



Charles R. Drew University of Medicine and Science
"A Private University with a Public Mission"

Interim Sex-Gender Discrimination and Sexual Harassment Policy

Policy 504

Issuing Officer: Executive Vice President Academic Affairs and Provost and Senior Vice President Administration

Responsible Office: Office of Compliance, EEO, Diversity and Title IX

Effective Date: August 14, 2020

Revised Date/ Review Date: July 2020

Supersedes: CDU I.E. 00400 Anti-Sexual Harassment and Sexual Violence Policy (dated October 1, 2014)

PURPOSE:

This Sex/Gender Discrimination and Sexual Harassment Policy (Policy) revises Policy 404 and its governing procedures to comply with recent amendments to Title IX of the Education Amendments of 1972 as directed by the Department of Education on May 6, 2020. This Policy prohibits discrimination and sexual harassment which by regulatory definition includes sexual assault, domestic and dating violence, and stalking (Prohibited Conduct).

UNIVERSITY POLICY TEXT:

A. General Policy Statement

Charles R. Drew University of Medicine and Science is committed to ensuring members of the University community, its applicants for admission or employment, and third parties that participate in activities and programs experience an environment free of discrimination and harassment. The University will not tolerate acts of discrimination or other Prohibited Conduct and expects that individuals will behave in a manner that does not infringe upon the rights of others to be free from such unlawful conduct. Allegations of Prohibited Conduct under this Policy reported to the Title IX Coordinator or University officials will be addressed to ensure supportive measures are available and there is a fair and equitable process to resolve alleged violations of Policy. Allegations that may violate another University policy or code of conduct will be referred to the appropriate University unit for handling.

In determining any violation of Policy, the University will consider the totality of the facts and circumstances pertinent to the allegation(s), including the nature of the alleged Prohibited Conduct and the context in which it happened. Prohibited Conduct under this Policy can be committed by individuals of any gender, and between persons of the same or different genders, and the same or different sexual orientations. It can also occur between people familiar to one another or strangers, and persons in an intimate or romantic relationship.

The University's investigation and adjudication process for Prohibited Conduct is detailed in the Title IX Sexual Harassment Grievance Procedures (Procedures).¹ The Procedures must be reviewed along with this Policy for a complete understanding of one's rights and responsibilities with regard to the Title IX process in addressing Prohibited Conduct.

The University's prohibitions on sex discrimination and harassment are not intended to inhibit or prevent academic content and appropriate discussions in or outside of the classroom. This includes controversial or sensitive subject matter protected by academic freedom that encompass pedagogical topics or academic engagement of public concern. This policy limits conduct that is found to be Prohibited Conduct and not consistent with the University's commitment to academic freedom.

This policy does not limit or exclude any rights or responsibilities that students, trainees, or employees and applicants may have under any other federal or state law, including but not limited to Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act.

B. TITLE IX COORDINATOR

The University's Title IX Coordinator oversees compliance with all aspects of sex discrimination and sexual harassment policy. Such oversight includes receiving all reports of sex discrimination, as well as reports and Formal Complaints of Prohibited Conduct. A report can be made by any person whether or not the person reporting is the person alleged to be the victim of the discrimination or harassment. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to sex or gender discrimination or sexual harassment can contact the University's Title IX Coordinator:

Title IX Coordinator
Office of Compliance
1731 E. 120th Street, Room 242b
(323) 357-3684
titleix@cdrewu.edu

¹ Claims of sex or gender discrimination not alleging sexual harassment may be handled under existing University complaint or grievance procedures.

The Title IX Coordinator may delegate responsibilities under this Policy to a trained Deputy Title IX Coordinator.

Reports can also be made via the link on the CDU website below:

<https://www.cdrewu.edu/academics/facultystaff/Compliance/TitleIX>

Additionally, anonymous reports can be made by persons alleging to be subjected to discrimination or harassment as well as by third parties that witness or have knowledge of such acts, using the University compliance alert line at www.mysafecampus.com or (800) 716-9007. Anonymous reports may limit the University's ability to respond due to insufficient information to proceed or pursuant to rights outlined in the Procedures.

