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* POLICY NAME:	Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence
* POLICY TYPE:	Board Policy
POLICY #:	B.8.1
*STATUS:	Active
*CONTACT OFFICE:	Office of Title IX and ADA Compliance
*OVERSIGHT EXECUTIVE:	Director of Compliance and Title IX/ADA Coordinator
*APPLIES TO:	All members of the University Campus
*PURPOSE:	<p>The University of Mary Washington (UMW) does not discriminate on the basis of sex in the education program or activity that it operates, and UMW is required by Title IX of the Education Amendments of 1972 (Title IX) and 34 C.F.R. Part 106 not to discriminate in such a manner. The requirement not to discriminate in the education program or activity extends to admission and employment. Inquiries about the application of Title IX and 34 C.F.R. Part 106 may be referred to UMW's Title IX Coordinator,¹ the United States Department of Education, Office for Civil Rights, Assistant Secretary for Civil Rights,² or both.</p> <p>Further, the University of Mary Washington is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. UMW does not discriminate on the basis of sex or gender in any of its education or employment programs or activities and as outlined in the <i>Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence</i> (hereinafter Policy). To that end, this Policy prohibited specific forms of behavior that may violate Title IX of the Education Amendments of 1972 (Title IX), relevant provisions of the Violence Against Women Act (VAWA), Title VII of the Civil Rights Act of 1964 (Title</p>

¹ Director of Compliance and Title IX/ADA Coordinator, Dr. Ruth Davison, Lee Hall 401, 1301 College Avenue, Fredericksburg, VA 22401, rdavison@umw.edu, (540) 654-5656.

² United States Department of Education, Office for Civil Rights at OCR@ed.gov or (800) 421-3481.

	<p>VII), the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), the Virginia Human Rights Act, and UMW's community values and standards.</p> <p>UMW adopts this Policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Prohibited Conduct; (2) fostering a community of trust and mutual respect in which Prohibited Conduct is not tolerated; (3) cultivating a climate where all individuals are well-informed and supported in reporting Prohibited Conduct; (4) providing a fair and impartial process for all parties; and (5) identifying the standards by which violations of this Policy will be evaluated and disciplinary action may be imposed.</p> <p>The University of Mary Washington has designated Dr. Ruth Davison as the Title IX Coordinator. The Director of Compliance and Title IX/ADA Coordinator may be contacted at the information below.</p> <p>Director of Compliance and Title IX/ADA Coordinator Dr. Ruth Davison Office Address: Lee Hall Room 401, 1301 College Avenue, Fredericksburg, VA 22401 Electronic Mail Address: rdavison@umw.edu Telephone Number: (540) 654-5656</p> <p><i>Reasonable Accommodations</i> Please contact the Title IX Coordinator at the contact information listed above to request reasonable accommodations necessary to participate in the process and procedures under this Policy. Any questions about accommodations under this Policy may be directed to the Title IX Coordinator at the contact information listed above.</p> <p><u>Table of Contents:</u></p> <p>Definitions..... 3 Policy Statement 11 Scope and Jurisdiction of Policy..... 12 Confidentiality 13 Role of the Title IX Coordinator 14 Personnel Contact Information..... 15 Training of Personnel 16 Responsibility of UMW Employees to Report Information About</p>
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DEFINITIONS:	<p><i>Actual Knowledge</i> means notice of Prohibited Conduct or allegations of Prohibited Conduct to the Title IX Coordinator or to</p>

	<p>any University “Official With Authority” to institute corrective measures on behalf of the University. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the University with actual knowledge is the respondent. The mere ability or obligation to report Prohibited Conduct (e.g., “Responsible Employees” who are not otherwise designated as an “Official With Authority”) or to inform a student about how to report Prohibited Conduct, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University. Notice as used in this this paragraph includes, but is not limited to, a report of Prohibited Conduct to the Title IX Coordinator.</p> <p><i>Complainant</i> means an individual who is alleged to be the victim of conduct that could constitute Prohibited Conduct.</p> <p><i>Complicity</i> means any act that knowingly aids, facilitates, promotes, or encourages the commission of Prohibited Conduct by another person.</p> <p><i>Consent</i> means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Silence, in and of itself, does not constitute consent. Past consent to sexual activities, or a current or previous intimate relationship, does not imply ongoing or future consent. Consent to some sexual activity (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Once consent is clearly communicated as withdrawn, that withdrawal requires that the sexual activity cease. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred. Consent is not considered to be knowing and voluntary if obtained through force or coercion or obtained while the Complainant was incapacitated.</p> <p><i>Coercion</i> means the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose</p>
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whether or not to engage in sexual activity. The University will evaluate the following in determining whether coercion was used: (a) frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (d) the duration of the pressure.

Force means the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threat), and coercion that overcomes free will, overcomes resistance, or produces consent.

Incapacitation means a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, and/or how” of their sexual interaction). Sexual activity with someone who is mentally or physically incapacitated (e.g., by alcohol, other drug use, or unconsciousness), constitutes a violation of University Policy. A Respondent is not responsible for a violation of this Policy for engaging in sexual activity with someone who is incapacitated if the Respondent both did not know of that individual’s incapacitation and should not reasonably have known of that individual’s incapacitation. This Policy covers a person whose incapacitation results from mental disability, sleep, involuntary physical restraints, or drugs or other substances.

Days means calendar days unless otherwise specified in this Policy or any notice provided under this Policy.

Education Program or Activity means locations, events, or circumstances over which the University of Mary Washington exercises substantial control over both the respondent and the context in which the sexual harassment occurs. It also includes any building owned or controlled by a student organization that is officially recognized by the University. This definition applies to formal complaints filed for the purposes of Title IX, 34 C.F.R. part 106, as amended, and does not limit the University of Mary Washington’s response to allegations of other Policy violations contained herein.

	<p><i>Formal Complaint</i> means a document filed by a complainant or signed by the Title IX Coordinator or designee(s) alleging Prohibited Conduct against a respondent and requesting that UMW investigate the allegation of Prohibited Conduct. “Document filed by a complainant” means a document or electronic submission³ (electronic mail) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.⁴ Where the Title IX Coordinator or designee(s) signs a formal complaint, the Title IX Coordinator or designee(s) is not a complainant or otherwise a party.</p> <p><i>Grievance Procedures</i> means this Policy, including any process and procedures herein, that provide for the prompt and equitable resolution of student and employee complaint(s) alleging any action that would be prohibited by Title IX, 34 C.F.R. part 106, as amended, or other provisions contained within the Policy.</p> <p><i>Grievance Process</i> means the process and procedures described herein to resolve formal complaints involving allegations of Prohibited Conduct.</p> <p><i>Official With Authority</i> means an official who has the authority to institute corrective measures on behalf of the University. Officials with Authority include the Title IX Coordinator and any official designated in writing as an Official With Authority for the purposes of this Policy by the Title IX Coordinator or the University President. Responsible Employees who are not otherwise designated by this paragraph as Officials with Authority do not have the authority to institute corrective measures on behalf of the University.</p> <p><i>Prohibited Conduct</i> includes <i>Sexual Harassment, Sexual or Gender-Based Misconduct, Sexual Exploitation, Retaliation, and Complicity</i></p>
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³ Electronic Submission does not include reports and information submitted through UMW’s “Report a Concern” (umw.edu/concerns). After a report of conduct potentially constituting Prohibited Conduct is made through UMW’s “Report a Concern,” the Title IX Coordinator will contact the Complainant, if known, to provide information including but not limited to how to file a Formal Complaint.

⁴ Nothing in this Policy derogates any legal right of a parent or guardian to act on behalf of a “complainant,” “respondent,” “party” or other individual, subject to Family Educational Rights and Privacy Act (FERPA), including but not limited to filing a formal complaint, nor does this Policy create any additional rights for a parent or guardian to act on behalf of a “complainant,” respondent,” or “party” or other individual.

	<p>as defined in this Policy. Conduct under this Policy is prohibited regardless of the sex, sexual orientation, gender identity, and/or gender expression of the Complainant or Respondent. Being under the influence of alcohol or other drugs is no defense to any violation of this Policy.</p> <p><i>Remedies</i> means measures including disciplinary sanctions that are designed to restore or preserve equal access to UMW's education program or activity. Remedies may be imposed where a determination of responsibility for sexual harassment has been made against the respondent after the Grievance Process. Remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.</p> <p><i>Respondent</i> means an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.</p> <p><i>Sexual Exploitation</i> means taking non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the other forms of Prohibited Conduct. Sexual Exploitation includes but is not limited to prostituting another person; non-consensual visual or audio recording of sexual activity or intimate body parts; non-consensual distribution of photographic, audio, video, other image, or text-based content of an individual's sexual activity or intimate body parts; non-consensual voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy); knowingly exposing someone to or transmitting an STI, STD, or HIV; exposing one's genitals to another in non-consensual circumstances, or intentionally removing or compromising contraception without the other party's consent.</p> <p><i>Sexual Harassment</i> means conduct on the basis of sex that satisfies one or more of the following:</p> <ol style="list-style-type: none"> (1) An employee of UMW conditioning the provision of an aid, benefit, or service of UMW on an individual's participation in unwelcome sexual conduct;
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	<p>(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to UMW's education program or activity; or</p> <p>(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v),⁵ "dating violence" as defined in 34 U.S.C. 12291(a)(10),⁶ "domestic violence" as defined in 34 U.S.C.</p>
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⁵ Sexual Assault is defined as:

Sex Offenses, Forcible – Any sexual act directed against another person, without the consent of the Complainant including instances where the Complainant is incapable of giving consent.

- Forcible Rape – 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 Complainant.
- Forcible Sodomy – Oral or anal sexual intercourse with another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Sexual Assault with an Object – to use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Forcible Fondling – The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sex Offenses, Nonforcible – Nonforcible sexual intercourse.

- Incest – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Virginia law.
- Statutory Rape – Nonforcible sexual intercourse with a person who is under the statutory age of consent of Virginia.

