



Title IX Policy and Grievance Procedure Checklist

Title IX Policy and Grievance Procedures will include the following:

- A statement of the University's jurisdiction over Title IX complaints;
- Notice that the Title IX Policy and Grievance Procedures apply to complaints of sexual harassment, including sexual assault and sexual violence, carried out by employees, faculty, students, and third parties;
- An adequate definition of sexual harassment, including sexual violence, with examples, and an explanation as to when conduct constitutes quid pro quo harassment and when conduct creates a hostile environment;
- Notice that the Title IX Policy and Grievance Procedures cover all University programs and activities and that the University will process all Title IX complaints regardless of where the conduct occurred to determine whether the conduct occurred in the context of its educational program or had continuing effects on campus or in an off-campus program or activity;
- An assurance that the University will take steps to prevent recurrence of harassment and to correct its discriminatory effects on the complainant and others, if appropriate;
- Designation of at least one employee (i.e., Title IX Coordinator) responsible for coordinating the University's efforts to comply with the University's Title IX responsibilities, overseeing the University's response to reports of Title IX violations, and identifying and addressing any pattern or systemic problems;
- The name, title, office address, telephone number and email address of the Title IX Coordinator(s), and a description of each Coordinator's role and responsibilities (i.e., who will handle complaints against students, faculty, employees, contractors, third parties, and or visitors);
- An explanation of how to report/file a complaint alleging violations of the Title IX Policy, including identification of which staff/employees are responsible for receiving such reports and complaints;
- Notice that responsible employees must report incidents of sexual harassment to the Title IX Coordinator or other designee subject to counseling employee exemption;
- Provision for mandatory training for those implementing the grievance procedures (Title IX Coordinator(s), investigators, adjudicators), to include training on the handling of complaints of sexual harassment, the University's Title IX Policy and Grievance Procedures, and applicable confidentiality requirements;
- Provisions for the prompt, adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
- Designated and reasonably prompt timeframes for the major stages of the complaint process (including notification to the parties when additional time will be necessary), as well as the process for extending deadlines;
- Notice that the University will inform the parties at regular intervals of the status of its investigation;
- Provision for weighing requests by complainants not to proceed with a formal resolution, including

criteria for when to proceed with a full investigation and when to limit the investigation (including, for the latter, specification of steps that can be taken while honoring the request);

- Provision for written notice to the parties of the outcome of the complaint, including whether sex discrimination was found;
- Notice that sexual violence complaints are not to be mediated;
- Notice that the parties have the right to end the informal process and begin the formal process at any time;
- Notice of the availability of confidential reporting and the identity of the employee responsible for evaluating requests for confidentiality and the range of appropriate factors that will be considered in weighing confidentiality requests;
- Notice that the University will take steps to investigate and respond to complaints consistent with a complainant's request for confidentiality, but that its ability to respond may be limited in the event of such a request (including pursuing discipline against the accused) and or that it may have to override a request to meet its obligations in limited instances;
- Notice of the availability of interim measures to protect complainant, as necessary, during the University's Title IX investigation (e.g., no contact order; change academic or living situations as appropriate with minimum burden on complaint; counseling; health & mental health services; escort services; academic support; retake course or withdraw without penalty) and sources of counseling, advocacy and support;
- Notice that the interim steps will be taken promptly, and at no cost to the complainant, and that the University will continue to take these steps if sexual violence is found to have occurred;
- Notice of the range of potential remedies and sanctions (may include services separate from or in addition to interim measures offered even if originally declined);
- Notice to the complainant of the right to proceed with a criminal investigation and a Title IX complaint simultaneously;
- An assurance that if the complainant files a criminal complaint with a local law enforcement agency, the University will comply with law enforcement agency requests for cooperation and that such cooperation may require the University to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency gathers evidence, and the University will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process;
- Prohibition against conflicts of interest (real or perceived) by those handling (i.e. investigating, issuing findings, determining appeals, issuing sanctions) the Title IX Grievance Procedures;
- Description of process by which either party may raise bias or a conflict of interest regarding the Title IX Coordinator(s) or others handling the Title IX Grievance Procedures;
- Notice of the rights and responsibilities of both parties and relationships between criminal and Title IX investigations;
- Provisions for ensuring that the parties are afforded similar and timely access to any documents and information used at a hearing, including the University's Title IX investigative report;
- A provision for ensuring that the parties are afforded an equal opportunity to have an advisor/representative of their choice at the hearing (including whether an attorney may serve in this role), and that equal restrictions apply to the ability of advisors/representatives to speak or otherwise participate during the hearing (or equally permitting third party expert testimony; equal cross examination of witnesses; equally present for the entirety of a hearing);
- Notice that parties are not restricted from discussing and sharing information relating to their complaint with others that may support them or assist them in presenting their case;

- Notice that the parties may not personally question or cross-examine each other during a hearing;
- Presumption of inadmissibility of evidence of the Complainant's past relationships with anyone other than accused;
- Notice that the preponderance of the evidence standard of proof will be used for investigating and adjudicating Title IX complaints;
- Notice that the complainant is not required to be present at the hearing as a prerequisite to proceed;
- Provision of fair and equitable appeal/review rights for both parties of the initial investigation/determination regarding the complaint, the hearing outcome, and or the sanctions/remedies, and equal opportunities for both parties to participate in any further process;
- Prohibition against retaliation, including retaliatory harassment, and retaliation by third parties; and
- Specifications for adequate documentation of the proceedings and adequate record keeping for investigative files.