

POLICY AND PROCEDURES

means the method set forth in this Policy of formal resolution to address prohibited conduct, and which complies with the requirements of the Title IX regulations (34 CFR §106.45) and the Violence Against Women Act § 304, if applicable.

includes any Investigators, Hearing Decision-makers, Appeal Decision-makers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same complaint).

Hearing Facilitator refers to the person designated to manage the administrative elements of a hearing and assist the Decision-makers, parties and witnesses.

refers to those who have decision-making and sanctioning authority within the Lenoir-

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The core purpose of this policy is the prohibition of sex/gender harassment, discrimination and/or retaliation. When an alleged violation of this policy is reported, the allegations are subject to classification and subject to resolution using Lenoir-Rhyne's Informal Resolution or Formal Grievance Process, and other procedures

Deputy Title IX Coordinator (Asheville Center) – 828.407.4263
Members of the Grievance Process Pool - See Section 7. of Procedures

Officials with Authority

Lenoir-Rhyne has determined that the following positions are Officials with Authority (OWA) that may also accept notice or complaints on behalf of the Lenoir-Rhyne and will promptly forward all notices or complaints of sex/gender discrimination and/or retaliation to the Title IX Coordinator. For additional contact information, see the Lenoir-Rhyne Directory at www.lr.edu/directory.

President – 828.328.7334

Provost – 828.328.7981

Vice President for Business and Finance – 828.328.7100

Vice President of Institutional Advancement - 828.328.7360

Vice President for Diversity, Equity and Inclusion - 828.328.7443

Vice President for Mission, Engagement and Innovation 828.328.7334

Vice President of Athletics – 828.328.7128

Rector & Dean, LTSS - 803.461.3240

Assistant Provost and Dean of the Graduate School- 828.

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: 800.421.3481
Facsimile: 202.453.6012; TDD#: 877.521.2172
Email: OCR@ed.gov; Web: www.ed.gov/ocr

For complaints involving employees: [Equal Employment Opportunity Commission](http://www.eeoc.gov) (EEOC) ¹

7. Notice/Complaints of Sex Discrimination, Harassment, Misconduct and/or Retaliation

Notice or complaints of sex/gender harassment, discrimination and/or retaliation may be made using any of the following options:

- 1) File a report or Formal Complaint with, or give verbal notice to, the Title IX Coordinator, a Deputy Title IX Coordinator, or an Official with Authority (See Section 6. for list of Officials and contact information). Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, in-person, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.
- 2) File a report or complaint online, using the reporting form posted at www.lr.edu/titleIX. Anonymous reports are accepted but can give rise to a need to investigate to determine if parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. Lenoir-Rhyne tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting online carries no obligation to make a formal complaint, and because Lenoir-Rhyne respects Complainant wishes regarding their report absent a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report.
- 3) Report to a Mandated Reporter (See Sections 6. and 19.).
- 4) Report to a Confidential Resource (Counselors, Health Care Providers, and University Pastors) (See Sections 6. and 19.).

A Formal Complaint is defined as a document submitted and signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Lenoir-Rhyne investigate the allegation(s).

A report or complaint may be filed with the Title IX Coordinator in person, by mail, electronic mail, or by telephone, using the contact information in the section immediately above. A report or complaint may be filed online at www.lr.edu/title-ix. Reports made electronically through this Title IX webpage are not considered formal complaints until the Title IX Coordinator has confirmed the identity of the

¹ EEOC has jurisdiction over Title IX employment claims. Please consult: <http://www.eeoc.gov/field/index.cfm> to locate the local office's specific contact info. The local EEOC office for Lenoir-Rhyne's Hickory and Asheville campuses is in Charlotte, NC and the local EEOC office for the Columbia campus is in Greenville, SC.

Complainant and Complainant has indicated through a physical or digital signature that they wish to file a formal complaint and wish to have Lenoir-Rhyne investigate the allegations.

This policy applies to the education program and activities of Lenoir-Rhyne to conduct that takes place on the campus or on property owned or controlled by Lenoir-Rhyne, at University-sponsored events or in buildings owned or controlled by Lenoir-Rhyne's recognized student organizations. This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Lenoir-Rhyne's educational program. The University may also extend jurisdiction to off-campus and/or to online conduct when the

- d. pervasive, and,
 - e. objectively offensive,
 - f. that it effectively denies a Complainant equal access to the Lenoir-Rhyne's education program or activity.⁴
- 3) Sexual assault, defined as:
- a) Any sexual act⁵ directed against a Complainant ⁶,
Without their consent, or,
instances in which the Complainant is incapable of giving consent.