⁶ Dating Violence is defined as: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

	<p>12291(a)(8),⁷ or “stalking” as defined in 34 U.S.C. 12291(a)(30).⁸</p> <p><i>Sexual or Gender-Based Misconduct</i> means conduct that satisfies one or more of the below that does not otherwise meet the definition of <i>Sexual Harassment</i> under this Policy:</p> <p>(1) “Non-consensual sexual conduct” – non-consensual bodily contact of a sexual nature; intentional and non-consensual touching of or coercing, forcing, or attempting to coerce or force another to touch a person’s genital area, groin, inner thigh, buttocks or breast, clothed or unclothed; and non-consensual sexual intercourse, defined as anal, oral, or vaginal penetration, however slight, with any body part or object.</p> <p>(2) “Intimate partner violence” – any act of violence or emotional abuse or threatened act of violence or abuse that occurs between individuals who are or have been in a sexual, dating, spousal, domestic, or other intimate relationship.⁹ Intimate Partner Violence may include but is</p>
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⁷ Domestic violence is defined as: a felony or misdemeanor crime of violence committed: by a current or former spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Virginia; by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Virginia.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

⁸ Stalking is defined as: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

(i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

(ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

(iii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

⁹ Consistent with the Violence Against Women Reauthorization Act of 2013 (“VAWA”), the existence of an intimate relationship will be determined based on the Complainant’s statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

	<p>not limited to the following forms of conduct: physical abuse of the Complainant by a spouse or partner, such as hitting, slapping, pushing, or strangling; sexual violence of the Complainant by a spouse or partner; and extreme verbal abuse of the Complainant by a spouse or partner.</p> <p>(3) “Stalking II” – an intentional course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. “Course of Conduct” means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, communicates to or about another person, or interferes with another person’s property. “Substantial Emotional Distress” means significant mental suffering or anguish. Stalking II includes “cyberstalking,” a particular form of stalking in which a person uses electronic media, such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact. Stalking II constitutes Prohibited Conduct under this Policy when the course of conduct is directed at a specific person because of that person’s sex, sexual orientation, or gender.</p> <p><i>Supportive Measures</i> means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to UMW’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UMW’s educational environment or to deter Prohibited Conduct. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absences, increased security and monitoring of certain areas of the campus, and other similar measures. UMW will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of UMW to provide the supportive measures. The Title IX</p>
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	<p>Coordinator is responsible for coordinating the effective implementation of supportive measures.</p>
<p>*POLICY STATEMENT:</p>	<p><u>POLICY STATEMENT</u></p> <p>The University of Mary Washington is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. UMW does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. UMW prohibits Sexual Harassment, Sexual or Gender-Based Misconduct, Sexual Exploitation, Retaliation, and Complicity (Prohibited Conduct). These forms of Prohibited Conduct undermine the character and purpose of the University and will not be tolerated. The University will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. Conduct under this Policy is prohibited regardless of the sex, sexual orientation, gender identity, and/or gender expression of the Complainant or Respondent.</p> <p>Being under the influence of alcohol or other drugs is no defense to any violation of this Policy.</p> <p>The University conducts ongoing prevention, awareness, and training programs for employees and students to facilitate the goals of this Policy. It is the responsibility of every member of the UMW community to foster an environment free of Prohibited Conduct. All members of the UMW community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct.</p> <p>This Policy contains procedures for investigating and resolving allegations involving Prohibited Conduct. Employees or students who violate this Policy may face disciplinary action up to and including termination or expulsion. This Policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the Prohibited Conduct precedes the effective date of this Policy, the definitions of Prohibited Conduct in existence at the time of the alleged incident(s) will be used. The procedures under this Policy will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the incident(s) occurred.</p>

	<p><i>Scope and Jurisdiction of Policy</i></p> <p>This Policy applies to: (a) all UMW students who are registered or enrolled for credit- or non-credit-bearing coursework; (b) all UMW employees, consisting of all full-time and part-time faculty, administrative/professional faculty, classified, and wage employees; and (c) any contractors, vendors, visitors, guests, or other third parties. This Policy pertains to acts of Prohibited Conduct committed by or against students or employees when: (1) the conduct occurs on campus,¹⁰ in a noncampus building or property,¹¹ or on public property¹²; (2) the conduct occurs in the context of a UMW employment or education program or activity, including, but not limited to, UMW-sponsored study abroad, research, online, or internship programs; or (3) the conduct occurs outside the context of a UMW employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for students, employees, or third parties while on campus or other property owned or controlled by UMW or in any UMW employment or education program or activity.</p> <p>A student or employee determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. The University’s ability to take appropriate corrective action against a contractor, vendor, visitor, guest, or third party will be determined by the nature of the relationship of the third party to the University. The Title IX Coordinator, or designee(s), will determine the appropriate manner of resolution consistent with</p>
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¹⁰ “Campus” means (i) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner relating to, the institution’s educational purposes, including residence halls, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vender. Va. Code § 23.1-806 (the “Virginia Reporting Statute”).

¹¹ “Noncampus building or property” means (i) any building or property owned or controlled by a student organization officially recognized by an institution of higher education or (ii) any building or property owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s education purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. Va. Code § 23.1-806 (the “Virginia Reporting Statute”).

¹² “Public Property” means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. Va. Code § 23.1-806 (the “Virginia Reporting Statute”).

	<p>the University's commitment to a prompt and equitable process consistent with federal law, federal guidance, state law, and this Policy. Third parties who commit Prohibited Conduct may have their relationship with UMW terminated or their privilege of being on UMW premises withdrawn.</p> <p><i>Confidentiality</i></p> <p>UMW is committed to protecting the privacy of all individuals involved in any report of Prohibited Conduct and its resolution under this Policy including but not limited to supportive measures and resolutions involving the grievance process and procedures under this Policy. UMW is also committed to helping students and employees make informed choices. With respect to any report under this Policy, UMW will make reasonable efforts to protect the confidentiality of participants while balancing the need to gather information to assess the report and take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. For the purposes of this Policy, confidentiality has a distinct meaning. Confidentiality means that information related to a report of Prohibited Conduct and its resolution under this Policy will be shared with a limited circle of UMW employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report and other processes and procedures under this Policy. All employees who are involved in UMW's process and procedures under this Policy receive specific training and guidance about safeguarding this information. The University must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's FERPA Policy. The privacy of an individual's medical and related records generally is protected by Virginia's Health Records Privacy Statute, Va. Code § 32.1-127.1:03. Access to an employee's personnel records in Virginia may be restricted in accordance with the Virginia Freedom of</p>
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	<p>Information Act, and, where applicable, Department of Human Resources Management (“DHRM”) Policy 6.05 Personnel Records Disclosure and DHRM Policy 6.10 Records Management.</p> <p>This definition of confidentiality is distinct from the meaning of confidentiality for the purposes of laws that protect certain relationships, including with medical and clinical care providers, mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Virginia law. These communications may also be referred to as privileged communications when a legally recognized privilege exists. When an individual shares information with a professional who has the ability to have confidential communications in the context of laws that protect such professional relationships, that person cannot reveal the shared information to any third party except when an applicable law or court order requires or permits disclosure of such information. For example, information shared in a confidential context may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of eighteen (18). The Grievance Process conducted under this Policy will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.</p> <p><i>Role of the Title IX Coordinator</i></p> <p>Under Title IX, “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”</p> <p>The Title IX Coordinator is designated and authorized to coordinate UMW’s efforts to comply with its responsibilities under Title IX of the Education Amendments of 1972 (Title IX), 34 C.F.R. Part 106; ensuring appropriate education and training; coordinating and reviewing UMW’s investigation, response, and resolution of all reports under this Policy; and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and address its effects. Additionally, the Title IX Coordinator is responsible for effective implementation of any</p>
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	<p>remedies imposed under the Grievance Policy and Procedures described herein.</p> <p>Concerns about UMW's application of Title IX, VAWA, Title VII, the Clery Act, or the Virginia Human Rights Act may be addressed to the Title IX Coordinator, the United States Department of Education, Clery Act Compliance Division (at clery@ed.gov); the United States Department of Education, Office for Civil Rights (at OCR@ed.gov or (800) 421-3481); and/or the Equal Employment Opportunity Commission (at info@eeoc.gov or (800) 669-4000).</p> <p>Any person may report sex discrimination or violations of this Policy, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information contained in this Policy for the Title IX Coordinator and also available at https://diversity.umw.edu/title-ix/, or by any means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.</p> <p>The University of Mary Washington has designated Ruth Davison as the Title IX Coordinator.</p> <p><i>Personnel Contact Information</i> Director of Compliance and Title IX/ADA Coordinator Dr. Ruth Davison Office Address: Lee Hall Room 401, 1301 College Avenue, Fredericksburg, VA 22401 Electronic Mail Address: rdavison@umw.edu Telephone Number: (540) 654-5656</p> <p>Any individual designated as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process under these procedures does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Concerns of bias or a potential conflict of interest of the Title IX Coordinator should be raised with the Chief of Staff. Concerns of bias or a potential conflict of interest by any deputy</p>
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	<p>Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process under these procedures should be raised with the Title IX Coordinator.</p> <p><i>Training of Personnel</i> Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process under these procedures receive training on the definition of sexual harassment in 34 C.F.R. § 106.30, the scope of UMW's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in 34 C.F.R. part 106. Investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. In accordance with 34 C.F.R. part 106, Training Materials are posted on UMW's Title IX Webpage: https://diversity.umw.edu/title-ix/.</p> <p>Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process under these procedures also receive training on Prohibited Conduct not constituting Sexual Harassment as defined in this Policy and on the Policy and procedures contained herein. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person that facilitates an informal resolution process under these procedures does not rely on sex stereotypes and promotes impartial investigations and adjudications of formal complaints of Prohibited Conduct. Training is provided annually to Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.</p> <p><i>Responsibility of UMW Employees to Report Information about Prohibited Conduct (Responsible Employees)</i> A "Responsible Employee" is a University employee who has the duty to disclose all reports of Prohibit Conduct to the University's Title IX Coordinator. All University employees (except Confidential Employees, defined below) are Responsible Employees, including student workers employed as Resident</p>
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	<p>Assistants, Orientation Staff, Peer Mentors, and Graduate Teaching Assistants, when disclosures are made to them in their capacities as University employees.</p> <p>A “Confidential Employee” is any employee who is a licensed medical, clinical, or mental health professional when acting in their professional role providing services to a patient who is a student and any employee providing administrative, operational, and/or related support for such health care providers. A Confidential Employee will not disclose information about Prohibited Conduct to the University’s Title IX Coordinator without the student’s permission, subject to the exceptions set forth in this Policy and as required under state and federal law.</p> <p>Responsible Employees who, in the course of employment, obtain information (directly or indirectly) about an incident(s) that may constitute Prohibited Conduct that may involve a student and/or incident(s) of Prohibited Conduct that may have occurred on campus, in or on a noncampus building or property, or on public property,¹³ shall report such information (including dates, times, locations, and names of the parties and witnesses, if known) to the Title IX Coordinator as soon as practicable after addressing the immediate needs of the Complainant.¹⁴</p> <p>Responsible Employees receiving such reports or complaints should immediately notify the Title IX Coordinator and should not undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator. Reporting information to the Title IX Coordinator does not automatically trigger a formal investigation of Prohibited Conduct. Disclosures at public awareness events (e.g., “Take Back the Night”) and certain research-based disclosures (i.e., where a student is a subject in an Institutional Review Board-approved human subjects research pool) will not trigger an individual investigation of Prohibited Conduct, although such disclosures may inform the need for community-wide education and prevention efforts.</p>
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¹³ See footnotes 10-12 for definitions of “campus,” “noncampus building or property,” and “public property.”

