



## Policy Statement

Clark Atlanta University (commonly referred to as “CAU or “University” within this policy) is committed to ensuring a safe learning environment that supports the dignity of all members of the CAU community. As a recipient of federal funds, the University complies with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. (“Title IX”) and therefore prohibits discrimination on the basis of sex, pregnancy, sexual orientation, gender, gender identity, gender expression, and parental status in its education programs or activities, including, but not limited to, admissions processes and extracurricular activities. In compliance with Title IX, the University is and remains committed to:

- Providing programs, activities, and an educational environment free from Sex Discrimination and Sexual Misconduct;
- Fostering an environment that encourages prompt reporting of all types of Sexual Misconduct and Sex Discrimination and a timely response to reports and formal complaints;
- Providing adequate, prompt, fair and impartial investigations into and resolution of formal complaints of Sexual Misconduct and Sex Discrimination; and
- Ensuring that Title IX processes are conducted by University officials who receive annual training on the issues related to Sexual Misconduct and Sex Discrimination, and on how to conduct an investigation and hearing process that is fair and impartial.

This Sex Discrimination and Sexual Misconduct Policy (hereinafter “Policy”) prohibits specific forms of behavior that violate Title IX and are antithetical to the educational mission of CAU. This Policy is not intended to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic and First Amendment freedoms.

All relevant terms are defined in **Appendix A** to this Policy, and CAU will review, evaluate, and make any revisions or amendments to this Policy on an ongoing and as-needed basis. General inquiries about the application of this Policy and the related grievance procedures should be directed to the University’s Title IX Coordinator:

**Ramona Roman**

HR Business Partner & Title IX Coordinator

Clark Atlanta University

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Atlanta, Georgia 30314

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As used throughout this Policy, references to the Title IX Coordinator shall include the Title IX Coordinator and any other person expressly designated by the Title IX Coordinator to act on their behalf.

## **Purpose and Scope**

This Policy applies to all CAU community members, including students, faculty, administrators, staff, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the University or on University property. It further pertains to Reports and Formal Complaints of alleged Sex Discrimination and Sexual Misconduct involving CAU students, faculty, staff, or employees as Complainants or Respondents, including instances between employees only.

This Policy and its corresponding grievance procedures attached hereto as **Appendix B** are intended to outline the rights of, identify supports for and guide individuals who are involved in grievance proceedings following a Report or Formal Complaint of Sex Discrimination and Sexual Misconduct (as defined below), whether as a Complainant or Reporter, a Respondent, or as a witness.

Any persons designated by CAU to have the authority to address or duty to report alleged sex-based discrimination, sexual misconduct and/or retaliation but who fails to address or report alleged sex-based discrimination, sexual misconduct and/or retaliation of which they have actual knowledge, may be subjected to sanctions up to and including termination of employment, dismissal or expulsion.

Because of the University's commitment to maintaining an environment that supports CAU's educational mission, the University also prohibits romantic, sexual, and exploitative relationships between University employees and students. In the event that any such relationship is reported and confirmed, the employee is subject to employee disciplinary procedures up to and including termination in the case of administrators and staff members, or dismissal for cause in the case of faculty members. The policies and procedures for employee disciplinary procedures and dismissal for cause apply in all such cases.

There are exceptional circumstances in which the spouse or partner of a University employee is a student at the University. This policy provision does not apply in such circumstances. The Provost and Vice President for Academic Affairs, in consultation with the Title IX Coordinator, is the administrative officer who determines whether an exceptional circumstance applies.

Nothing in this policy shall prevent the University from addressing employee complaints of sexual harassment under Title VII of the Civil Rights of Act of 1964, when implicated.

## **Application of Policy**

This Policy, as amended and implemented on August 14, 2020, shall apply to all Reports and Formal Complaints received after August 14, 2020, regardless of the date of the alleged incident. It shall not apply to cases pending prior to August 14, 2020, as the prior iteration of this Policy shall apply to those cases. General inquiries about the application of Title IX also can be directed to the U.S. Department of Education's Office for Civil Rights.

