainant.

B. Procedures

The Title IX Investigator will investigate the alleged violations. The Title IX Investigator will gather, analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of the parties and witnesses, and synthesize all available evidence – including both inculpatory and exculpatory evidence – and take into account the unique and complex circumstances of each case. The Title IX investigator may also contact and cooperate with law enforcement, when applicable, and will provide information regarding information regarding the importance of preserving physical evidence of sexual violence (if applicable) and the availability of a medical forensic exam at no charge to the Complainant (if applicable).

The Complainant and/or the Reporting Party will be notified in writing of the continuance of the Title IX investigation after the Initial Determination.

1. Respondent Notification

If an investigation continues beyond the Initial Determination, the Respondent will be notified in writing of the allegations against him/her and he/she will be provided with a copy of the Title IX Complaint, as well as all supporting documents attached to the complaint, in addition to a copy of the Title IX Policy.

The Respondent will be given notice of the allegations constituting a potential violation of the Title IX Policy, including the identities of the individuals involved, the specific conduct allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged violation.

2. Response to Complaint

The Respondent has the right to file a response to the Complaint. The response must be sent to the Title IX Coordinator within seven (7) days of receiving notice of the allegations, the Complaint, and the supporting documents. The Title IX Coordinator will then forward the Response to the Title IX Investigator.

If the alleged violation could also rise to criminal conduct, the Respondent shall be advised that he or she should consult with an attorney prior to filing a response or making any verbal statements.

In the event the Respondent files a response, the University will provide the Complainant with a copy of the response.

3. Further Investigation

After the time period has passed for Respondent to file a response, the Title IX Investigator will conduct interviews with the Complainant, Respondent, Reporting Party (if applicable), and witnesses (if applicable).

The parties are entitled to have an advocate present during his or her interview, including, but not limited to, an attorney, faculty member, parent, etc., provided that the involvement of the advocate does not result in undue delay in the investigation. The advocate, however, cannot participate in the interview, other than be present during the interview. Further, the advocate cannot submit anything to QU during the Title IX investigation on behalf of the party, and the advocate may not author any writing for a party. The advocate cannot be a witness to the alleged violation(s). The parties are not entitled to attend any interview other than his or her own interview. The parties

may suggest questions to be posed by the Title IX Investigator.

If applicable, the Title IX Investigator will obtain additional documents and perform inspections as part of the Title IX investigation. The parties have the right to submit any documents or items to the Title IX Coordinator that he/she deems relevant, who will then forward the documents and items to the Title IX Investigator. The Title IX Coordinator will send copies of all documents and items submitted by a party to the other party.

4. Draft Report

After interviewing the parties and witnesses and reviewing relevant documents and evidence, the Title IX Investigator will prepare a draft report, outlining his/her findings of fact, as well as his/her determination of whether a Title IX violation has occurred. The draft report will summarize any relevant exculpatory and inculpatory evidence. The Title IX Investigator will submit the draft report to the Title IX Coordinator. Both the Complainant and the Respondent will receive a copy of the draft report, which will be sent concurrently to the Complainant and Respondent by the Title IX Coordinator.

5. Responses to Draft Report

Within seven (7) days of the issuance of the draft report, the parties may submit a response to the draft report to the Title IX Coordinator. Such responses may include any information that the party believes has not been addressed or considered in the report or any information that the party believes is incorrect. The Title IX Coordinator will forward any responses received to the Title IX Investigator.

6. Final Title IX Report

After fourteen (14) days have passed after the issuance of the draft report to the parties, the Title IX Investigator will provide a Final Title IX Report to the parties and the Title IX Coordinator. The Final Title IX Report will be sent concurrently to all parties within seven (7) days of the issuance of the Final Title IX Report, as well as the University's procedures for appealing the findings and conclusions in the Final Title IX Report.

The Title IX Investigator must include the following in the Final Title IX Report:

1. His/her Findings of Fact;
2. Using a preponderance of evidence standard, the investigator's conclusions as to whether the facts support a finding of responsibility for a violation of the University's Title IX policy; and
3. The rationale behind the conclusion.

If the Final Title IX Report indicates that a violation of the Title IX Policy has occurred, the report will address whether any measures should be taken to eliminate misconduct, harassment, and/or discrimination, prevent the recurrence of such acts, and address its effects.

If the Complaint presented more than a single allegation of misconduct and/or discrimination, a decision will be reached separately as to each allegation of misconduct.

IV. Disciplinary Sanctions

A. Student as Respondent

If the Final Title IX Report indicates that a violation of the Title IX Policy occurred, within fourteen (14) days of the issuance of the Final Title IX Report, a Disciplinary Board will make a determination whether any sanctions should be imposed against the Respondent. The Disciplinary Board consists of Vice President Academic Affairs,

Vice President Enrollment Management, and Director Institutional Research. In the event an individual on the Disciplinary Board has a conflict of interest, the Title IX Coordinator will select another individual to serve on the Disciplinary Board.