¹⁴ See Va. Code § 23.1-806(B) (“Any responsible employee who in the course of his employment obtains information that an act of sexual violence may have been committed against a student attending the institution or may have occurred on campus, in or on a noncampus building or property, or on public property shall report such information to the Title IX coordinator...”).

	<p>Under this Policy, supervisors, management, and human resources professionals are required to report to the University’s Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct where either the Complainant or the Respondent is an employee. Reporting is required when supervisors, management, and human resources professionals knew (by reason of a direct or indirect disclosure) or should have known of such Prohibited Conduct. For academic faculty, supervisors include department chairs, deans, and other unit administrators.</p> <p>A Responsible Employee is not an “Official With Authority” unless that individual is specifically designated as an “Official With Authority” in this Policy. Information obtained by Responsible Employees does not constitute actual knowledge of Prohibited Conduct or allegations of Prohibited Conduct to the University.</p> <p><i>University’s Responsibility to Report Incidents Under the Clery Act</i> Pursuant to the Federal Clery Act, UMW includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires UMW to issue timely warnings to the UMW community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, UMW withholds the names and other personally identifying information of Complainants when issuing timely warnings to the University community.</p>
<p>PROCEDURES:</p>	
<p>* General Procedures for Implementation:</p>	<p>The procedures detailed below discuss how to file a complaint of sex discrimination or other violation of this Policy, how to report or file a formal complaint of sexual harassment or other violation of this Policy, and how the University of Mary Washington will respond.</p>

	<p><u>Reporting Options</u></p> <p>There are multiple channels for reporting Prohibited Conduct. A Complainant may choose to report to the University, to law enforcement, to both, or to neither. These reporting options are not exclusive. Complainants may simultaneously pursue criminal and disciplinary action. UMW will support Complainants in understanding and assessing their options.</p> <p><i>Reports to the University</i></p> <p>UMW urges anyone who becomes aware of an incident of Prohibit Conduct to report the incident immediately to the University through the following reporting options:</p> <ul style="list-style-type: none">- By contacting UMW's Title IX Coordinator in person, by mail, by telephone, or by electronic mail (e-mail) using the contact information listed herein for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. <p>Additionally, reports involving student-Respondents may also be submitted:</p> <ul style="list-style-type: none">- Through UMW's Online Reporting Form, located at http://www.umw.edu/concerns/ (which allows for anonymous reporting). <p>Anyone may report Prohibited Conduct whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Prohibited Conduct.</p> <p>There is no time limit for reporting Prohibited Conduct to the University under this Policy; however, UMW's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the University. If the Respondent is no longer a student or an employee, UMW will provide reasonably appropriate supportive measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects, and UMW may, at its discretion, continue to proceed under the procedures of</p>
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	<p>this Policy. UMW's ability to take appropriate corrective action against a third party will be determined by the nature of the relationship of the third party to the University. The Title IX Coordinator will determine the appropriate manner of resolution consistent with the University's commitment to a prompt and appropriate process, federal and state law, federal guidance, and this Policy.</p> <p>Employee-Complainants are encouraged to report Prohibited Conduct by another employee without undue delay, preferably within one (1) year of the alleged incident. The employee-Complainant must also disclose if a formal complaint has been filed with a state or federal agency for the same offense.</p> <p>A report of Prohibited Conduct to the University does not automatically trigger a formal investigation and the formal Grievance Process.</p> <p><i>Reports to Law Enforcement</i></p> <p>Complainants have the right to notify or decline to notify law enforcement. In keeping with its commitment to take appropriate steps to eliminate, prevent, and remedy Prohibited Conduct, UMW urges Complainants to report Prohibited Conduct immediately to local law enforcement by contacting:</p> <ul style="list-style-type: none"> - For Emergencies: <ul style="list-style-type: none"> o (540) 654-4444 (On Campus) (dial 4444 from a University phone) o 911 (Off Campus) - For Non-Emergencies <ul style="list-style-type: none"> o University Police (540) 654-1025 o City of Fredericksburg Police (540) 373-3122 <p>Police have unique legal authority, include the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Emergency Protective Orders. Although a police report may be made at any time, Complainants should be aware that a one-year statute of limitations may apply to certain misdemeanors in Virginia. UMW will assist Complainants in notifying law enforcement if they choose to do so.</p> <p>The local Commonwealth's Attorney shall be notified within forty-eight (48) hours of initiation if a law enforcement investigation is conducted if an incident involves a felony criminal sexual assault that occurs in a building or on property owned or controlled by</p>
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	<p>the University and used in direct support of the institution's educational mission or on public property adjacent to campus. Identifying information of the Complainant is not required to be provided in this notification.</p> <p><u>Response to Reports to the University</u></p> <p>After receiving a report involving allegations of Prohibited Conduct, the Title IX Coordinator, or designee(s), will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.</p> <p><u>Resources and Support</u></p> <p>UMW offers a wide range of resources for both students and employees for support and guidance in response to any report of Prohibited Conduct. See <i>Appendix A</i> for information on accessing University and community resources, including emergency and ongoing assistance; health, mental health, and victim-advocacy services; options for reporting to the University and/or law enforcement; and available support with academics, housing, and employment. See <i>Appendix B</i> for a description of UMW's educational programs and campaigns to promote awareness of and prevent the occurrence of Prohibited Conduct, including the use of bystander intervention as appropriate.</p> <p><i>Supportive Measures</i></p> <p>The University will offer and implement appropriate and reasonable supportive measures to the parties upon actual notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to UMW's education program or activity, including measures designed to protect the safety of all parties or UMW's educational environment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between</p>
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	<p>the parties, changes in work or housing locations, leaves of absences, increased security and monitoring of certain areas of the campus, and other similar measures. UMW will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of UMW to provide the supportive measures.</p> <p>A Complainant is not required to file a Formal Complaint to receive supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.</p> <p><i>Preservation of Evidence</i> Even if a Complainant is unsure whether they want to report the incident, steps can be taken to preserve evidence. A forensic examination by a Sexual Assault Nurse Examiner (“SANE nurse”) will preserve evidence and may be done within the first 120 hours (five days) after an assault. There is no cost to the Complainant. Currently, SANE nurses are available through the Mary Washington Hospital Emergency Room: (540) 741-1000 / ‘911’ (emergencies). Preserving evidence, including a forensic exam performed by a SANE nurse, does not obligate the Complainant to pursue criminal charges or appear in court.</p> <p><u>Filing a Formal Complaint</u></p> <p>Anyone, including complainants, may report Prohibited Conduct without filing a Formal Complaint, and a complainant may choose to report Prohibited Conduct before filing a Formal Complaint using the procedures described herein. Complainants who need assistance or accommodations for filing a Formal Complaint should contact the Title IX Coordinator at the contact information in this Policy.</p> <p>A formal complaint may be filed by a complainant with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator in this Policy and at diversity.umw.edu/title-ix/. A formal complaint is considered filed by the complainant when it meets the following requirements: (1) it is a document or electronic submission¹⁵</p>
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	<p>(such as electronic mail) that contains the complainant’s physical or digital signature or otherwise indicates that the complainant is the person filing the formal complaint; (2) it must allege Prohibited Conduct against a respondent; and (3) it must request that UMW investigate the allegation(s) of Prohibited Conduct.</p> <p>Additionally, a formal complaint may be signed by the Title IX Coordinator. A formal complaint signed by the Title IX Coordinator must allege Prohibited Conduct against a respondent and request that UMW investigate the allegation(s) of Prohibited Conduct. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.</p> <p>The University may consolidate formal complaints as to allegations of Prohibited Conduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this Policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.</p> <p><u>Threat Assessment</u></p> <p><i>Review Committee</i></p> <p>Within seventy-two (72) hours of the Title IX Coordinator’s receipt of a report of sexual violence¹⁶ that may have occurred on campus, in or on a noncampus building or property, or on public property,¹⁷ a review committee shall be convened consisting of the Title IX Coordinator or designee(s), a representative of the UMW Police Department, a representative of the Division of Student Affairs, and other administrators as appropriate. The review committee shall consider whether to disclose information about the incident, including personally identifiable information,</p>
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¹⁵ Electronic Submission does not include reports and information submitted through UMW’s “Report a Concern” (umw.edu/concerns). After a report of conduct potentially constituting Prohibited Conduct is made through UMW’s “Report a Concern,” the Title IX Coordinator will contact the Complainant, if known, to provide information including but not limited to how to file a Formal Complaint.

¹⁶ “Sexual violence” means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (Va. Code § 23.1-806 (the “Virginia Reporting Statute”)).

¹⁷ See footnotes 10-12 for definitions of “campus,” “noncampus building or property,” and “public property.”