## **Jurisdiction and Authority**

CAU, through the Title IX Coordinator or any other designee, has jurisdiction over and the authority to receive Reports by any member of the CAU community that invoke Title IX. However, the University will only investigate, hear and resolve Formal Complaints signed by the Title IX Coordinator or brought by a Complainant who is participating in or attempting to participate in an educational program or activity of CAU at the time the Formal Complaint is filed. CAU is authorized to take certain actions to address or remedy Sex Discrimination and Sexual Misconduct in instances only where it has actual knowledge (as defined by Title IX regulations) of the alleged conduct. The Title IX Coordinator is ultimately authorized

to implement procedures that include specific instructions for making Reports and investigating and resolving Title IX Formal Complaints.

CAU, through the Title IX Coordinator or any other designee, has the authority to institute corrective measures under this Policy as it relates to conduct occurring on University property; at University-sanctioned events or programs that take place off campus, including, for example, internship programs; or at events or programs hosted by University-recognized organizations that take place off campus within the United States. This Policy may apply regardless of the location of the incident, for conduct other than Sexual Misconduct (as defined in this Policy), if it is likely to have a substantial adverse effect on, or poses a threat of danger to, the educational opportunities provided by the University i.e., if it involves or affects a student's educational experience at the University. Any individual found to have violated this Policy will be subject to disciplinary action up to and including termination for employees, staff, and faculty and expulsion for students. Certain behavior may violate the University's Policy even when it does not constitute a violation of law.

The University encourages anyone who has witnessed or experienced an incident of Sexual Misconduct or Sex Discrimination to report it regardless of where the incident occurred, or who committed it. Even if the University does not have jurisdiction over the alleged conduct or Respondent, the University may take prompt action to provide for the safety and well-being of any affected person and the broader University community. The University retains the right to utilize different processes to investigate, hear and adjudicate incidents involving students, employees, staff and faculty that do not invoke the prohibited conduct outlined in this Policy.

There may be cases where the University's jurisdiction or authority over individuals who are not subject to this Policy (e.g., Respondents who are students of another college or university, including other colleges in the Atlanta University Center) is limited. In such cases, the Title IX Coordinator will ensure that the Reporter (of Complainant, if applicable) is offered supportive measures and promptly updated on the status of their Report or Formal Complaint, if applicable.

## **Retaliation and False Accusations**

CAU expressly prohibits retaliation against anyone who: 1) in good faith, reports what they believe is Sexual Misconduct or Sex Discrimination, 2) participates in any investigation or proceeding under this Policy, or 3) opposes conduct that they believe to violate this Policy. Retaliation includes intimidation, harassment, threats, or other adverse action or speech against the person who reported the misconduct, the parties, and their witnesses, including actions taken on social media or through other virtual means, such as email, text or video communications.

CAU will not only take steps to prevent retaliation, but it will also take strong corrective action if it occurs. Anyone who believes they have been the victim of retaliation should immediately contact the Title IX Coordinator. Reports of suspected retaliation may be filed as Formal Complaints and provided the same formal grievance process and procedures as outlined in this Policy, or the suspected retaliation may be handled under the applicable Student Code of Conduct provision (for students) or other University anti-discrimination policy (for employees).

Any individual found to have retaliated against another individual who engaged in conduct consistent with the protections afforded under this Policy will be in violation of this Policy and will be subject to disciplinary action, up to and including termination for employees, staff, and faculty and expulsion for students.

Anyone who knowingly makes a false accusation of unlawful discrimination, harassment, or retaliation of any form will be subject to an investigation for a potential violation of this Policy and may be subject to disciplinary action, up to and including termination for employees, staff, and faculty and expulsion for students.

## **General Policy Implementation Considerations**

### **Time Limitations for Reporting**

There is no time limit for reporting incidents of Sex Discrimination or Sexual Misconduct under this Policy, although CAU encourages prompt reporting of incidents to minimize the risk of losing relevant information, evidence, and reliable witness testimony, and impairment of the University's ability to fully address the incident. Any individual who has been subjected to, or who knows of or has witnessed, an incident of Sex Discrimination or Sexual Misconduct is encouraged to report the incident or file a Formal Complaint immediately in order to maximize the University's ability to obtain information and conduct an adequate, thorough, prompt, and impartial investigation into the incident. The University will attempt to resolve most cases of Sexual Misconduct or Sex Discrimination, excluding appeals, within a reasonable timeframe, i.e. 120 days.

If an individual wishes to file a claim with the U.S. Department of Education's Office for Civil Rights, they must do so within 180 days of the incident based on the time limits for adjudication set by that agency.