Complaints of sex discrimination and sexual harassment can also be filed with the Department of Education, Office of Civil Rights, the federal agency that oversees Title IX compliance at:

Office of Civil Rights
US Department of Education
50 United Nations Plaza
San Francisco, CA 94102
(415) 486-5555
OCRSanFrancisco@ed.gov

C. Prohibited Conduct

Sexual harassment is referred to as Prohibited Conduct under this Policy and defined as:

- a) An employee conditions aid, benefits, or service on an individual's participation in unwelcome sexual conduct(e.g. quid pro quo harassment);
- b) An employee, student or third party engages in unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectionably offensive that it effectively denies a person equal access to the recipient's education program or activity.

1. Sexual Assault is any of the following:

- a) Rape - Vaginal or anal penetration, no matter how slight with any body part or oral penetration by a sex organ of another person without consent of the Complainant;

- b) Sodomy - Oral or anal sexual intercourse with another person (1) by force, and/or against the individual's will or (2) in non-forcible instances when the Complainant is mentally or physically incapacitated, or lacks capacity to give consent;
- c) Fondling - touching the private body parts (e.g. breasts, buttocks, and groin) of another person for sexual gratification (1) forcibly against their will or (2) non-forcibly in instances when the Complainant is mentally or physically incapacitated or lacks capacity to give consent;
- d) Sexual Assault with an Object- To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- e) Sexual intercourse with a minor - Sexual intercourse with a person who is under eighteen (18) years old, which is the age of consent under California law.

2. Domestic Violence is:

- a. Violence relating to a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the Complainant has a child in common that intentionally, or recklessly causes harm or injury to the Complainant or another person with whom the Complainant has a close relationship or places the Complainant or another who has a close relationship with Complainant, in reasonable fear of their bodily harm or other injury. This includes students who are married, cohabitants or otherwise within a domestic relationship applicable herein. Actions related to domestic violence includes the compliance with domestic relations or restraining orders involving married or cohabiting students.

3. Dating Violence refers to:

- a. Violence perpetrated by a person who is or has been in a romantic or intimate relationship with the Complainant that intentionally, or recklessly causes harm or injury to the Complainant or another with whom the Complainant has a close relationship, or places the Complainant or another with a close relationship to Complainant, in reasonable fear of their of bodily harm or other injury. Actions related to dating violence includes compliance with restraining or no-contact orders.

4. Stalking is:

- a. A repeated course of conduct such as following, harassing or intimidating a person that is motivated by a romantic or sexual interest in the person, so that they have a reasonable fear for their safety.

D. Non-Retaliation

No individual will be subject to retaliation for making a report, participating in or cooperating with any process related to this Policy. Neither can a person be subject to retaliation for not participating in a process under this Policy and its governing Procedure. An allegation of retaliation will be treated independent of any underlying complaint of sex discrimination or sexual harassment. The University may find that retaliation occurred even if the underlying complaint is not substantiated.²

E. Privacy and Confidentiality

The privacy interests of individuals reporting or otherwise involved as parties or witnesses under this Policy will be protected to the extent reasonably possible and as permitted by law. Although privacy is an important concern, an investigation and any subsequent adjudication requires the disclosure of certain information to facilitate gathering information and fact finding. Similarly, administrative or legal processes may require the disclosure of sensitive information that might otherwise be private. The University will endeavor to minimize the release of sensitive information or its impact, whenever practical or permissible by law.

Any disclosure of information by the University related to a report or Formal Complaint may be made if consistent with Federal Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of conducting an investigation or hearing.

Confidentiality refers to situations in which information may not be disclosed based on privilege or some other legal protection. It generally safeguards the relationship between individuals such as attorney-client, doctor-patient, spouse to spouse communications. Confidentiality may also apply to the provision of services or consultation by a mental health provider, or clergy subject to certain legal exceptions. The University maintains confidentiality to the extent possible, but it is not guaranteed. The University must comply with state and federal laws. In many instances, other than pertaining to child abuse, or when one poses an imminent threat to self or others, reports made to Confidential Resources are not subject to legal disclosure.

² Retaliation may be investigated and adjudicated under existing University policies and Codes of Conduct other than Procedure.

F. Confidential Resources

As noted in E. above, confidentiality refers to situations in which information may not be disclosed. The University's Health and Wellness unit is a Confidential Resource for students and trainees. Employees may contact counseling and emotional support specialist available through the University's Employee Assistance Plan. Individuals serving as Confidential Resources can discuss matters confidentially without the obligation to report to the Title IX Coordinator or other designated administrator. Exceptions to confidentiality may include the requirement to report child abuse or when someone poses an imminent threat to one's self or others, or by lawful court orders.