	<p>with or without the Complainant’s consent in order to protect the health or safety of the student or other individuals to the extent permitted under the federal regulations implementing FERPA (34 C.F.R. § 99.36) and Va. Code § 23.1-806 (the “Virginia Reporting Statute”). If such disclosure is made, the Title IX Coordinator or designee(s) shall promptly notify the affected Complainant.</p> <p><i>Risk Factors Considered When Determining the Threat of Safety to the Complainant, other Individuals, or the University Community</i></p> <ol style="list-style-type: none"> 1. Whether the Respondent has prior arrests, is the subject of prior reports and/or complaints related to any form of Prohibited Conduct, or has any history of violent behavior; 2. Whether the Respondent has a history of failing to comply with any University No-Contact Order, other University protective measures, and/or any judicial protective order; 3. Whether the Respondent has threatened to commit violence or any form of Prohibited Conduct; 4. Whether the reported Prohibited Conduct involved multiple Respondents; 5. Whether the reported Prohibited Conduct involved force; 6. Whether the report reveals a pattern of Prohibited Conduct (e.g., by the Respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location); 7. Whether the reported Prohibited Conduct was facilitated through the use of “date-rape” or similar drugs or other substances; 8. Whether the reported Prohibited Conduct occurred while the Complainant was unconscious, physically helpless, or unaware that the Prohibited Conduct was occurring; and/or 9. Other factors deemed relevant. <p>If the reported Prohibited Conduct constitutes a felony violation of Article 7 of Chapter 4 of Title 18.2 of the Code of Virginia, then the UMW Police Department representative shall consult with the local Commonwealth Attorney or other responsible prosecutor within twenty-four (24) hours and provide the prosecutor with the information received by the review committee without disclosing personally identifiable information unless such disclosure is deemed necessary as set forth above.</p>
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	<p><u>Emergency Removal</u></p> <p>The University may at any time, at its discretion, remove a respondent from a University education program or activity on an emergency basis. The University will complete an individualized safety and risk analysis to determine if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment against the respondent justifies removal. The University will provide the respondent notice in writing and an opportunity to challenge the decision immediately following the removal.</p> <p>The University may at any time, at its discretion, in consultation with Human Resources, place a non-student employee respondent on administrative leave during the pendency of the grievance process under this Policy.</p> <p><u>Grievance Process for Formal Complaints of Prohibited Conduct</u></p> <p>The Grievance Process and Procedures described below apply to allegations of Prohibited Conduct after a Formal Complaint has been filed by the Complainant or signed by the Title IX Coordinator.</p> <p><i>Presumption of Non-Responsibility</i></p> <p>The University of Mary Washington uses the Grievance Process and Procedures described herein for resolving all formal complaints of Prohibited Conduct regardless of whether the respondent is a student or employee. Under this Policy and the procedures described herein, the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.</p> <p><i>Standard of Evidence</i></p> <p>The standard of evidence that will be used to determine responsibility in all cases involving allegations of Prohibited Conduct is the “preponderance of the evidence.” Preponderance of the evidence requires that the weight of the evidence, in totality, supports a finding that it is more likely than not that a violation occurred. A respondent will not be found in violation of this Policy absent a finding by a Preponderance of the Evidence</p>
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	<p>that the violation occurred. This standard of evidence applies to all formal complaints against students and employees, including faculty.</p> <p><i>Burden of Proof and Evidence Considerations</i> The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the parties. The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless UMW obtains that party's voluntary, written consent to do so for the Grievance Process and Procedures under this Policy.</p> <p><i>Reasonably Prompt Time Frame for the Grievance Process</i> The University of Mary Washington is committed to concluding the Grievance Process in a reasonably prompt time frame including reasonably prompt time frames for filing and resolving appeals and informal resolution processes. The Grievance Process may be temporarily delayed or a limited extension of time frames may be granted for good cause. If the Grievance Process is temporarily delayed or a limited extension of time frames is granted, written notice that includes the reasons for the actions will be provided to the complainant and the respondent. The Title IX Coordinator, or designee(s) will determine whether good cause exists for a temporary delay of the grievance process or the limited extension of time frames. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity including, but not limited to, complying with requests from law enforcement for temporary delay for gathering evidence for a criminal investigation; the need for language assistance or accommodation or disabilities; if additional time is necessary to ensure the integrity and completeness of the investigation, including, but not limited to, considerations such as the complexity of the case including volume of witnesses and information; and/or other legitimate reasons.</p>
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	<p><i>Amnesty</i></p> <p>Complainants or witnesses of Prohibited Conduct may have been using alcohol or other drugs at the time of the incident and might fear that they will be held accountable or “get into trouble” for violating UMW’s policies related to alcohol or other drugs, or other aspects of the Code of Conduct, if they report the Prohibited Conduct. Recognizing the potentially devastating impact of Prohibited Conduct on not just the individual but the UMW community, UMW may grant limited amnesty to the student(s) from drug, alcohol, and other student conduct policies, if their behavior did not put other individuals at risk. Further, in accordance with Virginia law, UMW grants amnesty to students from disciplinary action based on personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of Prohibited Conduct.</p> <p>Further, this Policy prohibits charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, including any sanctions that arise from such charges, when such charges or resulting sanctions arise out of the same facts or circumstances as a report or complaint of sex discrimination, or report or formal complaint of sexual harassment, and when such charges or resulting sanctions are imposed “for the purpose” of interfering with the exercise of any person’s rights under Title IX or 34 C.F.R. Part 106.</p> <p><i>Retaliation</i></p> <p>It is a violation of this Policy to intimidate, threaten, coerce, or discriminate against any individual for the purposes of interfering with any right or privilege secured by Title IX of 34 C.F.R. part 106, as amended, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or 34 C.F.R. part 106, constitutes Retaliation. Charging an individual with a violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not</p>
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	<p>constitute Retaliation, provided, however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.</p> <p><i>Knowingly Making False Statements or Knowingly Submitting False Information During the Grievance Process</i></p> <p>It is a violation of this Policy to knowingly make a false statement or knowingly submit false evidence during the Grievance Process. A determination regarding responsibility, alone, is not sufficient to conclude that any party knowingly made a false statement or knowingly submitted false information during the Grievance Process. Any allegations of violations of this provision will be handled using the Grievance Process herein and not under any other UMW policies or procedures.</p> <p><i>Consolidation of Reports</i></p> <p>The University may adjudicate multiple charges at one time if they stem from the same incident or are based on a pattern of behavior close enough in time or related sufficiently by their nature to be reasonably resolved in conjunction with the grievance process and procedures under this Policy for an allegation(s) of Prohibited Conduct. Matters may be consolidated for reasons including but not limited to the involvement of multiple respondents, multiple complainants, cross-complaints or the involvement of related conduct involving the same party(s) that would otherwise have been heard under the Code of Conduct, Honor Code, or any other UMW policy (provided that it does not delay the prompt resolution under this Policy). For charges of violations of other UMW policies, the Respondent will be notified of the charges in the Notice of Allegations including the following details if known at the time: (1) identities of the parties involved in the incident, (2) the conduct allegedly constituting a violation of a UMW policy or code, and (3) the date and location of the alleged incident. A formal complaint is not required for the charges that are consolidated under this paragraph unless the charges constitute Prohibited Conduct under this Policy.</p> <p><u>Grievance Process Procedures</u></p> <p><i>Notice of Allegations</i></p> <p>Upon receipt of a Formal Complaint, the Title IX Coordinator or designee(s) will provide written notice to the parties who are known containing the following:</p>
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- Notice of UMW’s Grievance Process including the informal resolution process;
- Notice of the allegations potentially constituting Prohibited Conduct including the following details if known at the time:
 - o Identities of the parties involved in the incident
 - o The conduct allegedly constituting Prohibited Conduct
 - o The date and location of the alleged incident;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process;
- A statement informing the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney; and
- A statement informing the parties that they may inspect and review evidence in accordance with the Grievance Procedures described herein.

This notice, including the details listed above, will be provided with sufficient time to prepare a response before any initial interview. This notice will contain a statement informing the parties that it is a violation of this Policy to knowingly make false statements or knowingly submit false information during the Grievance Process. If, in the course of an investigation, the Title IX Coordinator or designee(s) decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the Title IX Coordinator or designee(s) will provide notice of the additional allegations to the parties whose identities are known. Notice will be made in writing and may be delivered by one or more of the following methods at the discretion of the Title IX Coordinator or designee(s): in person, mailed to the local or permanent address(es) of the parties as indicated in official University records, or emailed to the parties’ University-issued email or designated accounts. Once mailed, emailed, and/or provided in-person, notice is considered provided and delivered.

Notice of Hearings, Investigative Interviews, and Other Meetings

All parties whose participation is invited or expected will be provided with written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to

	<p>participate. Notice will be made in writing and may be provided by one or more of the following methods at the discretion of Title IX Coordinator, investigator, or designee(s): in person, mailed to the local or permanent address(es) of the parties as indicated in official University records, or emailed to the parties' University-issued email or designated accounts. Once mailed, emailed, and/or provided in-person, notice is considered provided and delivered.</p> <p><i>Advisors</i></p> <p>During the Grievance Process, the Complainant and Respondent may be accompanied to any related meeting or proceeding by an advisor of their choice. The advisor may be, but is not required to be an attorney. The decision of one party not to exercise rights exercised by another, including the right to choose an advisor, shall not be considered an error in the Grievance Process. It is the responsibility of the parties to inform the Title IX Coordinator, investigator, or designee(s) the identity of their advisor in writing at least 2 days prior to any related meeting or proceeding during the Grievance Process at which the advisor will be present. Once the Title IX Coordinator has been notified of the identity of the advisor for a party, the Title IX Coordinator, investigator(s), decision-maker(s), informal resolution facilitator(s), or designee(s) will copy the party's advisor on any communication to that party. The Complainant and Respondent are limited to one advisor for the purposes of receiving a copy of communications directed to the party by the Title IX Coordinator, investigator(s), decision-maker(s), and informal resolution facilitator(s). It is the responsibility of the parties to notify the Title IX Coordinator if at any time throughout the Grievance Process, the identity of the advisor changes.</p> <p>Complainants and Respondents are limited to the presence of one advisor in any meeting or proceeding conducted under these procedures. The advisor is not allowed to speak on behalf of the individual that they are advising except to the extent necessary to conduct direct examination and cross-examination during a live hearing conducted under these procedures. If a party does not have an advisor present at the live hearing conducted under these procedures, the University will provide without charge or fee to that party, an advisor of the University's choice to conduct cross-examination on behalf of that party.</p>
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	<p>During meetings and hearings, the advisor may talk quietly or pass notes with the party they are advising in a nondisruptive manner. The advisor may not intervene in any interview, meeting, hearing, or proceeding under these procedures, including by giving evidence or making objections, except to the extent necessary to conduct direct examination and cross-examination during a live hearing conducted under these procedures. All advisors are subject to the same policies and procedures, whether they are attorneys or not. If an advisor disrupts the meetings or proceedings or otherwise fails to respect the limits of the advisor role, the meeting will be ended or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the advisor's non-compliance and future role. If the University appoints an advisor of the University's choice to a party, that advisor may keep the information learned from that party confidential except to the extent that the information relates to a potential threat to the University community or a member of the University community or other disclosures required by law.</p> <p><u>Informal Resolution</u></p> <p>In cases in which a formal complaint has been filed, prior to reaching a determination regarding responsibility, the parties may voluntarily and in writing consent to an informal resolution process facilitated by an informal resolution facilitator(s) under this Policy that does not involve a full investigation and adjudication. Informal Resolution may be agreed to by the parties at any time prior to reaching a determination regarding responsibility including at any time during or after a formal investigation or at any other time during the Grievance Process as long as a final determination regarding responsibility has not been reached.</p> <p>In cases in which Informal Resolution is being considered by one or both parties, the Title IX Coordinator or designee(s) will provide a written notice disclosing the following:</p> <ol style="list-style-type: none"> 1. The allegations of Prohibited Conduct; 2. The requirements of the informal resolution process including the circumstances the parties from resuming a formal complaint arising from the same allegations; 3. That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution
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process and resume the Grievance Process with respect to the formal complaint;

4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
5. The identity of the informal resolution facilitator(s) who would be assigned to the case.