⁴ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

⁵ A "sexual act" is specifically defined by federal regulations to include one or more of the following:

Rape:

Penetration of Complainant
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, including instances where they are

- b) Incest:
 - Non-forcible sexual intercourse,
 - between persons who are related to each other,
 - within the degrees wherein marriage is prohibited by applicable state law.

- c) Statutory Rape:
 - o Non-forcible sexual intercourse,
 - o With a person who is under the statutory age of consent in applicable state.

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- ii. the safety of others; or
- iii. Suffer substantial emotional distress.

For the purposes of this definition—

- o Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
- o Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- o Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Lenoir-Rhyne reserves the right to impose any level of sanction, ranging from disciplinary action up to and including suspension or expulsion/termination, for any offense under this Policy (See Procedures Section 35. below).

c. Force, Coercion, Consent, and Incapacitation⁸

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

knowing, and
voluntary, and
clear permission
by word or action
to engage in sexual activity.

⁸ The state definition of consent is applicable to criminal prosecutions for sex offenses but may differ from the definition used on campus to address Lenoir-Rhyne University policy violations.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of

Discriminatory harassment – defined as unwelcome conduct by any member or group of students or employees on the basis of sex/gender (including sexual orientation, gender identity and pregnant or parenting status) – is a form of prohibited discrimination under Lenoir-Rhyne’s policy.

Lenoir-Rhyne does not tolerate sex/gender discriminatory harassment of any employee, student, visitor, or third-party. Lenoir-Rhyne will act to remedy sex/gender harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.”

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits or opportunities.⁹ This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, Lenoir-Rhyne may impose sanctions on the Respondent through the applicable grievance process (See Procedures/Resolution Process Sec. 1).

b. Title VII/Federal Housing Administration (“FHA”) Sexual Harassment

This type of Sexual Harassment applies to situations where an employee is subjected to workplace sexual harassment (that does not meet the definition of Title IX Sexual Harassment) or where a situation involves a residential Complainant in Lenoir-Rhyne-provided housing. The following is required:

- i. Unwelcome verbal, written, graphic, and/or physical conduct;
- ii. that is severe or pervasive and objectively offensive;
- iii. on the basis of sex/gender, that
- iv. unreasonably interferes with, limits, or effectively denies an individual’s

- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation or gender identity
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography. This also includes taking non-consensual photographs or videos of another person's genitals, or taking a consensual photographs or videos but then disseminating them without consent.
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Creation, possession, or dissemination of child pornography

When Sexual Exploitation is alleged, Lenoir-Rhyne may impose sanctions on the Respondent through the applicable grievance process (See Procedures/Resolution Process Sec. 1).

d. Sexual Assault, Dating Violence, Domestic Violence, and Stalking (non-Title IX Sexual Harassment)

Lenoir-Rhyne prohibits sexual assault, dating violence, domestic violence and stalking involving students and employees no matter where it occurs. For any alleged acts of Sexual Assault, Dating Violence, Domestic Violence, and Stalking as defined under Section 16. above that do not meet the requirements of Title IX Sexual Harassment, Lenoir-Rhyne reserves the right to address the conduct and impose

- On-campus licensed professional counselors
- Off-campus University-contracted professional counselors
- On-campus health service providers
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination
- Off-campus (non-employees):
 - o Licensed professional counselors and other medical providers
 - o Local rape crisis counselors
 - o Domestic violence resources
 - o Local or state assistance agencies
 - o Clergy/Chaplains
 - o Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

b. Anonymous Reports Submitted Online or through a Confidential Resource

A Complainant may make an anonymous report online at www.lr.edu/title-ix, or may ask that a Confidential Resource report their incident to the Title IX Coordinator but keep the Complainant's name confidential. When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Confidential Resource, but all other details should be shared with the Title IX Coordinator.

