

Title IX Sexual Harassment Procedures

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A. Bryant University ("Bryant or the "University") is subject to Title IX of the Education Amendments of 1972 ("Title IX") which states that "[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. See 20 U.S.C. § 1681(a).

B. The United States Department of Education's Office for Civil Rights promulgated Title IX regulations specifying how recipients of Federal financial assistance must respond to allegations of sexual harassment consistent with Title IX's prohibition against sexual discrimination. See 34 Code of Federal Regulations, Part 106.

C. Bryant adopts these procedures to ensure its Title IX compliance, including the

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law and the University

401-232-6448

Meaghan Trayner
Associate Director of Human Resources & Title IX Coordinator
Human Resources Department Bryant University
1150 Douglas Pike
Smithfield, RI 02917
mtrayner@bryant.edu
401-232-6015

C. All references to the Title IX Coordinator ~~or~~ includes their designees.

- A. A Formal Complaint is required in order for the University to conduct an investigation. The filing of a Formal Complaint starts the University's Title IX grievance process.
- B. If a Complainant ~~des~~ not wish to make a Formal Complaint, the Title IX Coordinator may determine that the filing of a Formal Complaint is justified for the protection of individuals or Bryant's community. If the Title IX Coordinator signs a Formal Complaint, the Coordinatoshall inform the Complainant in writing, and the Complainant need not participate in the process further but will receive notices issued under the process.
- C. Bryant may consolidate Formal Complaints as to alleged Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other (~~com~~plaints), where the allegations arise out of the same facts or circumstances.

A. During the pendency of a grievance process, Bryant has the right to place a non

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3. 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.
 4. Information regarding the parties' right to an advisor (See Section X below).
 5. A statement that the parties may inspect and review evidence during the investigation (See Section XI below).
 6. A statement that Bryant prohibits knowingly making false statements or knowingly submitting false information in bad faith during the grievance process, indicating that individuals who engage in such conduct are subject to disciplinary actions under University Rules
- B. If, during the course of an investigation, Bryant decides to investigate additional allegations about the Complainant or Respondent that were not included in prior notice, Bryant will notify the parties regarding the investigation of such additional allegations. The parties will be provided sufficient time to review the additional allegations before any initial interview to address them.
- A. The Complainant and the Respondent are entitled to be accompanied to any meeting, interview or hearing by an advisor of their choice, who may be, but is not required to be an attorney. The University may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting, interview or hearing subject to the below-stated requirements
- B. The following requirements apply to the advisor's role
1. During any meeting and/or investigation interview, advisors may not speak for or on behalf of the Complainant or Respondent. While an advisor cannot speak for or on behalf of the Complainant or Respondent, time will be reasonably allocated for the advisor and the party to confer, if requested, by the University official or investigator conducting the meeting or interview
 2. During the live hearing held in the grievance process (addressed in Section XVII), the Complainant and Respondent must have an advisor present at the hearing. If the Complainant or Respondent does not have an advisor present during the hearing, the University will provide one of request.

3. At the live hearing, the advisor will conduct the questioning of the other party and witnesses on the Complainant's or Respondent's behalf. Specifically, as addressed below in Section XVI, the advisor may ask relevant questions, including those challenging the credibility of the other party and witnesses. The advisor can provide support and consultation to an advisee, but cannot actively participate in the hearing beyond asking questions.
 4. The University expects that an advisor will act in a respectful manner and reserves the right to remove an advisor who fails to respect the expected decorum at any meeting, interview or hearing. Should an advisor be excluded from a Title IX hearing, the party will be able to choose a new advisor, or one will be provided by the University at a hearing
- A. After a Formal Complaint is filed, the Title IX Coordinator will review its allegations to determine whether the alleged incident falls within Title IX's definitional and jurisdictional scope
 - B. As stated below, in certain instances, Bryant, acting through the Title IX Coordinator must dismiss the Formal Complaint 0.005 T-4(at6(ill22 T,Tj 0. 0 Tw 4aa2TC)18(o)2(o)2(r--n

1. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any of its allegations
 2. The Respondent is no longer enrolled or employed at Bryant; or
 3. Specific circumstances prevent Bryant from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- F. Upon Bryant's decision to dismiss a Formal Complaint any allegation therein from the Title IX grievance process, the Title IX Coordinator will promptly send written notice of the dismissal to the Complainant and the Respondent.
- G. A party may appeal the dismissal of the Formal Complaint through the appeal process stated below in Section XVII
- H. Admission of Responsibility At any point during the grievance process, a Respondent may choose to voluntarily admit responsibility for alleged violation(s) and execute a written waiver, at which point Bryant will determine the appropriate remedies to the Complainant and sanctions to be assigned to the Respondent, and the grievance process will be terminated if such admission resolves the allegations in the Formal Complaint. A Respondent should only make this choice after carefully considering the rights afforded under the grievance process and in consultation with an advisor.
- A. Bryant offers parties the option to participate in an informal resolution process, as an alternative to a full investigation and hearing to resolve the allegations raised in a Formal Complaint. The informal resolution process uses mediation or other forms of dispute resolution with the goal that the parties arrive at a voluntary and mutually agreed upon outcome.
- B. An informal resolution process is not permitted to resolve any allegations that a Bryant employee sexually harassed a student.

4. Any person designated to facilitate the informal resolution process shall not have any conflict of interest or bias for or against complainants and respondents

- C. The Title IX Coordinator, investigator(s), decision maker(s) and appeals officer shall not have any conflict of interest or bias for or against complainants and respondents generally or the Complainant and Respondent who are the parties.
- D. Before a determination is regarding responsibility is made at the conclusion of the grievance process, the Respondent is presumed to be not responsible for the alleged conduct.

B. Relevant evidence is evidence tending to prove a material fact is more probable or less probable than it would be without the evidence. A material fact is a fact that directly relates to an element of a claim of sexual harassment.

C. Privileged Information

1. Bryant will not seek the disclosure of otherwise permit questions regarding information protected under a legally recognized privileged. However, the holder of the privilege may execute a written waiver allowing the disclosure and use 053 T eL

A. The Decision Maker

1. Bryant has the discretion to have a single hearing officer or a three person panel preside as the decision maker at the live hearing. All persons serving as a decision maker will be trained to preside at a live hearing and adjudicate allegations raised in a Formal Complaint, consistent with the requirements of Bryant's grievance process. If a panel presides, one panelist shall be designated as the chair. If three panelists will deliberate and decide collectively based upon a majority vote. No panelist may abstain from voting. A decision maker may not be the Title IX Coordinator or any designee.

3. Live hearings may be conducted with the decisionmaker and any or all other participants physically present in the same geographic location or any or all

1. At the outset of the live hearing, each party (not the party's advisor) will be

5. If a party or witness does not participate in questioning at the live hearing, the hearing officer or the panel must not rely on any statement of that party or witness in reaching

- b. A summary of the procedural steps taken from the receipt of the Formal Complaint through the determination, including notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather evidence, and hearings held;
 - c. Findings of fact supporting the decision;
 - d. Conclusions applying the facts to the applicable code of conduct or policy provisions;
 - e. 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 Bryant's education program or activity will be provided to the Complainant; and
 - f. The procedures and grounds for the Complainant and Respondent appeal.
2. Bryant will strive to have the written decision issued within twenty (20) business days after the conclusion of the live hearing, but the time to issue the written decision will vary based upon the complexity of the specific case.
 3. The written decision shall be issued within the time frame specified in the applicable policy and procedure.

B. Appeals must be submitted in writing to the Title IX Coordinator within five (5) business days after

- A. Neither Bryant nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 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.