After receipt of this notice, if the parties consent to using the Informal Resolution process, each party must provide their voluntary written consent to the Title IX Coordinator or designee(s) before the Informal Resolution process will begin. At any time prior to the written consent of both parties to the resolution agreement, either party may withdraw consent to continue in the informal resolution process and the case will proceed under the Formal Grievance Procedures. With any form of informal resolution, each party has the right to choose and consult with an advisor subject to the requirements and restrictions provided in the section titled "Advisors" above.

Agreement Between the Parties and Notification of Outcome

If an agreement made during the informal resolution process is acceptable to both parties and the Title IX Coordinator or designee(s), the informal resolution facilitator(s) will provide a written notification containing the agreement of the parties to both parties. If both parties and the Title IX Coordinator or designee(s) provide their voluntary written consent to the agreement, the terms of the agreement will be implemented and the matter will be resolved and closed. There is no right of appeal afforded to the Complainant or Respondent following Informal Resolution.

If an agreement is not reached within a reasonable amount of time from commencing the Informal Resolution process, the informal resolution facilitator(s) will notify the Title IX Coordinator and the case will proceed under the formal grievance procedures.

Limitations on Informal Resolution

The University of Mary Washington does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment under Title IX and 34 C.F.R. part

	<p>106, as amended and this Policy. The University of Mary Washington does not require parties to participate in an informal resolution process conducted under this Policy. Informal Resolution is not available under this Policy unless a formal complaint is filed. Informal Resolution is not available to resolve allegations that an employee sexually harassed a student.</p> <p>The Title IX Coordinator or designee(s) may at their discretion determine to proceed under the Formal Grievance Procedures in this Policy even if both the Complainant and Respondent had agreed to proceed with Informal Resolution. When making this determination, the Title IX Coordinator or designee(s) will consider the totality of the known circumstances and factors including but not limited to those listed below. The list of factors below, while not exhaustive, may result in the Title IX Coordinator's or designee(s)'s determination to refer the case to the formal grievance process. If it is determined that the case will proceed under the Formal Grievance Procedures in this Policy, the parties will be notified in writing.</p> <p>Factors for Consideration when Determining Whether to Proceed Under the Formal Grievance Procedures:</p> <ol style="list-style-type: none">1. Amenability of the parties2. Likelihood of potential resolution3. Motivation to participate4. Imbalance of power between participants5. Complexity of the case6. Goals of the participants7. Risk Factors Considered When Determining the Threat of Safety to the Complainant, other Individuals, or the University Community, as outlined in this Policy8. Whether Emergency Removal occurred in the case9. Any other factor or consideration deemed relevant by the Title IX Coordinator or designee(s) <p><u>Formal Grievance Procedures</u></p> <p>The following procedures are used for the formal resolution of allegations of Prohibited Conduct under this Policy.</p>
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	<p><u>Investigation</u></p> <p>After the Title IX Coordinator or designee(s) has provided the Notice of Allegations to the parties, the University will designate an investigator(s) to conduct an investigation pursuant to the procedures in this Policy. During the investigation, the investigator(s) will meet separately with the Complainant, Respondent, and other relevant witnesses for a statement(s), which may be recorded by the investigator(s). The Complainant, Respondent, witnesses, advisors, or others present during the statement shall not record the interview. The statement(s) will be made available for the parties for review in accordance with the procedures under this Policy.</p> <p>The investigator(s) will gather available information and evidence, including, but not limited to, electronic records or communications, photographs, surveillance videos, records or logs, and other available evidence. Follow-up interviews may be conducted with one or both parties and witnesses who may be asked about or shown specific statements or documentary evidence.</p> <p>Throughout the investigation, the Complainant and Respondent will have an equal opportunity to be heard and present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The parties will have an equal opportunity to submit suggested questions to be directed by the investigator(s) to each other or to any other witness. The University does not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence during the grievance process including during the investigation.</p> <p>Prior to conclusion of the investigation, the investigator(s) or designee(s) will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which UMW does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. This evidence will be provided to each party</p>
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	<p>and the party’s advisor, if any, in an electronic format.¹⁸ The parties will have 10 days to submit a written response to the investigator(s) which the investigator will consider prior to the completion of the investigative report.</p> <p>The investigator(s) will create an investigative report that fairly summarizes the relevant evidence. The investigator(s) or designee(s) will send to each party and the party’s advisor, if any, the investigative report in an electronic format for their review and written response.¹⁹ This report will be provided to each party and the party’s advisor, if any, at least 10 days prior to a hearing conducted under this Policy.</p> <p><i>Additional Investigation Procedures if 34 C.F.R. § 106.30 and § 106.45 Do Not Apply</i></p> <p>If 34 C.F.R. § 106.30 and §106.45 do not apply to any remaining allegations, the investigator will include in the investigative report provided pursuant to the previous paragraph a recommended finding(s) and sanction(s), if applicable. The parties will have 5 days from the provision of the investigative report pursuant to the paragraph above to notify the Title IX Coordinator if they accept the recommended finding(s) and sanction(s), if applicable, or request a hearing be held pursuant to the procedures described in this Policy. If neither party requests a hearing within 5 days of the provision of the investigative report pursuant to the above paragraph, the recommended finding(s) and sanction(s), if applicable, of the investigator contained within the investigative report will become final. If both parties accept the finding(s) and sanction(s), if applicable, prior to the conclusion of the 5-day period, the finding(s) and sanction(s) become final on the latest date on which a party accepted the finding(s) and sanction(s), if applicable. Both parties will be simultaneously notified of this date. Parties will have 3 days from the date the recommended finding(s) and sanction(s) become final to appeal pursuant to the Appeal procedures in this Policy. If an appeal is not timely filed, the Title IX Coordinator or designee(s) will implement finding(s) and sanction(s), if applicable, on the day an appeal is no longer considered timely.</p>
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¹⁸ At the investigator’s or designee(s)’s discretion, the evidence may be provided in hard copy.

¹⁹ At the investigator’s or designee(s)’s discretion, the investigative report may be provided in hard copy.

	<p><i>Dismissal for the Purposes of Title IX and 34 C.F.R. part 106, as amended</i></p> <p>If at any time in the course of an investigation or other proceeding under this Policy it becomes clear that the conduct alleged in the formal complaint would not constitute Sexual Harassment even if proved, did not occur in UMW's education program or activity, or did not occur against a person in the United States, or if at the time of filing a formal complaint, the Complainant is not participating or attempting to participate in the education program or activity of UMW, UMW will dismiss the formal complaint with regard to that conduct for the purposes of sexual harassment under Title IX and 34 C.F.R. part 106, as amended. The Title IX Coordinator or designee(s) will provide prompt written notice of the dismissal and reason(s) therefor simultaneously to the parties. This provision does not limit UMW's ability to proceed under other provisions of this Policy or under any other UMW policies or procedures. Any written notice regarding the dismissal that is provided to the parties will indicate whether UMW is continuing to investigate allegations contained in the formal complaint under the process and procedures outlined in this Policy.</p> <p>Additionally, UMW may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by UMW; or specific circumstances prevent UMW from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. If a formal complaint or any allegations therein is dismissed pursuant to this paragraph, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.</p> <p><u>Hearings</u></p> <p>The Title IX Coordinator or designee(s) will simultaneously notify the parties of the date and time of the hearing to be held under these procedures. The University will appoint a decision-maker(s) for the case and notify the parties of the decision-maker(s) assigned to the case at least 5 days prior to any scheduled hearing.²⁰</p>
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	<p>The Title IX Coordinator or designee(s) will schedule a pre-hearing meeting prior to the date of the hearing with each party to discuss the procedural aspects of the hearing including but not limited to how any remote technology will be used. Additionally, at each pre-hearing meeting with a party, the decision-maker²¹ will consider arguments that evidence identified in the investigation report as relevant is not relevant and that evidence identified as directly related but not relevant by the investigator is relevant. Any determination on relevancy by the decision-maker at the pre-hearing meeting will be documented and communicated to both parties prior to the hearing to assist in preparation for the hearing. The parties may not record the pre-hearing meeting. At the discretion of the Title IX Coordinator and decision-maker, the pre-hearing meeting and pre-hearing determinations on relevance of evidence by the decision-maker may be conducted in writing.</p> <p>The Title IX Coordinator or designee(s) will make all evidence that was subject to inspection and review by the parties and their advisors, if any, during the investigation available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for the purposes of cross-examination.</p> <p>During the hearing, the decision-maker²² has authority to control matters of procedure during the hearing and will control the order in which, and for how long, all parties and witnesses make statements, answer questions of the decision-maker(s),²³ and</p>
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²⁰ The University may, at its discretion, appoint a panel of decision-makers or a single decision-maker for the case. If a panel of decision-makers is appointed, the finding(s) and sanction(s), if applicable, will be based on a majority vote of the decision-makers assigned to the case. Unanimous agreement on the finding(s) and sanction(s) among the decision-makers is not required. If a panel of decision-makers is appointed, one of the panel members will be designated as the “chair.” The parties will be notified which panel member was designated as the chair for the hearing. The chair has a voting role on the panel. All objections to the appointment of any decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than three days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator or designee(s) concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

²¹ As used in this paragraph, “decision-maker” means the chair of the panel of decision-makers if the University appointed a panel of decision-makers for the case.

²² For the purposes of this paragraph, any reference to “decision-maker” refers to the designated chair of the panel of decision-makers if the University appointed a panel of decision-makers for the case unless otherwise noted. Nothing in this paragraph may be construed to limit the authority of the panel members to ask questions of the parties and witnesses.

