

determining whether the Respondent(s) is responsible for the allegations of Prohibited Conduct. The Chair of the Hearing Panel is responsible for the writing the final written report. The Chair will make the final decision in the event that the Hearing Panel does not reach consensus.

- h. **Hearing Panel File** means the final written decision, the recording or transcription of the live hearing, and all evidence directly related to the matter.
- i. **Inculpatory Evidence** means evidence that tends to establish responsibility for the alleged Prohibited Conduct.
- j. **Investigator** means an individual who does not have a conflict of interest or bias for or against complainants or respondents generally, or an individual Complainant or Respondent; has been trained on the definitions of Prohibited Conduct, and _____ jurisdiction, how to conduct a fair and impartial investigation, on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- k. **Prohibited Conduct** means conduct described in Section XI of the Harassment, and Retaliation Policy.
- l. **Report of Prohibited Conduct** means information submitted to the Title IX Coordinator at the contact information listed at Section III of the policy, or the form located in the EO/Title IX website:, a phone call to or message left at (406) 496-4322 _____ system, as set forth in the Policy at Section III(A).
- m. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.
- n. **Supportive and Protective Measures** are defined in Section VI of the Discrimination, Harassment, and Retaliation Policy.
- o. **Title IX Coordinator** means the individual who is responsible for coordinating efforts of the University to notify applicants for admission and employment, students, employees, and all unions holding collective bargaining agreements with the University of the identity of the Title IX Coordinator, contact information for the Office of Equal Opportunity and Title IX, information about how to file reports of Prohibited Conduct, for disseminating the Policy and Procedures and non-discrimination notices, for coordinating responses to reports of Prohibited Conduct, for ensuring that the Grievance Procedure provides for prompt and equitable resolution of Formal Complaints of Prohibited Conduct, for ensuring that investigators, Advisors, Hearing Panel members, and all other University officials facilitating an Informal Resolution or Formal Grievance Proceeding are properly trained, and for ensuring effective implementation of any remedies. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.
- p. **University Program or Activity** means locations, events, or circumstances over which the

Measures with or without the filing of a Formal Complaint, and invite the Complainant to meet with EO/Title IX Coordinator or designee to assess jurisdiction and discuss potential resolution options, including the process for filing a Formal Complaint.

Resolution Process may not be used to resolve allegations that an employee Sexually Harassed a student.

IV. Grievance Proceeding

A. Burden of Proof and Standard of Evidence.

Neither a Complainant nor a Respondent has any burden to prove or disprove Prohibited Conduct. The University has the burden to prove through the Grievance Proceeding that a Respondent engaged in Prohibited Conduct. The University presumes that the Respondent has not engaged in Prohibited Conduct until it has made a final determination at the conclusion of the Grievance Proceeding. The standard of evidence for determining whether a Respondent has engaged in Prohibited Conduct is the preponderance of the evidence standard. The preponderance of the evidence standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

B. Investigation.

The EO/Title IX Coordinator will assign a properly trained and impartial investigator.

- a. The investigator is responsible to gather evidence sufficient to reach a determination regarding responsibility or no-responsibility.
- b. The investigator may
made or maintained by a physician, psychiatrist, psychologist, or other recognized
assisting in that capacity, and which are made and maintained in connection with the
consent to do so for this Grievance Process.
- c. The investigator will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other Inculpatory and Exculpatory Evidence.
- d. The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.¹
- e. The investigator will provide the parties with the same opportunities to have support persons, and an A

C. Hearing.

After receipt of the information described above, in Section III(B)(m), the EO/Title IX Coordinator will provide such information to the Hearing Panel and will work with the Hearing Panel, the parties, and their Advisors, to schedule a date, time, and location for a live Hearing.

- a. The Chair of the Hearing Panel may convene a pre-hearing conference with the parties and their Advisors to discuss matters of procedure, including logistics of technologies to be used,

7. Banning from all or specific University activities and events: The University may prohibit an individual from attending University sponsored activities either on or off-campus;
 8. Permanent No Contact: Restriction from entering specific University areas and/or from all forms of contact with certain persons;
 9. Suspension: Separation from the University for a specified period of time or until certain conditions are met;
 10. Expulsion or permanent separation: Termination of student status for an indefinite period for students or termination from employment for employees;
 11. Transcript hold: The University may prevent a student from receiving a copy of their transcript; or
 12. The University may delay the conferral of the degree pending the outcome of an investigation or withhold the conferral of the degree due to a finding of prohibited conduct. In extraordinary circumstances, the University may revoke the conferral of a degree.
- ii. Student Respondents may submit to the Hearing Panel, a mitigation statement explaining any factors that the respondent believes should mitigate or otherwise be considered in determining the sanctions imposed. Complainants may submit to the Hearing Panel an impact statement describing the impact of the Prohibited Conduct on the complainant and expressing the com appropriate sanctions.
 - iii. In determining the appropriate sanctions for students, the Hearing Panel will be guided by a number of considerations, including:
 1. The nature of the conduct at issue and the Prohibited Conduct for which Respondent was charged;
 2. The impact of the Prohibited Conduct on the Complainant;
 3. The impact of the Prohibited Conduct on the community or the University;
 4. Whether the Respondent has accepted responsibility for the Prohibited Conduct, which may be considered as a factor that may lessen, not increase, the severity of the sanctions;
 5. Maintenance of a safe and respectful environment conducive to learning;
 6. Protection of the University community;
 7. The necessity of any specific action in order to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects on the Complainant or other University community members; and
 8. Any other mitigating, aggravating, or compelling circumstances, including

VIII. Timeframe

Consistent with timeframes identified herein and where otherwise unspecified, the University will respond to and seek resolution of all Reports of Prohibited Conduct and Formal Complaints under these Procedures, promptly, as determined by fact and circumstance, and in accordance with federal regulation. The EO/Title IX Office will set and provide advanced notice of timelines and deadlines to parties, witnesses, and Advisors.

Except as otherwise specified, the EO/Title IX Coordinator may extend a deadline or permit delay of any resolution process described herein upon a showing of good cause and written notice to the parties of the reason for extension or delay. Good cause may include considerations such as the unavailability of a party, witness, or Advisor; concurrent law enforcement activity; or the need for language assistance or accommodation of disability.

IX. Board of Regents Policy 203.5.2 | Appeals

[Board of Regents Policy 203.5.2](#) provides that any party may appeal the final decision of a university