The Health and Wellness professional may, with a Complainant or other individual's expressed consent, report or discuss allegations of Prohibited Conduct with the Title IX Coordinator.

The University psychologist and certified counseling/health professional may also provide no-cost supportive services to students and trainees, such as counseling or appropriate referrals.

Anyone who is not prepared to report or submit a Formal Complaint related to Prohibited Conduct, or may be unsure how to explain what happened, is encouraged to contact a Confidential Resource.

Contact the Health and Wellness Unit at counseling@cdrewu.edu or (323) 357-3426 (See also <https://www.cdrewu.edu/students/studenthealthandwellness>.)

Confidential Resources are available to employees through the University's Employee Assistance Program/Benefits. That resource is available at <https://www.mhn.com/members.html> or **(800)227-1060**.

G. Training and Education

The Title IX Coordinator through collaboration with the appropriate offices within Academic Affairs and Human Resources, will ensure students, trainees, faculty, staff and third parties are aware of their rights and responsibilities under this Policy and its Procedure. Sexual harassment prevention education and training programs shall be provided, including at or near the time of enrollment or commencement of class or employment through new student and new employee orientations. Training will also be conducted periodically to heighten education and compliance. Students and employees may be required to acknowledge receipt of such training as a condition of maintaining student or employment status.

H. Consensual Relationships

The University recognizes that consensual romantic or intimate relationships may exist among members of the campus community. There is a particular risk associated in

romantic or sexual relationships where there is a disparity in power or the parties have inherently unequal positions, such as instructor and student, faculty and teaching assistant, medical or research supervisor and trainee or fellow. These relationships are not encouraged because they have the potential for a conflict of interest, exploitation, favoritism or bias, and can hinder the equitable and inclusive environment the University expects. These relationships may also be less consensual than the person holding the position of power or authority believes. Particularly, where the relationship is between a student and instructor, student or supervisor, or other supervisor and supervisee roles.

The circumstances of consensual or romantic relationships may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset of a romantic or sexual involvement, this past consent may not remove grounds for a later charge that some provision of this Policy has been violated

I. Codes of Conduct

The University reserves the right to hold University members accountable for conduct that does not fall within this Policy but is covered under any applicable code of conduct as identified in any student or employee-centered handbook, manual, catalog or policy. Dismissal of an allegation or complaint under this Policy does not preclude the University from addressing the allegations under another provision of the University's student, trainee, faculty or staff conduct provisions.

BACKGROUND:

Title IX prohibits discrimination and harassment (including violence) against persons based on sex, in any institution that receives federal funding and is therefore applicable to the University. State and federal courts have determined that institutions must have policies that prevent discrimination or sexual harassment, and implement fair and effective procedures for the reporting, investigation, adjudication and redress of complaints.

APPLICABILITY:

All students, trainees, staff, faculty, and third parties (e.g. Board members, vendors, contractors, volunteers, guests, or clients) participating in a University program or activity are subject to this Policy.

The Policy applies to Prohibited Conduct that occurs in relation to a University education program or activity on campus, or at off-campus locations owned or controlled by the University within the United States. A University program or activity includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and context of the Prohibited Conduct

The Title IX regulations are federal mandates which may supersede the rights and obligations in existing faculty or employee handbooks, University catalogs, or agreements.

ROLES AND RESPONSIBILITIES:

The Title IX Coordinator oversees compliance with the University's policies and procedures regarding sex or gender discrimination and harassment. The Title IX Office shall ensure that members of the community have proper notice of their rights, responsibilities, policies and procedures under law.

Members of the University community, which includes, students, trainees, staff, faculty or third parties must promptly report instances of any type of harassment to the Title IX Coordinator or University Official so the University can take timely and appropriate action.

COMPLIANCE:

1. Policy Implementation:

This is a University-wide Policy and along with the Sexual Harassment Grievance Procedures, comply with the federal Education Act of 1972 Title IX provisions which makes unlawful, sex based discrimination, sexual harassment and violence in educational activities and programs. Title IX law is under the jurisdiction of the United States Department of Education, Office of Civil Rights. This policy is also intended to comply with all other applicable laws, including but not limited to the Violence against Women's Act (VAWA) and Clery Act.

2. Policy Revisions

The Title IX Coordinator will regularly review this Policy to ensure it is consistent with the law and implementation regulations, including the significant substantive changes the Department of Education made to Title IX, by its Final Rule issued on May 6, 2020.