### **Amnesty for Complainants, Reporters and Witnesses**

CAU strongly encourages individuals who have been involved in, or who know of, or have witnessed, incidents of Sex Discrimination or Sexual Misconduct to report such incidents as soon as possible. The University recognizes that students involved (e.g. as witnesses, bystanders, third parties, or Complainants) who have violated the University's drug and alcohol policy may be hesitant to report out of fear of sanction. Therefore, in order to encourage reporting in all situations, anyone who reports or experiences Sex Discrimination or Sexual Misconduct may be granted amnesty for any violation of the University's drug and alcohol policy that occurred in connection with the reported incident. CAU intends to grant amnesty for all but the most egregious violations of the University's drug and alcohol policy; however, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate.

However, CAU Code of Student Conduct and/or other University policy violations discovered *during* the Title IX investigation will be referred to the appropriate office for review and corrective action, if needed.

### **Emergency Removal**

The University is permitted to remove a Respondent from its education program or activity on an emergency basis if it undertakes an individualized safety and risk analysis and determines that an immediate threat to the physical health and safety of any student or individual arising from the allegations of Sexual Misconduct or Sex Discrimination justifies removal. The Respondent will be provided with notice of such emergency removal and an opportunity to challenge the decision immediately following the removal.

### **Administrative Leave**

The University is permitted to place a non-student Respondent (i.e. University employees) on

administrative leave, with or without pay, during the pendency of any portion of the grievance process.

In cases where the Respondent who has been placed on administrative leave (or upon whom some other temporary/interim administrative action has been imposed) during the pendency of the grievance process falls into one or more of the following categories, the University will also comply with federal mandates that require federal grant recipient institutions to notify relevant federal grant agencies of said temporary/interim administrative action:

- Anyone who is a principal investigator (PI) or co-PI identified on an award from the National Science Foundation (NSF);
- Anyone who is a principal investigator (PI), co-PI, or other senior key University personnel identified on an award from the National Institute of Health (NIH); or
- Anyone identified on any other award from a relevant federal grant agency that requires such reporting.

### **Reporting Incidents of Sex Discrimination or Sexual Misconduct**

Anyone can report incidents of Sex Discrimination and Sexual Misconduct to CAU under the grievance procedures outlined in **Appendix B** to this Policy, and they may even do so anonymously. Upon receipt of a Report, CAU will: (1) promptly contact the person alleged to be the victim or survivor of the reported conduct to offer and discuss the availability of supportive measures (as defined in this Policy); (2) consider the wishes of the alleged victim or survivor with respect to supportive measures; (3) inform the alleged victim or survivor of the availability of supportive measures with or without the filing of a Formal Complaint; and (4) explain the process for filing a Formal Complaint. That means that not every Report will become a Formal Complaint. However, the University may convert any Report to a Formal Complaint if it determines that it must take further steps to protect the CAU community. The University strongly encourages all individuals to report incidents of Sexual Misconduct and Sex Discrimination, even if the individual does not intend to pursue a Formal Complaint. No person should assume that an incident has already been reported by someone else or that the University already knows about a situation.

### **On-Campus Reporting Options**

To make a Report to CAU, a reporting individual may do *one or more* of the following:

- Report the incident to the Title IX Coordinator via telephone at 404-880-6158 or email at [rroman@cau.edu](mailto:rroman@cau.edu).
- Notify the Title IX Coordinator of any incident of alleged Sex Discrimination or Sexual Misconduct will trigger the provision of supportive measures to all involved parties.
- Report the incident to CAU Public Safety staff, Student Affairs Administrators (Director of Student Conduct and Associate Deans of Student Affairs, CAU Athletics Director, Senior Associate Athletic Director of Compliance, Senior Women's Administrator, any Academic Dean, or the University Provost and Vice-President of Academic Affairs.
- Report the incident to any Assistant Director of Residence Life if the student is living in on-campus student housing.

All of the individuals listed above have been designated to receive a Report under this Policy and are considered Mandatory Reporters, which are individuals who are required by the University to report any

knowledge they receive of possible violations of this Policy to the Title IX Coordinator. Mandatory Reporters must also relay all known information about any reported Policy violation, including but not limited to: the names of involved individuals, the nature of the incident, and the time and location of the incident. Once the Title IX Coordinator learns of any incident of alleged Sex Discrimination or Sexual Misconduct from a Mandatory Reporter, the Title IX Coordinator will offer supportive measures to the Complainant and provide the option to file a Formal Complaint. Supportive measures will also be offered to the Respondent.