Any disciplinary sanction decisions must be made for the purpose of deciding how to best enforce the University's policies while considering the impact of separating a student from his or her education. Accordingly, any disciplinary decision must be made as a proportionate response to the violation. The following sanctions may be imposed for violating the Title IX Policy:

- Title IX Training or Other Appropriate Training
- Community Service
- A "No Contact" Order
- Removal from On-Campus Housing
- Probation
- Suspension
- Expulsion
- Loss of Student Leadership Role(s)
- Loss of participation in extracurricular activities

Once the Disciplinary Board determines the sanctions (if any) that will be imposed on the Respondent, the Disciplinary Board will send concurrent written notification to the Complainant, Respondent and the Title IX Coordinator of the sanctions (if any) imposed. The written communication will likewise include the rationale for each sanction imposed for each violation. The written communication to the Complainant and Respondent will also advise the parties of the University's procedures to appeal the Disciplinary Board's determination with respect to the sanctions.

B. Faculty Member as Respondent

If the Final Title IX Report indicates that a University Faculty Member violated the Title IX Policy, the imposition of disciplinary sanctions will be considered by the Vice President of Academic Affairs, consistent with the University's faculty disciplinary policy. The Faculty Member, Complainant, and the Title IX Coordinator will receive written notification of the sanction imposed for each violation. The written communication will likewise include the rationale for each sanction imposed for each violation. The written communication to the Complainant and Respondent will also advise the parties of the University's procedures to appeal the determination with respect to the sanctions.

C. Staff Member as Respondent

If the Final Title IX Report indicates that a University Staff Member violated Title IX Policy Title IX Policy, the imposition of disciplinary sanctions will be considered by the Department Vice President, consistent with the University's disciplinary policy and any applicable collective bargaining agreement. The Staff Member, Complainant, and Title IX Coordinator will receive written notification of the sanction imposed for each violation. The written communication will likewise include the rationale for each sanction imposed for each violation. The written communication to the Complainant and Respondent will also advise the parties of the University's procedures to appeal the Disciplinary Board's determination with respect to the sanctions.

V. Appeal Process

A. Student as Respondent

1. Request for Appeal

Both the Complainant and the Respondent can appeal the decision contained in the Final Title IX Report. Both parties are entitled to only one appeal on the determination(s) contained in the Title IX Final Report. Appeal forms are available at www.quincy.edu/student-life/campus-safety. However, appeal forms are not required to be used in order to make an appeal under the Title IX Policy. Complaints can also be emailed to the Title IX Coordinator or Confidential Advisor. Appeals on the decision contained in the Final Title IX Report may be made on two grounds:

1. Procedural error; and/or
2. New relevant, substantive information that was not available during the investigation which would substantially change the outcome of the decision.

Appeals must be filed with the Title IX Coordinator within seven (7) days of the issuance of the Final Title IX Report. However, in the event that it is determined that the Respondent is responsible for any violation of the policy, appeals can be made with the Title IX Coordinator within seven (7) days of the issuance of written notification regarding the sanctions (if any) imposed on the Respondent, in which case, either party can appeal the determination contained in the Final Title IX Report and/or the sanctions imposed.

Both the Complainant and the Respondent can appeal the decision regarding the imposition (or lack thereof) of sanctions imposed on the Respondent. Both parties are entitled to only one appeal on the sanctions imposed (if any) on the Respondent. Appeals on the decision regarding sanctions may be made on two grounds:

1. Procedural error;
2. New relevant, substantive information that was not available during the investigation which would substantially change the outcome of the sanctions imposed; and/or
3. The sanction is disproportional with the violation(s).

Appeals based on the sanctions imposed (or lack thereof) must be filed with the Title IX Coordinator within seven (7) days of the issuance of the written notification regarding the sanctions (if any) imposed on the Respondent.

2. Appellate Procedure

After receiving notice of an appeal, the Title IX Coordinator will notify both parties in writing of receipt of the appeal. If the appeal was not timely, the Title IX Coordinator will state such in the aforementioned correspondence, and advise both parties that the Title IX process is closed. In the event the appeal is timely, the Title IX Coordinator will send the appeal letter and all investigatory materials to the Vice President of Student Development, who will then determine if a procedural error occurred and/or if new relevant, substantive information not available during the investigation would have changed the outcome of the decision.

If the Vice President of Student Development determines that no procedural error occurred and that no new relevant, substantive information not available at the time of the investigation would have changed the outcome of the decision or the sanctions imposed, the Vice President of Student Development will issue a decision, stating specifics as to the reasoning behind its decision, and submit the decision to the Title IX Coordinator. The Title IX Coordinator will then provide written notice of the Vice President of Student Development's decision to both parties, enclosing a copy of the Vice President of Student Development's decision.