	<p>when cross-examination will occur. The decision-maker may, at their discretion, permit breaks throughout the hearing. Parties may be permitted to make a statement prior to questioning by the decision-maker(s) at the discretion of the decision-maker.²⁴ Parties may be permitted to make a final statement prior to the conclusion of the hearing at the discretion of the decision-maker. The decision-maker(s)²⁵ may, at their discretion, ask further questions after the final statement. Parties may not introduce new evidence or witnesses during the hearing that were known or reasonably should have been known during the investigation but was not introduced during the investigation unless, at the discretion of the decision-maker, significant compelling reasons exist to introduce such evidence or witnesses. Any witnesses scheduled to participate in the hearing must have been first interviewed by the investigator, or at the discretion of the investigator have proffered a written statement and answered written questions of the investigator, unless, at the discretion of the decision-maker, significant compelling reasons exist to introduce such evidence or witnesses. The decision-maker may at any time send the case back for further investigation under these procedures, including but not limited to, in cases in which significant new evidence becomes available.</p> <p>The University will make an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review. Parties, witnesses, and other participants are not permitted to record the hearing.</p> <p><i>Questioning, Direct examination, Cross-examination, and Statements</i></p> <p>The decision-maker(s) may at any time throughout the hearing ask the parties and witnesses questions. At the live hearing, each party's advisor will be permitted to ask relevant questions to the party they are advising (direct examination). Additionally, at the live hearing, each party's advisor will be permitted to ask the</p>
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²³ Within the phrase "answer questions of the decision-maker(s)" contained within this sentence, "decision-maker(s)" refers to any and all members of a panel, including but not limited to, the chair, if the University appointed a panel of decision-makers for the case.

²⁴ As used within this sentence, "decision-maker(s)" refers to any and all members of a panel, including but not limited to, the chair, if the University appointed a panel of decision-makers for the case.

²⁵ As used within this sentence, "decision-maker(s)" refers to any and all members of a panel, including but not limited to, the chair, if the University appointed a panel of decision-makers for the case.

	<p>other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility (cross-examination). This cross-examination must be conducted directly, orally, and in real time by the party’s advisor. A party will not be permitted to personally cross-examine the other party or any witness. If a party does not have an advisor present at the live hearing, the University will provide an advisor of the University’s choice without fee or charge to that party to conduct cross-examination on behalf of the party.²⁶</p> <p>Advisors are prohibited from questioning parties or witnesses in an abusive, intimidating, or disrespectful manner and from asking irrelevant, immaterial, or unduly repetitious questions. Parties and witnesses are prohibited from making statements that are irrelevant, immaterial, or unduly repetitious and from making statements in an abusive, intimidating, or disrespectful manner. Whether a question or statement is irrelevant, immaterial, unduly repetitious, abusive, intimidating, or disrespectful is at the sole discretion of the decision-maker(s).</p> <p>Only relevant direct examination and cross-examination questions may be asked of a party or witness. Questions that are immaterial or unduly repetitious are considered irrelevant, and the decision-maker²⁷ may exclude irrelevant, immaterial, or unduly repetitious questions and statements, including duplicative statements by multiple witnesses, and may limit the length of the hearing, questioning, and/ or statements in light of their relevance in relation to the matter(s) to be considered in the case. Before a complainant, respondent, or witness answers a question, the decision-maker must first determine whether the question will be permitted to be answered by the party or witness. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the</p>
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²⁶ Additionally, the University may appoint an advisor of the University’s choice without fee or charge to a party to conduct cross-examination on behalf of that party if, at the discretion and determination of the decision-maker, the party’s advisor refuses to conduct cross-examination. For the purposes of this footnote, “decision-maker” refers to the designated chair of the panel of decision-makers if the University appointed a panel of decision-makers for the case.

²⁷ For the purposes of this paragraph, “decision-maker” refers to the designated chair of the panel of decision-makers if the University appointed a panel of decision-makers for the case.

	<p>questions and evidence concern specific incidents of the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.</p> <p>The decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.</p> <p><i>Technology and Remote Participation</i> At the request of either party, UMW will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. If a party would like to be located in a separate room with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party, it is requested that the party notify the Title IX Coordinator at least 48 hours prior to the scheduled hearing.</p> <p>UMW may at its discretion conduct live hearings under these procedures with all parties physically present in the same geographic location or, any and all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. If a witness or other participant would like to request to appear virtually, the witness or other participant must notify the Title IX Coordinator at least 48 hours prior to the scheduled hearing. The Title IX Coordinator or designee(s) will consider the request and notify the witness or participant whether the request is granted prior to the start of the scheduled hearing. The University is not required to and will not grant this request unless based on the totality of the circumstances and factors including but not limited to those listed below it is feasible and in the best interest of the University to do so. Factors that may be considered include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Technological feasibility considering both the requestor’s and University’s access to technological tools needed to implement the request
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2. Whether granting or implementing the request will result in a delay in the scheduling of the hearing or result in delays during the hearing process
3. Whether granting or implementing the requests may result in concerns related to the integrity or confidentiality of the process
4. Any other factor or consideration deemed relevant by the Title IX Coordinator or designee(s)

Determination Regarding Responsibility

After the conclusion of the hearing, the decision-maker(s) and Title IX Coordinator or designee(s) will issue a written determination regarding responsibility. The determination regarding responsibility will be made using the Preponderance of the Evidence standard.

The written determination will be provided simultaneously to the parties and will include the following information:

1. The allegations potentially constituting Prohibited Conduct;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the Policy to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to UMW's education program or activity will be provided to the Complainant; and
6. The procedures and permissible bases for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final 3 days after the written determination is provided to the parties unless an appeal is timely filed. If an appeal is timely filed, the determination regarding responsibility becomes final on the date that the written appeal determination of the appeal decision-maker is provided to the parties. Sanctions, if applicable, will be

	<p>implemented on the day the determination regarding responsibility becomes final.</p> <p><i>Impact and Mitigation Statements</i> The Complainant and Respondent may provide a written statement to the Title IX Coordinator or designee(s) to be used to determine the appropriate sanction(s) only if the Respondent is found responsible. The Complainant may submit a written statement describing the impact of the Prohibited Conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. The Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanction(s) imposed. The Respondent’s submission of such a statement shall not be considered as evidence of responsibility. The submission of such a statement must be provided to the Title IX Coordinator or designee(s) prior to the conclusion of the hearing if 34 C.F.R. §106.30 or 106.45 apply to any remaining allegations. If 34 C.F.R. §106.30 or 106.45 do not apply to any remaining allegations, the submission of such a statement must be provided to the Title IX Coordinator or designee(s) prior to the provision of the investigation report under “<i>Additional Investigation Procedures if 34 C.F.R. § 106.30 and § 106.45 Do Not Apply</i>” for consideration by the investigator(s) for recommended sanction(s), if applicable.</p> <p><i>Range of Possible Sanctions</i> For the range of possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility, see Appendix C for student-respondents and Appendix D for employee-respondents.</p> <p><i>Additional Hearing Procedures if 34 C.F.R. §106.30 or 106.45 Apply to Any Remaining Allegations</i></p> <ol style="list-style-type: none"> 1. The decision-maker(s) will not be the same person(s) as the Title IX Coordinator or investigator(s) assigned to the case. 2. Before a complainant, respondent, or witness answers a direct examination or cross-examination, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
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	<p><u>Appeals</u></p> <p>The appeal procedures described herein apply equally to both parties. The decision of one party not to exercise rights exercised by another, including but not limited to the right to submit a written statement, shall not be considered an error in the appeal process.</p> <p>Either party may appeal from a determination regarding responsibility and from the dismissal of a formal complaint or any allegations therein for the purposes of sexual harassment under Title IX or 34 C.F.R. § 106.30 and §106.45, as amended, on the following bases:</p> <ol style="list-style-type: none"> 1. Procedural irregularity that affected the outcome of the matter; 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and 3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. <p>The request for appeal must be made in writing to the Title IX Coordinator within 3 days of the provision of the determination regarding responsibility or the notification dismissal of a formal complaint or any allegations therein for the purposes of sexual harassment under Title IX or 34 C.F.R. part 106, as amended.²⁸ The request must include specific information to support one or more of the aforementioned bases for appeal. Once an appeal is filed, the Title IX Coordinator or designee(s) will notify the other party in writing that an appeal was filed and provide a copy of the appeal.</p> <p>The Title IX Coordinator or designee(s) will simultaneously notify both parties of the appeal decision-maker(s) assigned to the case.²⁹ The appeal decision-maker(s) assigned to the case will not</p>
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²⁸ As noted in the Investigation Section of this Policy, if the appeal is filed on the finding(s) and/ or sanction(s) contained within the investigative report pursuant to the Investigation Section of this Policy, the appeal must be filed within 3 days of the finding(s) and sanction(s), if applicable, becoming final.

	<p>be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. The appeal decision-maker(s) will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and will receive training as specified in this Policy under <i>Training of Personnel</i>. The Title IX Coordinator or designee(s) will provide the appeal decision-maker(s) with the request for appeal from the appealing party; the investigative report, if applicable; the transcript or recording from the hearing, if applicable; and other relevant information requested by the appeal decision-maker(s). The review of the appeal decision-maker(s) will be limited to the specific grounds identified in the request for appeal. New evidence presented (including, but not limited to, witnesses or documentary evidence) that was reasonably available at the time the determination regarding the dismissal or the determination regarding responsibility was made will not be considered.</p> <p>The parties have 3 days from being notified of the appeal decision-maker(s) assigned to the case to submit a written statement in support of, or challenging, the outcome. This written statement must be submitted to the appeal decision-maker(s).</p> <p>The appeal decision-maker(s) will review the request for appeal, the written statements of the parties, and other relevant information. The appeal decision-maker(s) may, at their discretion, ask additional questions to any party, witness, investigator, decision-maker(s), or Title IX Coordinator. At the discretion of the decision-maker(s), the questions will be asked in written form or oral form. The requestee will be given a reasonable time to prepare a written response if requested. The appeal decision-maker(s) will notify the requestee of the time at which any written response is due to the appeal decision-maker in writing when the questions are provided to the requestee.</p> <p>Within a reasonably prompt time frame after the period for submission of written statements from the parties and the period</p>
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²⁹ The University may, at its discretion, appoint a panel of decision-makers or a single decision-maker for the case. If a panel of decision-makers is appointed, the decision on the appeal will be based on a majority vote of the decision-makers assigned to the case. Unanimous agreement among the decision-makers is not required. If a panel of decision-makers is appointed, one of the panel members will be designated as the “chair.” The parties will be notified which panel member was designated as the chair for the appeal. The chair has a voting role on the panel.