If a Complainant has requested the Complainant's anonymity be preserved, anonymous notice typically limits the University's ability to investigate, respond and provide remedies, depending on what information is shared. Anonymous notice will be investigated by the University to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures can be provided.

c. Mandated Reporters and Formal Notice/Complaints

All employees of Lenoir-Rhyne (including some student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator or a Deputy Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party. Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not

Note that the University's ability to remedy and respond to notice may be limited if the Complainant does not want Lenoir-Rhyne to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Lenoir-Rhyne to honor that request, the University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Lenoir-Rhyne, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

21. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Lenoir-Rhyne must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community. Lenoir-Rhyne will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

22. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action under the applicable Lenoir-Rhyne code of conduct. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to disciplinary action.

To encourage reporting and participation in the process, Lenoir-Rhyne maintains a policy of offering amnesty (a reprieve) for parties and witnesses from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

Lenoir-Rhyne maintains a policy of amnesty for students who offer help to others in need or who may have violated the University's drug and alcohol policy where the violations occurred in conjunction with the reported incident of sex discrimination, harassment, misconduct and/or retaliation. Although policy violations cannot be overlooked, Lenoir-Rhyne may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need or may have violated the University's drug or alcohol policy.

24. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All "primary crimes," which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft and arson
- b) Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
- c) VAWA-based crimes,¹⁰ which include sexual assault, domestic violence, dating violence and stalking
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug law violations.

All personally identifiable information may be kept private, but statistical information must be shared with the Department of Public Safety regarding the type of incident and its general location (on or off-campus or in the surrounding area) for publication in the Annual Security Report and campus crime log.

Campus Security Authorities include:

- President and Vice Presidents
- All employees of Office of Student Life
- All employees of Department of Public Safety
- Local police
- All employees of Intercollegiate Athletics Department
- All employees of Human Resources
- Director of Compliance/Title IX Coordinator and Deputy Title IX Coordinators
- All employees of Admissions
- Advisors to Student Organizations.

¹⁰ VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

PROCEDURES/RESOLUTION PROCESSES

Resolution Processes for Alleged Violations of this Policy on Non-Discrimination and Anti-Retaliation

1. Overview

Lenoir-Rhyne will act on any formal or informal notice/complaint of violation of the Policy that is received by the Title IX Coordinator¹¹ or Official with Authority.

The procedures below apply to all allegations of sex/gender harassment, discrimination and/or retaliation. Specifically:

- a. All Formal Complaints of Title IX Sexual Harassment as defined in Sec. 16, involving students and/or employees of Title IX Sexual Harassment as defined (Sec. 16) and determined by the Title IX Coordinator, will be resolved using this Policy and the Procedures below, and the Resolution Process will be facilitated by the Title IX Office;
- b. All reports that do not meet the definition of Title IX Sexual Harassment (Sec. 16 - as determined by the Title IX Coordinator) involve Other Sex/Gender Harassment, Discrimination (Sec. 17) and/or Retaliation (Sec. 18) and involve at least one employee (Complainant or Respondent) will be referred by the Title IX Coordinator to the Assistant Vice President for Human Resources for resolution;
- c. All reports that do not meet the definition of Title IX Sexual Harassment (Sec. 16 - as determined by the Title IX Coordinator) involve Other Sex/Gender Harassment, Discrimination (Sec. 17) and/or Retaliation (Sec. 18) and involve all students as Parties will be resolved using this Policy and the Procedures below, and the Resolution Process will be facilitated by the Title IX Office.
- d. All other reports will be resolved at the discretion of the Title IX Coordinator, upon consultation with the offices of Diversity, Equity and Inclusion, Human Resources, and Student Life.

All allegations of misconduct that is collateral or unrelated to conduct covered by this Policy will usually be addressed through procedures described in the student, faculty, and/or staff handbooks, as applicable.

2. Notice/Complaint

Upon receipt of a Formal Complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the University needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Complaint.

As discussed in more detail below, the Title IX Coordinator will initiate at least one of the following responses:

¹¹ Anywhere this procedure indicates "Title IX Coordinator," Lenoir-Rhyne may substitute a trained designee.

- a. Offering supportive measures only because the Complainant does not want to file a Formal Complaint
- b. Referral of complaint to Human Resources

If alleged misconduct does not fall within the scope of Title IX Sexual Harassment as defined in Sec. 16., the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), and assess which policies may apply. Please note that dismissing a complaint under the 2020 Title IX Rule is solely a procedural requirement under Title IX and does not limit the Recipient’s authority to address a complaint with an appropriate process and remedies. If the alleged misconduct does not fall within the scope of Title IX Sexual Harassment and the complaint involves at least one employee, the Title IX Coordinator will notify the Complainant that the matter will be referred to the Human Resources office for resolution.

a. Violence Risk Assessment

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Behavioral Intervention Team (BIT) as part of the initial assessment. A VRA may aid in making certain determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant
- Whether to put the investigation on the footing of incident and/or pattern and/or climate
- To help identify potential predatory conduct

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

5. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the Resolution Process, if they so choose. The parties may select whoever they wish to serve as their Advisor so long as the Advisor is eligible and available.¹⁵ Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor

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Harassment by an employee Respondent.