No other students are obligated to report knowledge they may have of Sexual Misconduct, including student employees of CAU who are considered students and not staff for purposes of this Policy and who are not Mandatory Reporters.

After making a Report, an individual who has made the Report may choose to end involvement in the process, may choose to accept or not accept the University-provided supportive measures, or may choose to file a Formal Complaint and pursue Formal Resolution or, if applicable, an Informal Resolution Conference involving the Respondent.

### **Making a Disclosure Utilizing On-Campus Confidential Resources**

Individuals can confidentially discuss incidents of Sex Discrimination and Sexual Misconduct with the following University's "confidential resources" staff:

- Any member of the Office of Counseling and Disability Services Center staff-(404) 880-8044; and
- Any member of the Religious Life staff.

Disclosures made to these confidential resources will be held in strict confidence, and will not constitute a Report to CAU under this Policy. These confidential resources may assist individuals with reporting incidents or filing Formal Complaints if, and only if, they are requested to do so by the individual who has reported the sexual misconduct.

Specific and personally identifiable information given to one of these confidential resources will not be disclosed to the Title IX Coordinator without consent. However, in order to assist the University in collecting data and identifying patterns or systematic problems related to sexual violence on and off campus, the "confidential resources" staff will convey general information about the incident (i.e. nature, time and location of incident) to the Title IX Coordinator. In such cases, the University will protect confidentiality and avoid disclosing personally identifiable information about individuals involved in the incident.

### **Notifying Off-Campus Law Enforcement Authorities**

Individuals can notify off-campus law enforcement authorities about any incident of alleged Sexual Misconduct by dialing 911, calling the Atlanta Police Department Special Victims Unit at (404) 546-7896, and/or calling the Grady Hospital Rape Crisis Center at (404) 616-4861. Individuals can also contact other law enforcement agencies, depending on the location of the incident. Notifying off-campus law enforcement authorities will not constitute a Report to CAU under this Policy, but it may or may not result in such authorities reporting relevant information back to CAU which CAU will address pursuant to this Policy.

Individuals can request assistance from CAU faculty and staff in notifying appropriate law enforcement

authorities, which the University will provide. Requesting such assistance from a Mandatory Reporter will constitute a Report under this Policy.

### **Anonymous and Confidential Reporting**

Any individual can make a Report anonymously under this Policy. An individual may report the incident without disclosing their name, identifying the names of other individuals, or requesting any action. However, no investigation into the allegations will occur until a Formal Complaint has been filed. The anonymous reporting form can be found on the University's Title IX webpage. Employees may anonymously report any alleged violation of this Policy via the Compliance Hotline at 404-589-8006.

Additionally, an individual can make a Report disclosing their name but requesting confidentiality. Again, no investigation into the allegations will occur unless a Formal Complaint is filed. The University will, to the extent that it can with the provided information, inform the Complainant of the availability of supportive measures. Individuals should also understand that the University prohibits retaliation and that University officials will take steps to prevent retaliation and also take strong responsive action if it occurs.

The University recognizes that, in some instances a Reporter or Complainant may request that their name not be disclosed or that no Formal Complaint be initiated. In such instances, the Title IX Coordinator may find it necessary to initiate a Formal Complaint in order to provide a safe and nondiscriminatory environment for the broader CAU community. However, the University's ability to proceed with the grievance process may be severely impeded if the Complainant is not identified or does not wish to file a Formal Complaint.

In any event, the University will attempt to provide privacy to the greatest extent possible within the confines of the law, and will only share information related to a Report and/or Formal Complaint with a limited circle of individuals who "need to know" the information to assist in review, investigation, and resolution of the Report and/ or Formal Complaint, and related matters.

### **Option to Not Report**

Except in cases involving Sexual Misconduct against a person under the age of 18 (see Subsection 6.3.6 below), individuals can choose not to notify CAU or any law enforcement authorities about an alleged incident of Sex Discrimination or Sexual Misconduct.