	<p>for responses to questions posed by the appeal decision-maker(s) have concluded, the appeal decision-maker(s) will issue a written decision describing the result of the appeal and the rationale for the result. The preponderance of the evidence standard will be used for all matters of appeal. The results of an appeal may include: (1) referring the matter for further investigation; (2) referring the matter for a new hearing;³⁰ or (3) the appeal may be denied and the previous findings regarding responsibility, dismissal, or sanctions becomes final.</p> <p>The written appeal determination will be provided simultaneously to both parties. The decision of appeal decision-maker(s) is final with no further right of appeal.</p> <p><u>Record Keeping</u></p> <p>The University of Mary Washington will maintain for a period of seven years records of the following:</p> <ul style="list-style-type: none"> - Each Prohibited Conduct investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript of a live hearing conducted as part of the Grievance Procedures described herein, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to UMW's education program or activity; - Any appeal under this Policy and the result therefrom; - Any informal resolution under this Policy and the result therefrom; - All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process as required under 36 C.F.R. part 106. These training materials will be publicly available on UMW's website; and - For each response required under 34 C.F.R. §106.44, records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the record will include the basis for its conclusion that its response was not
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³⁰ The appeal decision-maker may, at their discretion, refer the case for a new hearing in front of a decision-maker previously uninvolved in the case. Additionally, the grounds of this hearing may be limited, at the discretion of the appeal decision-maker, to specific grounds such as the sanction imposed.

	<p>deliberately indifferent and the measures taken designed to restore or preserve equal access to UMW's education program or activity. If a complainant is not provided with supportive measures, the record will include documentation of the reasons why such a response was not clearly unreasonable in light of the known circumstances.</p> <p><u>Transcript Notations</u></p> <p>In accordance with Virginia Law,³¹ a prominent notation shall be made on a responsible student's transcript if the sanctions of expulsion or suspension are imposed. This notation is required only if the complaint is related to sexual violence, which is defined as any physical sexual act perpetrated against a person's will or against a person incapable of giving consent. The Title IX Coordinator or designee(s) will direct the UMW Registrar to place a prominent notation on a responsible student's transcript as described above. The notation will read '[Suspended/Dismissed] for a violation of UMW's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.'³² The Title IX Coordinator or designee(s) will direct the UMW Registrar to remove any such notation from the responsible student's transcript at the end of the period of suspension and completion of any conditions thereof or if the student is subsequently found not responsible or as described below in accordance with the requirements of the Expungement Process.</p> <p><i>Expungement Process</i></p> <p>In accordance with Virginia Law, UMW will consider a request to expunge a transcript notation imposed under the preceding paragraph for good cause shown and after a period of three years subject to the requirements of this paragraph. After a period of three years, a Respondent may submit a written "Petition to Expunge" to the Title IX Coordinator. The "Petition to Expunge" should include a statement identifying the transcript notation that is requested to be removed and any additional details that may be</p>
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³¹ Va. Code § 23.1-900.

³² If 34 C.F.R. part 106, as amended, does not apply to the allegations of sexual violence contained within a complaint, in accordance with Virginia law, a notation will be made on a student's transcript if the student who is the subject of a complaint related to sexual violence withdraws from the University while the complaint is being investigated. This notation will read 'Withdrew while under investigation for a violation of UMW's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.'

	<p>relevant for the Title IX Coordinator’s or designee(s)’s consideration of the request. When making a determination on the request, the Title IX Coordinator or designee(s) shall consider factors including, but not limited to, the following:</p> <ol style="list-style-type: none"> 1. The conduct of the Respondent since the violation; 2. The nature and severity of the violation; 3. The impact upon the Complainant and the entire UMW Community; 4. The fulfillment of other sanctions and/or conditions; and 5. Any other factors deemed relevant by the Title IX Coordinator or designee(s). <p>The Title IX Coordinator may request additional information from the Respondent before making a determination on the request. The Title IX Coordinator will notify the Respondent within 30 business days of receipt of the Petition to Expunge of the determination. This timeline may be extended at the discretion of the Title IX Coordinator or designee(s). If the timeline is extended, the Respondent will be notified in writing of the reason for the delay. If expungement of a transcript notation is granted, the Title IX Coordinator or designee(s) will direct the UMW Registrar to remove the transcript notation. If the Petition to Expunge is denied, the Respondent may file a new Petition to Expunge using the procedures of this section no sooner than six months from the date on which the Respondent was notified that the petition was denied.</p> <p><u>Virginia Personnel Act</u></p> <p>Alleged violations of this Policy by employees covered by the Virginia Personnel Act will be reviewed under <i>Policy: 1.60 Standards of Conduct</i>.</p>
<p>* Process for Developing, Approving, and Amending Procedures:</p>	<p>The Title IX Coordinator developed the proposed Policy using best practices and standards recommended by the Office for Civil Rights (“OCR”), the National Center for Higher Education Risk Management (“NCHERM”), and the Association of Title IX Administrators (“ATIXA”), in consultation with the Title IX Deputies, Title IX Investigator, Coordinator for Prevention and Advocacy, Student Affairs, undergraduate and graduate students, student groups, and the Commonwealth Attorney General’s Office.</p>

	Amendment procedures would include input from Title IX Deputies, Title IX Investigator, sexual assault/misconduct team, prevention and advocacy coordinator, and governing body of the University.
* Publication and Communication:	This Policy will be published in the student conduct handbook and the official record of University Policies. Additionally, this Policy will be disseminated through brochures, flyers, and the Title IX website, and presented at freshman orientation, orientation leader training, and employee training.
* Compliance Monitoring and Reporting: <i>(How is compliance with the Policy monitored and reported?)</i>	This Policy is monitored by the Director of Compliance and Title IX/ADA Coordinator who reports directly to the Associate Provost for Equity and Inclusion and Chief Diversity Officer.

<p>RELATED INFORMATION:</p>	<p><i>Appendix A: Sources of Counseling, Advocacy, and Support</i></p> <p>On Campus Confidential Resources:</p> <ul style="list-style-type: none"> • Talley Center for Counseling Services, Lee Hall 106, (540) 654-1053 – Assists the needs of students by providing confidential personal counseling and mental health services. • Health Center, Lee Hall 112, (540) 654-1040 – Assists with medical needs for students. • TEAL Peer Educators, Center for Prevention and Education, Fairfax House, umwteal@gmail.com – UMW students who serve as confidential peer mentors trained in this Policy, university procedure, and on and off campus support resources. <p>Other On Campus Resources:</p> <ul style="list-style-type: none"> • Director of Compliance and Title IX/ADA Coordinator, Ruth Davison– Provides accommodations and information about rights and responsibilities concerning discriminatory behavior, including the application of Title IX. Answers questions about the University’s compliance with Title IX, Lee Hall #401, rdavison@umw.edu, (540) 654 -5656; https://diversity.umw.edu/title-ix/. • Title IX Deputy for Employees, Terri Arthur, SPHR, Employee Relations Manager – Provides information and resources to faculty and staff about employment issues under Title IX and investigates employee related complaints, George Washington Hall #201, tlockhar@umw.edu, (540) 654 -2051; http://adminfinance.umw.edu/hr/. • Title IX Deputy for Students, Brandy Ellard, Director, Emergency Management and Safety – provides information about this Policy and the process, helps coordinate the procedures for the grievance process, and provides education and outreach to the University community, Hamlet House, bellard@umw.edu, (540) 654-2108; https://students.umw.edu/safety/. • Title IX Investigator, Tiffany W. Oldfield J.D. – Investigates incidents of reported Prohibited Conduct involving students and provides education and outreach to the University community, toldfiel@umw.edu, (540)- 654-5997. http://diversity.umw.edu/title-ix/.
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- Director, Center for Prevention and Education, Marissa Miller – Provides education, resources, advocacy, and support for students, faculty, and staff regarding Prohibited Conduct, Fairfax House, mmille23@umw.edu, (540) 654-1193; <https://diversity.umw.edu/prevention/>.
- Dean of Students, Melissa Jones – Dean Jones or designee assists with the needs of students who have experienced Prohibited Conduct. May provide changes to living situations and will notify the student as to what changes are reasonably available, University Center, 3rd Floor, mjones6@umw.edu, (540) 654-1200; <http://students.umw.edu/student-life/>.
- Director of Student Conduct & Responsibility, Dr. Ray Tuttle – Assists student with reported violations of UMW’s Code of Conduct, Marye House, rtuttle@umw.edu, (540) 654-1660; <http://students.umw.edu/studentconduct/>.
- Associate Provost for Equity and Inclusion and Chief Diversity Officer, Dr. Shavonne Shorter – Leads the University’s diversity, equity, and inclusion efforts and provides information and resources to the UMW community about issues under Title IX and related laws, George Washington Hall #113, sshorter@umw.edu, (540) 654-1213;
- Center for International Education, Dr. Jose Sainz – Assists students and employees with immigration and visa documents, Lee Hall 4th Floor, jsainz@umw.edu, (540) 654-1434; <http://international.umw.edu>.
- Office of Disability Resources, Director of Disability Resources, Jessica Machado – Assists UMW in providing equal and integrated access for students with disabilities to all of the academic, social, cultural, and recreational programs it offers. In doing so, UMW complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), jmachado@umw.edu or odr@umw.edu, (540) 654-1266; <http://academics.umw.edu/disability/>.
- Office of Financial Aid – Assists student with financial aid, finaid@umw.edu, (540) 654-2468; <http://www.umw.edu/financialaid/>.
- University Police – Accepts formal reports from persons alleging criminal conduct, can provide information and help persons obtain a Protective Order, and attend to the person’s immediate safety concern. Provide referrals to appropriate resources on and off-campus, Brent House, (540) 654-1025 or (540) 654-4444 for emergencies (x4444 from a campus phone); <http://www.umw.edu/police/>.