If the Vice President of Student Development determines that a procedural error occurred or that new relevant, substantive information not available at the time of the investigation would have changed the outcome of the decision or the sanctions imposed, the Vice President of Student Development will issue a decision, stating specifics as to the reasoning behind its decision, and submit the decision to the Title IX Coordinator. The Title IX Coordinator will then provide written notice of the Vice President of Student Development's decision to both parties, enclosing a copy of the Vice President of Student Development's decision in the notification.

In the event the Vice President of Student Development grants an appeal regarding the decision contained in the Final Title IX Report, the Title IX Coordinator will select an unbiased school official who is trained in investigating Title IX investigations, to re-investigate the Complaint. The same procedure for investigating the Complaint) as outlined above will apply.

In the event the Vice President of Student Development grants an appeal regarding the sanctions imposed or not imposed on Respondent, the Title IX Coordinator will select three unbiased faculty members to make a new determination regarding sanctions. The same procedure for the imposition of sanctions as outlined above will apply.

B. Faculty or Staff as Respondent

1. Request for Appeal

Both the Complainant and the Respondent can appeal the decision contained in the Final Title IX Report and/or the sanctions imposed (if any).

An appeal involving faculty or staff as the Respondent will be handled pursuant to any applicable policies contained in the Faculty Handbook, Staff Handbook, or any applicable contract. If no such policies exist, the following will apply:

Both the Complainant and the Respondent can appeal the decision contained in the Final Title IX Report. Both parties are entitled to only one appeal on the determination(s) contained in the Title IX Final Report. Appeals on the decision contained in the Final Title IX Report may be made on two grounds:

1. Procedural error; and/or
2. New relevant, substantive information that was not available during the investigation which would substantially change the outcome of the decision.

Appeals must be filed with the Title IX Coordinator within seven (7) days of the issuance of the Final Title IX Report. However, in the event that it is determined that the Respondent is responsible for any violation of the policy, appeals can be made with the Title IX Coordinator within seven (7) days of the issuance of written notification regarding the sanctions (if any) imposed on the Respondent, in which case, either party can appeal the determination contained in the Final Title IX Report and/or the sanctions imposed.

Both the Complainant and the Respondent can appeal the decision regarding the imposition (or lack thereof) of sanctions imposed on the Respondent. Both parties are entitled to only one appeal on the sanctions imposed (if any) on the Respondent.

Appeals on the decision regarding sanctions may be made on two grounds:

1. Procedural error;
2. New relevant, substantive information that was not available during the investigation which would substantially change the outcome of the sanctions imposed; and/or

3. The sanction is disproportional with the violation(s).

Appeals based on the sanctions imposed (or lack thereof) must be filed with the Title IX Coordinator within seven (7) days of the issuance of the written notification regarding the sanctions (if any) imposed on the Respondent.

2. Appellate Procedure

After receiving notice of an appeal, the Title IX Coordinator will notify both parties in writing of receipt of the appeal. If the appeal was not timely, the Title IX Coordinator will state such in the aforementioned correspondence, and advise both parties that the Title IX process is closed. In the event the appeal is timely, the Title IX Coordinator will send the appeal letter and all investigatory materials to the Vice President of Student Development, who will then determine if a procedural error occurred and/or if new relevant, substantive information not available during the investigation would have changed the outcome of the decision.

If the Vice President of Student Development determines that no procedural error occurred and that no new relevant, substantive information not available at the time of the investigation would have changed the outcome of the decision or the sanctions imposed, the Vice President of Student Development will issue a decision, stating specifics as to the reasoning behind its decision, and submit the decision to the Title IX Coordinator. The Title IX Coordinator will then provide written notice of the Vice President of Student Development's decision to both parties, enclosing a copy of the Vice President of Student Development's decision.

If the Vice President of Student Development determines that a procedural error occurred or that new relevant, substantive information not available at the time of the investigation would have changed the outcome of the decision or the sanctions imposed, the Vice President of Student Development will issue a decision, stating specifics as to the reasoning behind its decision, and submit the decision to the Title IX Coordinator. The Title IX Coordinator will then provide written notice of the Vice President of Student Development's decision to both parties, enclosing a copy of the Vice President of Student Development's decision in the notification.

In the event the Vice President of Student Development grants an appeal regarding the decision contained in the Final Title IX Report, the Title IX Coordinator will select an unbiased school official who is trained in investigating Title IX investigations, to re-investigate the Complaint. The same procedure for investigating the Complaint) as outlined above will apply.

In the event the Vice President of Student Development grants an appeal regarding the sanctions imposed or not imposed on Respondent, the Title IX Coordinator will select three unbiased faculty members to make a new determination regarding sanctions. The same procedure for the imposition of sanctions as outlined above will apply.