### **Incidents of Sexual Misconduct Involving Minors**

As stated in relevant part in the University's "Mandated Reporting of Abuse or Neglect of a Child, Elder Person or Disabled Adult all University" Policy, all University employees, students, and volunteers (when applicable) the University has designated as Mandated Reporters are required to report suspected abuse of persons under the age of 18 (i.e. child abuse). The University also requires all other employees (as well as volunteers, when applicable) to immediately notify Mandated Reporters of suspected child abuse. All University employees and volunteers, regardless of whether they are designated Mandated Reporters, must understand what they are required to report, when it must be reported, and to whom it should be reported. A failure to report suspected child abuse is a violation of state law and University policy and may subject the individual to criminal penalties, loss of employment or expulsion.

## **Formal Complaint Resolution Process**

### **Filing a Formal Complaint of Sex Discrimination or Sexual Misconduct**

CAU is authorized to take certain actions to address or remedy instances of Sex Discrimination. CAU is also authorized to take certain actions to address and remedy instances of Sexual Misconduct where it has actual knowledge (as defined by Title IX regulations) of the alleged misconduct. If an individual wishes to pursue a formal resolution of an incident of Sexual Misconduct or Sex Discrimination beyond simply reporting it, they may file a Formal Complaint. The filing of a Formal Complaint means that the individual is asking the University to take steps beyond offering supportive measures, such as conducting an investigation and holding a Formal Resolution Hearing to resolve the allegations. However, the University will only investigate, hear and resolve Formal Complaints signed by the Title IX Coordinator or brought by a Complainant who is participating in or attempting to participate in an educational program or activity of CAU at the time the Formal Complaint is filed.

The Title IX Coordinator is ultimately authorized to oversee the implementation of procedures that include specific instructions for making Reports and investigating and resolving Formal Complaints. These instructions are outlined in this Policy's corresponding grievance procedures.

### **Notice of Allegations**

Upon receipt of a Formal Complaint, a recipient must provide written notices to the parties who are known of the University's grievance process, including information about its Informal Resolution process, and of the allegations potentially constituting Sexual Misconduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview (the "Notice of Allegations"). The Notice of Allegations will also include 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; inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney; inform the parties that they may inspect and review evidence; and inform the parties of the relevant provisions of the University's Code of Student Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the original notice, the University will provide notice of the additional allegations to the parties whose identities are known.

### **Investigation of a Formal Complaint**

The investigation of a Formal Complaint may include, as applicable, interviewing the Complainant, the Respondent, and any witnesses; reviewing law enforcement investigation documents; reviewing student and personnel files; and gathering and examining other relevant documents and evidence.

An investigator ("Investigator"), who will be separate and distinct from the Title IX Coordinator, will be appointed to investigate allegations made in a Formal Complaint. Following the investigation, the Investigator will draft an investigation report succinctly describing all collected information. The report will be delivered to the Title IX Coordinator, who will analyze the report to ensure the process was followed, that the investigation was sufficiently thorough, and that the investigation was not biased.

During the investigation, the University will ensure:



- parties understand that the burden of proof and burden of gathering evidence sufficient to reach a determination of responsibility rests on the University;
- each party has the opportunity to present witnesses;
- each party has the ability to discuss the allegations under investigation and to gather and present relevant evidence. Note that disclosure of information related to the allegations may hinder the University's ability to fully investigate the allegations. However, please know that making posts related to the allegations under investigation on social media could constitute retaliation under this Policy and is subject to the grievance process set forth within;
- each party will receive advance written notice of any investigative meetings, hearings, or other meetings in which they are expected or invited to attend;
- each party has the same opportunity to have an Advisor or Supporter present during the grievance process, subject to the restrictions provided for in this Policy and related procedures; and
- each party has the opportunity to review and inspect any evidence obtained as part of the investigative process that is directly related to the allegations raised in the Formal Complaint.

During the investigation of a Formal Complaint, the University will not 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 the University obtains that party's voluntary, written consent to do so.

The University will make reasonable efforts to balance and protect the rights of the parties during any investigation commenced under this Policy. CAU will respect the privacy of the parties and any witnesses in a manner consistent with the University's obligations to investigate the alleged incident. The Title IX Coordinator will keep the parties reasonably informed of the status of the investigation.

### **Informal Resolution Conferences**

For Formal Complaints that do not involve allegations of prohibited conduct that could not result in expulsion or that do not involve allegations that an employee sexually harassed a student, upon written consent of both parties, and as an alternative to the Formal Resolution Process, the parties may opt to pursue an Informal Resolution Conference. The Informal Resolution Conference will be facilitated by a University official or other designee trained to facilitate such conferences. An Informal Resolution Conference is a remedies-based, non-judicial approach designed to eliminate a potentially hostile working or academic environment. This process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties.