3. External Enforcement Information

The Department of Education, Office of Civil Rights enforces Title IX and investigates complaints by students and employees in educational programs and activities. Reports of violations can be made to the agency at OCRSanFrancisco@ed.gov. Additional agencies with jurisdiction over sex/gender discrimination and sexual misconduct are The U.S. Equal Opportunity Commission (EEOC) (<https://www.eeoc.gov/>) and the California Department of Fair Employment and Housing (DFEH) (<https://www.dfeh.ca.gov/>) both of which investigate reports of unlawful discrimination including sexual harassment in employment, with the power to adjudicate allegations and sanction misconduct.

4. Noncompliance

Failure to comply with this Policy is subject to disciplinary action, including student or trainee suspension, expulsion, dismissal from an academic program or activity, or suspension or termination of employment. Disciplinary actions shall align with the student code of conduct as well as personnel and faculty policies.

APPROVING AUTHORITY:

University President.

DEFINITIONS:

Complainant is the individual who is alleged to be the victim of conduct that could constitute a Title IX violation.

Consent must be affirmative, conscious and voluntary. Individuals must consent to sexual or intimate activity at every phase and in its entirety. This means that the agreement to engage in a specific sexual act is clear and without ambiguity, is voluntary, and the person is fully aware or conscious and not impaired by any alcohol, drug or other controlled substance that might impede their ability to make decisions. Additionally:

- Failure to resist or protest, or the act of silence does not necessarily constitute consent.
- Consent must be ongoing and can be withdrawn at any time during sexual activity as long as that withdrawal is clearly communicated.
- A past relationship that was consensual or sexual in nature is not, alone, indicative of consent. Similarly, consent to future sexual or intimate relations by itself, is not indicative of consent to prior sexual activity.
- In order to give consent, one must be of legal age (18 years old).
- Consent can be given by words or action as long as those words or actions create a mutually understandable permission and willingness to engage in sexual activity.
- Consent to one form of activity cannot automatically imply consent to any other forms of sexual activity.
- Sexual activity with Complainant when the Respondent knows or had reason to know Complainant was incapacitated and unable to give consent:
 - Due to the influence of alcohol, illegal drugs, or medications that made them unable to understand the fact, nature or extent of the activity.
 - Because Complainant was asleep or unconscious.
 - Unable to communicate due to a mental or physical condition.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the ability to give knowing consent (e.g. to understand the who, what, where, why or how of their sexual activity).

- Consent is not present when there is force, the threat of force or other coercion.
- Respondent's use of and impairment by drugs or alcohol will not serve as a basis to mitigate responsibility any behavior that violates this Policy

Confidential Resources are individuals who by the nature of their role, are permitted to receive reports of sex discrimination or harassment or in confidence, and are excluded from the normal reporting requirements that might otherwise apply.

Confidential Resources include:

1. Licensed counselors in the student counseling center and any employee designated and qualified to provide such assistance
2. Ombuds, if any, either internal or external to the University
3. Any persons with a professional license that requires confidentiality such as those persons working in a student health center. Excepted is the role of General Counsel for the University or anyone acting in the role of legal counsel

Discrimination is unequal or differential treatment because of a person's sex or gender, including their gender identity or expression (protected characteristic) that denies a person a right, opportunity, benefit or privilege they would otherwise have, or that is given to others.

Education Program or Activity includes locations, events or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sex discrimination or sexual harassment occurs. It also includes any building owned or controlled by a student organization that is officially recognized by the University.

Faculty Individuals performing teaching, clinical and similar education to students or trainees on a full-time or part-time basis whether compensated, or non-compensated for purposes of this Policy and governing Procedure.

Formal Complaint is a written document completed and signed by the Complainant or the Title IX Coordinator alleging Prohibited Conduct against a Respondent that occurred within a program or activity on campus, or within a building owned or controlled by the University. At the time of filing the Formal Complaint, a Complainant must be participating or attempting to participate in a University education program or activity.

Gender Expression is a person's gender related appearance or characteristics or the perception of such appearance or characteristics, whether that is the person's sex assigned at birth or the stereotypes associated with such assignment.

Gender Identity is a person's self-identified or understanding of their gender, which may be male, female, neither, or a combination of male and female, transgender or different from the sex assigned at birth.

Preponderance of Evidence refers to the standard of proof used by the Hearing Officer to determine responsibility. It is generally referenced as meaning more likely than not the conduct occurred as alleged.