Off-Campus Resources

	<ul style="list-style-type: none"> • Empowerhouse – A local agency that provides confidential domestic violence assistance, including a confidential 24-hour hotline, a temporary emergency shelter, information, referrals, and advocacy, (540) 373-9373; http://www.empowerhouseva.org • Fredericksburg Police Department: (540) 373-3122/ ‘911’ (emergencies); https://www.fredericksburgva.gov/428/Police • Fredericksburg Victim Witness Program – Assists individuals involved in the criminal justice system as the victim or witness of a crime and helps ensure that crime victims and witnesses receive fair and compassionate treatment while participating in the court system, (540) 372-1040; https://www.fredericksburgva.gov/335/Victim-Witness-Program • Legal Aid Works, (540) 371-1105, LAWfred@legalaidworks.com; https://www.legalaidworks.org/ • Mary Washington Hospital Emergency Room – Assists with medical needs and provides specially trained and compassionate nurses who collect evidence, which can be done even if the victim or survivor is not sure about moving forward with criminal process, (540) 741-1000/ ‘911’ (emergencies); • National Domestic Violence Hotline – Provides a 24-7 confidential hotline for victims or survivors of domestic violence, (1-800) 799-SAFE (7233); http://www.thehotline.org • Rape Abuse Incest National Network’s (“RAINN”) National Sexual Assault Hotline – Provides a 24-7 confidential hotline for victims or survivors of sexual violence, (1-800) 656-HOPE (4673); https://www.rainn.org <ul style="list-style-type: none"> ○ Confidential, online hotline: https://hotline.rainn.org/online • Rappahannock Council Against Sexual Assault (“RCASA”, – A local agency that provides 24-7 confidential hotline as well as support and resources for victims and survivors of sexual violence and abuse, (540) 371-6771/ (540) 371-1666 (crisis line); http://www.rcasa.org • Virginia Legal Aid, www.valegalaid.org • Virginia Sexual and Domestic Violence Action Alliance –An agency that provides advocacy and resources for victims or survivors of sexual or intimate partner violence, (804) 377-0335, www.vsdvalliance.org;
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- Legal Help Hotline: (1-800) 838-8238 or www.vadata.org/chat
- Virginia Family Violence & Sexual Assault Hotline: (1-800) 838-8238 (text: (804) 793-9999)
- LGBTQ Partner Abuse and Sexual Assault Helpline: (866) 356-6998 (text: (804) 793-9999)

Appendix B: Educational and Outreach Programs on Prevention and Awareness.

Programs vary year to year and are designed to provide comprehensive and collaborative programming among many University departments and community providers. Programming includes prevention, education, and awareness that is culturally relevant, inclusive of diverse communities and identities, sustainable, and informed by data, assessment, and effectiveness. Some of the past/current programs include:

- Bystander intervention (required of all incoming and transfer students)
- Bystander Intervention: It's On Us: <http://www.umw.edu/itsonus/sample-page/bystander-intervention/>
- kNOw More Resource Fair
- Domestic Violence Awareness Month programming (October)
- Red Flag Campaign: <http://www.theredflagcampaign.org/>
- One Love 'Escalation' Workshop - <https://www.joinonelove.org>
- One Love Week –www.joinonelove.org
- Cocoa and Consent
- The Red Sand Project: <https://redsandproject.org>
- Sexual Assault Awareness Month programming (April)
 - Take Back the Night: <http://takebackthenight.org/>
 - The Clothesline Project: <http://www.clotheslineproject.org/photos.htm>
- Team for Empowerment, Advocacy, and Learning (TEAL) Peer Educator Program
- Student Success (Not Anymore); <https://studentsuccess.org/SSO/umw>

Appendix C: Possible Sanctions for Student Respondents

The range of possible disciplinary sanctions and remedies that

	<p>may be implemented for a student-respondent following a determination of responsibility is described below.</p> <ol style="list-style-type: none"> 1. Restitution* – The Respondent is required to provide monetary reimbursement for repair/replacement of property or service rendered. Restitution, however, generally is not considered sufficient penalty for willful damage or destruction of property; 2. Fine* – The Respondent is required to pay a financial penalty for their violation; <ul style="list-style-type: none"> *Restitution and fines are payable in cash or check payable to “University of Mary Washington” and delivered to the Student Accounts Office, Lee Hall. 3. Warning – The Respondent receives a warning for violation of University policies and regulations; 4. Community restitution – A task that benefits the individual, campus, or community (such as a service-related activity) is assigned to the Respondent; 5. Educational project or paper – The Respondent is required to write an essay or a paper on a given topic, or to complete a project of benefit to their community, such as creating educational flyers or bulletin boards, or organizing an educational program; 6. Alcohol education – The Respondent is required to complete an alcohol education course, such as the online “AlcoholEdu” course. The Respondent may be required to pay a user’s fee; 7. Assessment – The Respondent is required to complete a behavioral assessment, and to discuss it with an appropriate University official; 8. Restrictions – The Respondent is subject to certain restrictions such as those described below. <ol style="list-style-type: none"> a. No Contact Order: The Respondent is directed to have no physical, verbal, or written contact with the Complainant or another individual. b. Location Restrictions: The Respondent is restricted from accessing certain locations such as a University residence hall; 9. Disciplinary Probation – During a specified period of time the Respondent is placed on probation, and may be required to complete or abide by certain conditions. If the Respondent fails to complete or violates these conditions or is found to have violated this Policy or another University policy, the Respondent may face additional sanctions, including suspension or expulsion from the University, following a
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	<p>review and determination by the Title IX Coordinator or designee(s);</p> <ol style="list-style-type: none">10. Relocation within the Residence Halls – The Respondent must move to a different room or building (as specified), subject to the availability of appropriate alternate vacancies;11. Suspension from the Residence Halls – The Respondent loses the privilege of living in a University residence hall for a specified length of time. At the end of this time, after receiving approval from the Title IX Coordinator or designee(s), the Respondent is allowed to reapply for residence hall living. The Respondent may be admitted to a residence hall provided there is space available. During the suspension period, the Respondent may not visit or enter any residence hall at any time for any reason unless otherwise specified. Persons responsible for payment of the Respondent’s University bills will be notified by the Title IX Coordinator or designee(s) when a Respondent is suspended from the residence halls. When suspended from living in the residence halls, the Respondent must leave the hall according to the terms of the sanction or within seventy-two (72) hours after the determination regarding responsibility becomes final, whichever is sooner;12. Expulsion from the Residence Halls – The Respondent permanently loses the privilege of living in, visiting, or entering University residence halls. Persons responsible for payment of the Respondent’s University bills will be notified by the Title IX Coordinator or designee(s) when a Respondent is expelled from the residence halls. When expelled from the residence halls, the Respondent must leave the residence halls according to the terms of the sanction or within seventy-two (72) hours after the determination of responsibility becomes final, whichever is sooner;13. Suspension – The Respondent is separated from the University for a period of time and may be required to complete or abide by certain conditions. If the Respondent fails to complete or violates these conditions or is found to have violated this Policy or another University policy, the Respondent may face additional sanctions, including suspension or expulsion from the University, following a review and determination by the Title IX Coordinator or designee(s). Individuals responsible for payment of the student’s University bills will be notified by the Title IX Coordinator or designee(s) to the extent allowed by FERPA. A letter will be sent to the Respondent, the person responsible for the student’s University bills (to the extent
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allowed by FERPA), Registrar, and Office of Business & Finance, and copies kept on file with the Title IX Coordinator or designee(s). When suspended, the Respondent must leave campus according to the terms of the sanction or within thirty-six (36) hours after the determination regarding responsibility becomes final, whichever is sooner. During the period of suspension, the student is banned from campus and may only visit administration buildings for business purposes with prior clearance from the Title IX Coordinator or designee(s). As noted in the Academic Catalog: “Courses taken at other institutions while a student is on suspension (academic, disciplinary, or honor) from Mary Washington are not accepted by Mary Washington for transfer credit and will not fulfill any degree requirement;”

14. Expulsion – Permanent removal of the Respondent from the University. Persons responsible for payment of the student’s University bills will be notified by the Title IX Coordinator or designee(s) to the extent allowed by FERPA. A letter will be sent to the Respondent, the person responsible for the student’s University bills (to the extent allowed by FERPA), Registrar, and Office of Business & Finance, and copies kept in the permanent file with the Title IX Coordinator or designee(s). When expelled, the Respondent must leave campus according to the terms of the sanction or within thirty-six (36) hours after the determination of responsibility becomes final, whichever is sooner. The Respondent is banned from campus and may only visit administration buildings for business purposes with prior clearance from the Title IX Coordinator or designee(s). A student expelled from the University is not eligible for readmission; and/or
15. Sanctions other than those described above may be issued.

Please note that students who are accused to have violated specified conditions of the sanction(s) or do not successfully complete the sanctions by given deadlines are subject to additional review and determination by the Title IX Coordinator or designee(s). The Title IX Coordinator or designee(s) may impose additional sanction(s) up to expulsion and place an administrative hold on the Respondent’s educational records. Students with administrative holds in place cannot register for classes, receive official grade reports, or have official transcripts sent.

Appendix D – Possible Sanctions for Employee Respondents

	<p>Disciplinary sanctions and remedies that may be implemented for an employee-respondent following a determination of responsibility include, but are not limited to, those listed below.</p> <ol style="list-style-type: none"> 1. A warning not to repeat the offending conduct; 2. Special monitoring of teaching, research, or assignments; 3. Separation of the parties involved (including a no contact order); 4. Required participation in an educational program (such as harassment or discrimination); 5. A letter of reprimand; 6. Removal from a research project (including long-term disbarment); 7. Suspension of access to laboratories and/or office; 8. Reassignment of duties; 9. Loss of travel funds, research funds, etc.; 10. Denial of pay increase; 11. Reduction in rank or salary or loss of endowed chair; 12. Probation; 13. Suspension with or without pay; 14. Dismissal.
<p>Policy Background:</p>	<p>The University had a Sexual Misconduct Policy that has now been updated to meet the standards of VAWA, Clery, and Title IX as set forth by the Office for Civil Rights (“OCR”). Due to recent changes from the OCR regarding the mandates of Title IX, VAWA, and SaVe as it applies to sexual assault, the University required a Policy to ensure compliance with best practices in higher education.</p>
<p>* Policy Category:</p>	<p>Board of Visitors</p>
<p>Category Cross Reference:</p>	<p>E.3; F.4</p>
<p>Related Policies:</p>	
<p>HISTORY:</p>	
<p>* Origination Date:</p>	<p>11/1/2011</p>
<p>* Approved by:</p>	<p><i>Board of Visitors</i></p>
<p>* Approval Date:</p>	<p>09/16/2022</p>

* Effective Date:	09/16/2022
* Review Process: <i>(How is this Policy reviewed to ensure that it is effective? By whom? How often?)</i>	The Title IX Coordinator will receive input from campus police and the Office of Student Conduct & Responsibility to determine the effectiveness of the Policy. A committee consisting of the Office of Title IX, campus police, student affairs, and human resources will meet once a year to review effectiveness of the Policy and possible updates or changes.
* Next Scheduled Review:	The Policy will be reviewed annually prior to the fall academic session. 2023
Revision History:	9/18/15; 9/16/16; 1/19/17; 9/15/17; 1/03/18; 3/23/18; 10/25/18; 1/02/19; 3/26/19; 9/13/19; 10/16/19; 9/16/2020; 9/17/2021; 11/19/2021; 03/16/2022; 09/16/2022