Participation in an Informal Resolution Conference is voluntary and either party can request to end the conference at any time prior to reaching a resolution and return the investigation or proceeding to its pre-conference status. Written notice will be provided to each party involved in the Informal Resolution Process that outlines the details of the allegations, requirements of the informal resolution process, and any consequences resulting from participating in the Informal Resolution Conference.

The Informal Resolution Conference ends when a resolution has been reached or when the Complainant or the Respondent has decided to end the process. Agreements reached in an Informal Resolution Conference must be in writing, and will be final and not subject to appeal.

### **Formal Resolution Process**

A Formal Resolution Process is the University's formal Title IX grievance process through which the Special Matter Hearing Board evaluates evidence at a live hearing related to a Formal Complaint against a Respondent to determine whether the Respondent is responsible or not responsible for a violation of this Policy based on the criteria of "a preponderance of evidence." If it has been determined that the Respondent is responsible for the prohibited conduct under this Policy, the Respondent may be subjected to disciplinary action.

The parties will be provided notice of the time, date, and location of the hearing. The Special Matter Hearing Board and the parties and their Advisors will be provided a hearing packet prior to the hearing, including, but not limited to, the Notice of Allegations, Formal Complaint, investigation report, witness statements, correspondence to parties, and any other related material. The hearing may consist of the parties' testimony, witness testimony, and testimony from the Investigator. The Special Matter Hearing Board will be allowed to question each witness, and parties and/or Advisors can ask questions through the Special Matter Hearing Board. Live cross-examination of the parties is permitted. The parties will be provided Notices of Outcome which include the determination of whether the Respondent was found responsible or not responsible for the alleged violation(s) and any applicable sanction(s). Decisions made in a Formal Resolution Process may be appealed.

Formal Resolution Hearings that occur during the non-academic calendar year may be conducted via video conference or other live means.

### **Sanctions**

Where it is determined, by a preponderance of evidence, that a Respondent is responsible for having committed a violation of the Policy, the Special Matter Hearing Board will have discretion to impose sanctions. The Title IX Coordinator will be authorized to stay sanctions pending appeal and/or make further accommodations/remedies that are consistent with the Special Matter Hearing Board's decision.

In cases where the Respondent who has been found responsible for having committed a violation of this Policy falls into one or more of the following categories, the University will also comply with federal mandates that require federal grant recipient institutions to notify relevant federal grant agencies of said finding:

- Anyone who is a principal investigator (PI) or a co-PI identified on an award from the National Science Foundation (NSF)
- Anyone who is a principal investigator (PI) or a co-PI or other senior key University personnel identified on an award from the National Institute of Health (NIH); or
- Anyone identified on any other award from a relevant federal grant agency that requires such reporting

### **Appeals**

Either Complainant or Respondent may appeal any Notice of Outcome. The appeal will be reviewed and determined by the Appeals Facilitator, but the appeal will *not* be reviewed on a de novo basis (i.e. beginning again). Appeals decisions are final and not subject to further review.

### **Cross-Campus Incidents**

### **When the Respondent Is Not a Member of the CAU Community**

The Title IX Coordinator shall have discretion on how to proceed on a Formal Complaint involving a Respondent who is not a member of the CAU community. Where the Respondent is a student at another college or university (including other colleges in the Atlanta University Center), a Report may be made to CAU. The Title IX Coordinator will then provide the Report to the Respondent's home institution for handling at its discretion. Although the University's jurisdiction and authority over the Respondent or their home institution's handling of the Report is limited, the Title IX Coordinator will make all reasonable efforts to ensure the Reporter (or Complainant, if applicable) is informed throughout the process and offered all available and reasonable supportive measures. Upon request, the Complainant will be assigned an Advisor by CAU. The Title IX Coordinator or designee may attend any conferences and/or hearing with the Complainant held or required by the Respondent's home institution, solely in the capacity as a Supporter.

### **When the Complainant Is Not a Member of the CAU Community**

If the Respondent is a member of the CAU community but the Complainant is a student at another college or university (including other colleges in the Atlanta University Center), the matter will be adjudicated under this Policy and any other applicable University policies and procedures. The Title IX Coordinator or designee may attend any conferences and/or hearing with the Respondent, held or required by the Complainant's home institution, solely in the capacity as a Supporter.