Prohibited Conduct refers collectively to conduct defined as sexual harassment, sexual assault, domestic violence, and dating violence and stalking.

Respondent is the individual allegedly engaging in conduct that violates this Policy.

Retaliation includes threats, intimidation, coercion, that may manifest as an adverse education/employment action or other reprisal taken against a person based on their report of conduct prohibited under this policy, or because of their participation or cooperation in any process arising from it.

Sex is the male or female designation assigned at birth or its perception, and also includes but is not limited to pregnancy and related conditions including breast-feeding. It may also include gender, gender identity and gender expression.

Supportive measures Non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available, without fee or charge whether or not a Formal Complaint is filed.

Supportive measures are designed to restore and preserve access to the individual's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational or employment environment, or to deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other reasonable course related adjustments, modifications to class or work schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence or increased security and monitoring of certain areas of the campus and other similar measures.

Trainees Individuals in post graduate or doctoral programs training programs such as medical residency (residents) or similarly situated endeavors.

University Official- refers to officials within the University with authority to institute corrective measures such as Provost, Vice Presidents, and Deans.

PROCEDURES:

This section is a general overview of the grievance procedures to address Prohibited Conduct. The specific procedures for reporting, investigating and adjudicating complaints are set forth in the University's Title IX *Sexual Harassment Grievance Procedure*.

A. Making a Report - Any person can make a report to the Title IX Coordinator.

Reports can also be made through the Title IX web portal or campus alert line. (See B. above) by individuals other than faculty or staff.

1. Anonymous reporting

Anonymous reports are not prohibited, however they may limit the University's response. The Title IX Coordinator will consider an individual's desire to remain anonymous in determining how to proceed, in consideration of the safety of the campus community, principles of fundamental fairness, and the University's obligations under Title IX.

Under Title IX a Complainant cannot remain anonymous if they wish to file a Formal Complaint and have their allegations investigated and subject to hearing. Title IX regulations require that all parties be known during a formal grievance procedure. (See Procedure)

2. Timeliness

Individuals are encouraged to report allegations of Prohibited Conduct as soon as possible. Prompt reporting maximizes the University's effectiveness investigating the allegations.

3. Amnesty

The University encourages members of the community to report allegations of sexual harassment. The University may offer amnesty or leniency regarding other University policy violations that may be involved, such as the drug or alcohol policy, depending the circumstances. Amnesty may not apply when the violation is egregious, such as endangering the health or safety of another or involves academic dishonesty.

B. University Response –Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will contact the Complainant (if known) and inform them of the availability of supportive measures, and explain the process and significance of a Formal Complaint under the Procedure.

1. Supportive Measures

Complainant shall be informed that supportive measures are available whether or not they file a Formal Complaint.

1. Supportive measures may include:

- a) Counseling
- b) Extensions of deadlines or other related adjustments
- c) Modifications to work or class schedules
- d) Campus escort services

- e) Increased monitoring of certain campus areas

2. Emergency Removals and Administrative Leave

- a. Emergency removal

Title IX regulations allow for removal of a Respondent who poses an immediate threat to the physical health or safety of any individual pursuant to the reported Title IX allegations. A removal decision will be assessed on an individual, case specific basis by the Title IX Coordinator in consultation with a threat assessment team or others as appropriate.

If a decision to remove is made, the Respondent will be notified and have an opportunity to oppose and challenge the determination immediately after the Title IX removal by presenting a written objection within twenty-four (24) hours after removal to the designated official empowered to reverse the decision. This Official will notify Respondent of the decision on their objection within 24 hours.

- b. Administrative leave

University may place a non-student employee Respondent on an administrative leave upon notice of alleged Prohibited Conduct for the duration of the pending resolution in alignment with normal protocol for investigatory leaves.

C. **Formal Complaint and Required Notice**

1. Formal Complaint

The filing of a Formal Complaint is required to initiate the University's grievance procedure (See Procedure). A Formal Complaint is a written document submitted and signed by the Complainant alleging Respondent engaged in Prohibited Conduct and requesting an investigation. The Complainant must be participating in, or attempting to participate in a University education program or activity at the time the Formal Complaint is filed.

- a) Title IX Coordinator Formal Complaints

In particular circumstances, the Title IX Coordinator can also submit a Formal Complaint but is not considered the Complainant nor a party in the proceedings.