The Title IX Coordinator can always resolve a matter informally by providing supportive measures only to remedy the situation. A supportive measures-only approach can occur at any time, regardless of whether the Complainant has made a Formal Complaint.

a. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

b. Title IX Coordinator-Facilitated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. Negotiated Resolutions are not appealable.

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Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Vice President for Diversity, Equity and Inclusion and/or Title IX Coordinator:

- To act as an Advisor to the parties
- To act as an Investigator
- To serve in a facilitation role in Informal Resolution if appropriately trained
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker
- To serve as Hearing Chair/Decision-Maker

b. Pool Member Appointment

The President, in consultation with the Vice President for Diversity, Equity and Inclusion and Title IX Coordinator appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the University can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes and/or talents identified in members of the Pool that make them best suited to particular roles.

c. Pool Member Training

The Pool members receive

that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period
A statement about Lenoir-

of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Vice President for Diversity, Equity and Inclusion. If the Title IX Coordinator has a conflict of interest or bias, the Vice President will appoint a trained

expert information, as necessary. At Lenoir-

well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Lenoir-Rhyne does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor). The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses

The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period

The Investigator(s) (usually the Title IX Coordinator) shares the report with the Vice President for Diversity, Equity and Inclusion

The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors and the Grievance Process Panel through electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

15. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of Lenoir-Rhyne are expected to cooperate with and participate in the University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The Recipient will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Though not preferred, witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s).

16. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

17. Evidentiary Con

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Whether parties can bring mobile phones/devices into the hearing and, if so, the rules regarding having phones in the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the last week of classes will typically be held immediately after the end of the exam period or during the summer, as needed, to meet the resolution timeline followed by Lenoir-Rhyne and remain within the 60-90 business day goal for resolution. Employees who do not have 12-month contracts are still expected to participate in the grievance process that occur during months between contracts.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

22. Alternative Hearing Participation Options

If a party or witness prefers not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair as soon as possible, preferably at least five (5) business days prior to the hearing so that appropriate arrangements can be made. The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person.

23. Pre-Hearing Preparation

The Chair, Hearing Facilitator, or Title IX Coordinator after any necessary consultation with the parties, , will provide the names of persons who have been asked to participate in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

parties, witnesses, and Advisors within two (2) business days of receiving these identities. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

24. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting with the parties and/or their Advisors and invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can (a) if appropriate, elevate the relevant issues to the hearing, (b) if necessary, introduce in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisor

authorized accommodations or assistive services.

The Chair will answer all questions of procedure, in consultation with the Title IX Coordinator, Vice President for Diversity, Equity and Inclusion and/or legal counsel, if any. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker(s) and the witnesses will then be excused.

26. Joint Hearings

In hearings involving more than one Respondent and/or involving more than one Complainant who have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or Complainant to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

27. The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties and other administrative elements of the hearing process are managed by a non-voting hearing facilitator.

28. Investigator Presents the Final Investigation Report

The Investigator(s) will present a report on the findings of the investigation to the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on the

default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may

The hearing facilitator will attend the deliberation, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact or character statements in determining appropriate sanction(s).

The Chair

permitted to share such information under state or federal law
any sanctions issued which the Lenoir-Rhyne is permitted to share according to state or federal law and
any remedies provided to the Complainant designed to ensure access to Lenoir-Rhyne's educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any appeal.

34. Rights of the Parties

Lenoir-Rhyne will provide both parties access to the University's Statement of the Rights of the Parties, which is located in the University's Resource Guide for Sex/Gender Misconduct. The Statement can be found at www.lr.edu/title-ix/resource-guide-sexgender-discrimination-harassment-misconduct-university-policies.

35. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Whether Respondent has accepted responsibility for the conduct
- Previous allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the sex/gender discrimination and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of Sex/gender discrimination and/or retaliation
- The need to remedy the effects of the sex/gender discrimination and/or retaliation on the Complainant and the community
- The impact on the parties
- Maintenance of a safe and respectful educational and employment environment
- Any other mitigating, aggravating or compelling circumstances
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

a. Student Sanctions/Responsive Actions

The following are the common sanctions¹⁸ that may be imposed upon students or organizations singly or in combination:

A formal statement that the conduct was unacceptable and a warning that further violation of any Lenoir-Rhyne policy, procedure or directive will result in more severe sanctions/responsive actions

A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects

A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders and/or other measures deemed appropriate

Termination of student status for a definite period of time and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Lenoir-Rhyne. This sanction will be noted permanently as a Conduct Suspension on the student's official transcript

Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Lenoir-Rhyne-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript

: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation

Lenoir-Rhyne reserves the right to revoke a degree previously awarded from the University for fraud, misrepresentation, and/or other violation of University policies, procedures, or directives in obtaining the degree or for other serious violations committed by a student prior to graduation

: Deactivation, loss of recognition, loss of some or all privileges (including Lenoir-Rhyne registration) for a specified period of time

In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

b. Employee Sanctions/Responsive Actions

Sanctions and responsR5 250.ETQ

Denial of Pay Increase/Pay Grade
Loss of Oversight or Supervisory Responsibility
Demotion
Transfer
Reassignment
Assignment to new supervisor
Restriction of stipends, research and/or professional development resources
Suspension with pay
Suspension without pay
Termination
Other Actions: In addition to or in place of the above sanctions/responsive actions, the University may assign any other responsive actions as deemed appropriate.

With regard to a tenured or tenure-track faculty Respondent, any sanctions recommended that are subject to the Faculty Handbook will be referred to the Provost. The Provost will work with the Chair of the Decision-Making Panel and Title IX Coordinator to ensure this process is prompt and that the written decision regarding tenure and/or rank is included in the required Outcome letter along with the Decision-Maker's Findings and other Sanctions.

36. Withdrawal or Resignation While Charges Pending

a. Students:

If a student has an allegation pending for violation of the Policy, Lenoir-Rhyne may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the University, the Resolution Process ends with a dismissal, as Lenoir-Rhyne no longer has disciplinary jurisdiction over the withdrawn student.

However, Lenoir-Rhyne will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation. The student who withdraws or leaves while the process is pending is

The employee who resigns with unresolved allegations pending is not eligible for rehire with Lenoir-

The Appeal Chair/Decision-maker(s) may consult with the Vice President for Diversity, Equity and Inclusion or Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals granted should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Vice President for Diversity, Equity and Inclusion or, in limited circumstances, decided on appeal. Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).

In rare cases where a procedural or substantive error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).

The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.

In cases in which the appeal results in reinstatement to Lenoir-Rhyne or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

38. Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented and remedies required by the Decision-Maker, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by Lenoir-Rhyne to the Respondent to ensure no effective denial of educational access.

Lenoir-Rhyne will maintain the confidentiality of any long-term remedies/actions/measures, provided pr

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion and/or termination from the University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator, in consultation with other appropriate University Officials.

Supervisors are expected to maintain the confidentiality of findings and sanctions occurring under this Policy and to assist with enforcement of completion of sanctions/responsive actions for their employees in conjunction with the Title IX and Human Resources offices.

40. Recordkeeping

Lenoir-Rhyne, coordinated by and through the Title IX Coordinator, will maintain for a period of seven years records of:

1. Each formal investigation under this Policy including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation
2. Any disciplinary sanctions imposed on the Respondent
3. Any remedies provided to the Complainant designed to restore or preserve equal access to Lenoir-Rhyne's education program or activity
4. Any appeal and the result therefrom
5. Any Informal Resolution and the result therefrom
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers and any person who facilitates an Informal Resolution process. Lenoir-Rhyne will make these training materials publicly available on University's website and
7. Any actions, including any supportive measures and emergency leaves, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent
 - b. Any measures designed to restore or preserve equal access to the Lenoir-Rhyne's education program or activity and
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Lenoir-Rhyne will also maintain all records in accordance with state and federal laws.

41. Disabilities Accommodations in the Resolution Process

Lenoir-Rhyne

will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

42. Revision of this Policy and Procedures

This Policy and Procedures supersede any previous policy(ies) addressing sex discrimination, harassment, misconduct and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The

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