## **Supportive Resources**

### **Advisors**

Both Complainants and Respondents may choose an Advisor to accompany them to any hearing, investigative conference, or related grievance proceeding described in this Policy. A panel of Advisors will be available for the parties to choose from, or the parties may choose to select their own Advisor. However, each student must have an Advisor to proceed in formal or informal resolution of a Formal Complaint. Advisors for both Complainants and Respondents may be present during hearings, conferences and related grievance proceedings, and they may provide the parties with consultation, assistance and support. However, Advisors are not permitted to directly participate in investigative conferences or related proceedings, other than as provided for in this Policy or related procedures. Advisors are allowed to participate in Formal Resolution Hearings but their participation is limited to conducting cross-examination on behalf of that party within the hearing procedures outlined in this Policy and related procedures. Advisors and supporters are prohibited from making opening or closing statements, presenting evidence, and making procedural objections.

### **Supporters**

Both Complainants and Respondents may also choose a designated Supporter, whose role is primarily to provide emotional support during all stages of the Title IX grievance process by accompanying the Complainant or Respondent to any hearing, conference or related proceeding described in this Policy. The Complainant and the Respondent may choose any person, regardless of their association with the University, to perform the role of Supporter and to support them through a portion of or the entire process outlined in this Policy. Neither party is required to have and be accompanied by a Supporter; however, the University encourages the presence of a Supporter at all stages of the proceedings, including the reporting

and investigation stages, in order to provide the Complainant and Respondent with emotional and personal support. The Supporter may be present during any stage of these processes but will not be allowed to make opening or closing statements, present evidence, make procedural objections, question witnesses, or otherwise actively participate during Formal Resolution Hearings and Informal Resolution Conferences.

## **Supportive Measures**

In all cases, the Title IX Coordinator may offer supportive measures that are consistent with the University's policies and procedures, before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Such measures shall be confidential, balanced based on the facts collected and seriousness of the allegations and provided to any reporting party, Complainant, or Respondent. Moreover, supportive measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party. From time to time, the University may also consider and implement supportive measures that affect the broader CAU community and which are aimed to eliminate occurrences of Sex Discrimination or Sexual Misconduct and to promote academic and employment environments free of such conduct.

The University may also, upon request, arrange for the re-taking, changing or withdrawing from classes, and in such instances, CAU will make every reasonable effort to mitigate any academic or financial penalty for providing such arrangements.

If a Complainant or Respondent withdraws from or leaves his/her employment with CAU after a Formal Complaint is filed but before the matter is resolved, the Title IX Coordinator shall have discretion on how to proceed with the investigation and its resolution, including dismissing the Formal Complaint. If the Formal Complaint is dismissed on this basis, the parties will be issued a Notice of Outcome reflecting the dismissal grounds and any remedies provided to the remaining party. The parties will have the opportunity to appeal the dismissal.

Examples of supportive measures that the University may offer and implement include, but are not limited to, those measures listed in supportive measures outlined in this Policy.

## **Recordkeeping**

The following records will be treated as education records pursuant to the Family Educational Privacy Rights Act (FERPA) and maintained by the University for no more than seven (7) years from the date of their creation:

- All records, including recordings and/or transcripts, regarding the investigation and determination regarding responsibility following the resolution of a Formal Complaint, including appeals, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
- Any records from an Informal Resolution Conference;
- All materials used to train Title IX Coordinators, investigators, decision makers, and informal resolution facilitators, which materials will be made public on the University's website.
- Records of any actions, including any supportive measures, taken in response to a Report or Formal Complaint.

## **Prevention, Education and Training**

CAU shall provide prevention and awareness educational programs to new and existing students and employees. These programs shall include information on (a) Title IX, (b) how to file a Formal Complaint with CAU, (c) resources available to sexual violence victims, and (d) options for reporting an incident of Sexual Misconduct to local law enforcement. Training on this Policy and CAU's Title IX obligations will be provided to students and employees. CAU shall consider educational methods that are most likely to help students and employees retain such information. CAU will ensure that the Title IX Coordinator, Investigators, and all decision-makers involved in Formal Resolution hearings and appeals, and any person who facilitates Informal Resolutions Conferences have training or experience in handling Title IX reports and complaints, and, if applicable, training in the operation of the University's Title IX grievance procedures.