2. Notice

Upon the Title IX Coordinator's receipt of the Formal Complaint, the Complainant and Respondent will be made aware of the allegations, investigation, hearing, and any appeal process under Procedure. The Notice of Formal Complaint shall include:

- i. The identity of the person making the allegation (Complainant) and the person accused of perpetrating the alleged misconduct (Respondent);
- ii. A description of the conduct that allegedly violates the Policy, including the place, time and location of the alleged violation(s);
- iii. The provisions of Policy that were allegedly violated;
- iv. Notice of the Procedures including its informal resolution process;
- v. The standard of proof, which is a preponderance of evidence;
- vi. The presumption that the Respondent is not culpable for any Policy violation until a determination is made at the conclusion of the grievance process;
- vii. The right of both Complainant and Respondent to an Advisor of their choice that may but does not have to be an Attorney;
- viii. An explanation of the investigative process, that includes the right to provide information, witnesses and documents (collectively referred to as evidence);
- ix. The parties have a right to review the evidence gathered in the investigation and provide a response thereto prior to the conclusion of the investigation according to applicable timelines. The investigator must consider any response provided by the party prior to preparing any investigative report;
- x. An explanation that investigation will be memorialized in a report with accompanying recommendations where appropriate;
- xi. The supportive measures available to both Complainant(s) and Respondent(s);
- xii. Prohibition against retaliation for one's report, participation or cooperation with any process under Procedure.

D. Informal Resolution

Only after a formal complaint has been filed, by written agreement, the parties can voluntarily attempt to resolve the complaint at any time before a determination of responsibility. An informal resolution may take the form of a mediation or other resolution process that does involve an investigation and hearing. Informal Resolutions will be conducted by an individual trained in dispute and conflict resolution.

Agreement or participation in an informal resolution cannot (1) be conditioned on prospective or continued employment or admission.

Informal resolutions are not an option when a student is alleging sexual harassment against an employee or any person reports sexual violence.

E. Overview of Investigations

An investigation will proceed as to any allegations not dismissed or otherwise resolved pursuant to Procedure. The purpose of the investigative process is to gather information regarding the allegations, provide the parties and witnesses an opportunity to present information and allow the parties to review and comment on the evidence gathered. A good faith effort will be made to complete an investigation in thirty (30) days. An investigation will include (1) an opportunity for the parties to meet separately with the investigator to review and discuss the allegations (2) present or identify documents or other evidence, and (3) identify witnesses and suggest questions to pose to the other party or witnesses.

The parties have a right to have Advisor present at any investigatory meeting including interviews and review of evidence. Recording of interviews or any other meeting is not permitted and may result in discipline.

F. Hearing Overview

Upon conclusion of the investigation process, a live hearing will be conducted for any matter that has not been dismissed or informally resolved. The parties have an equal opportunity to present witnesses including expert witnesses and any inculpatory and exculpatory evidence. The University will designate a Hearing Officer or panel of Officers in the matter to consider the evidence and determine responsibility, and impose any sanctions or remedies, if appropriate. If a panel is selected, a presiding Officer shall be designated among them.

The Hearing Officer or Hearing Panel will be provided with the Investigative File, the Investigation Report and responses to it. All Hearing Officers shall review the file and report, responses, and ask questions during the hearing that are deemed appropriate.

G. Imposition of Sanctions

Disciplinary sanctions are intended to be consistent and equitable in response to a violation of the Policy. A violation of Policy could lead to termination or separation of faculty, staff, trainees, and expulsion for students. The Hearing Officer must impose guidelines that reflect the seriousness of the incident and its harm. The Hearing Officer may consult with the Title IX Coordinator or other appropriate official regarding community standards and other relevant information when drafting sanctions.

H. Appeal Process Overview

Each party has an equal right to appeal. Notice of the Appeal shall be sent to the Title IX Coordinator. A designation of an Appeal Officer or panel shall occur within three (3) days after the notice of the appeal is received. An Appeal Body may be comprised of one to three individuals who will hear and decide the appeal.

RELATED POLICIES OR RESOURCES:

Title IX Sexual Harassment Grievance Procedures

CDU Policy 201.45 Relationships at Work

Title IX of the Education Amendments of 1972, 20 U.S.C §1681

Violence against Women Act of 2013, U.S.C 42 §13931

California Education Code sections 67380, 67383 and 67386

Government Code §12950.1

Title VII of the Civil Rights Act of 1964

California Fair Employment and Housing Act, Government Code §12940 et. seq.