

TITLE IX POLICIES AND PROCEDURES

1.1 Nondiscrimination and Title IX Statement

Title IX of the Educational Amendments of 1972 (“Title IX”) prohibits sexual discrimination in educational programs receiving federal funds. At Methodist University, some of those programs and activities include admissions, recruitment, financial aid, academic programs, athletics, housing, and employment. Title IX also protects students, faculty, and staff from unlawful sexual harassment in school programs or activities. Title IX protects both male and female students, faculty, and staff from sexual harassment, regardless of who is the harasser.

Methodist University does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

Inquiries about Title IX may be referred to Methodist University’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both.

Matthew K. Dempster
Director of Institutional Compliance and Title IX
Title IX Coordinator
Horner Administration Building
5400 Ramsey Street
Fayetteville, NC 28311
Telephone: 910.630.7558
Fax: 910.630.7306
mdempster@methodist.edu

The Department of Education’s Office of Civil Rights (OCR) ensures institutions receiving federal funding comply with Title IX regulations. Additional inquiries regarding Methodist University’s application of Title IX may be referred to:

The Office of Civil Rights
District of Columbia Office
U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202-1475
Telephone: 202.453.6020
Fax: 202.453.6021
OCR.DC@ed.gov

Methodist University does not discriminate on the basis of age, race, gender, national or ethnic origin, religion, sexual orientation or disabilities in its programs and activities.

Methodist University has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Any individual who believes they have experienced sex discrimination, including sex-based harassment,

has the right to file a complaint with Methodist University under Title IX. This includes:

- Students or employees of Methodist University who allege they have experienced conduct that may constitute sex discrimination under Title IX.
- Individuals who are not students or employees of Methodist University but allege they experienced sex discrimination under Title IX while participating or attempting to participate in Methodist University's education program or activity.
- Parents, guardians, or authorized legal representatives acting on behalf of a complainant.
- Methodist University's Title IX Coordinator.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee Methodist University; or
- Any person other than a student or employee who was participating or attempting to participate in Methodist University's education program or activity at the time of the alleged sex discrimination.

It's important to note that a complaint of sex-based harassment can only be made by the individual who experienced the harassment, their legal representative, or if initiated by the Title IX Coordinator in accordance with federal regulations.

Methodist University has adopted Title IX grievance procedures to ensure the prompt and equitable resolution of complaints made by students, employees, or other individuals participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures specifically address complaints of sex-based harassment involving a student party.

Methodist University may consolidate complaints of sex discrimination involving multiple respondents or multiple complainants, or where one party brings a complaint against another party, provided that the allegations of sex discrimination arise from the same facts or circumstances. In cases involving multiple complainants or respondents, terms such as "party," "complainant," or "respondent" in this policy include the plural form as appropriate.

Cases will be concluded within a reasonable period of time as provided for by the applicable federal regulations. Timelines apply equally to both the complainant and the respondent. Both parties will be given regular updates in writing until the process is complete.

Nothing herein shall operate to create an expectation of continued employment or enrollment with Methodist University. In most cases, employment with Methodist University is at-will, and employees may be terminated for any lawful reason or for no reason.

1.2 Title IX Responsibilities

1.2.1 Title IX Coordinator

The Title IX Coordinator plays an essential role in helping to ensure that every person affected by the operations of Methodist University is aware of the legal rights Title IX affords and that Methodist University and its officials comply with their legal obligations under Title IX and applicable regulations.

The Title IX Coordinator's responsibilities include, but are not limited to:

- Ensuring thorough training is completed by the Deputy Title IX Coordinators, the Title IX Investigators, the Title IX Decision-makers, and the Title IX Mediators in the handling of Title IX notifications complaints.
- Ensuring training and technical assistance on University policies related to sex discrimination is available to all University members as well as other parties as required by applicable federal regulations.
- Developing programs and informational guides on issues related to Title IX to make sure that all members of the school community, including students, faculty, and staff, are aware of their rights and obligations under Title IX
- Overseeing all Title IX related matters
- Coordinating responses to Title IX notices and complaints, including, without limitation, the effective implementation of supportive measures
- Coordinating efforts for the investigation, resolution, and implementation of corrective measures
- Reviewing and analyzing information from annual climate surveys
- Updating and revising the Title IX Policy and Procedures as necessary [to this end, the University reserves the right to amend or modify these policies and procedures at any time]
- Monitoring of the educational and working environment to stop, remediate, and prevent discrimination based on sex.
- Identifying and addressing any patterns or systemic problems that arise during the review of notices and complaints.
- The Title IX Coordinator also serves as chair of the Title IX committee which consists of the Coordinator and multiple Deputy Coordinators and any others who may need to be added from time to time by the University, as it deems necessary in its sole and absolute discretion.
- Initiating a complaint in certain circumstances.
- Otherwise complying with the active laws and regulations concerning Title IX, as appropriate, the relevant portions of which are incorporated herein by reference as if fully set forth.

Any Title IX notifications/complaints or inquiries regarding the University's non-discrimination policies should be immediately directed to the Title IX Coordinator:

Matthew Dempster
 Director of Institutional Compliance and Title IX
 Title IX Coordinator
 Horner Administration Building
 5400 Ramsey Street
 Fayetteville, NC 28311
 Telephone: 910.630.7558
 Fax: 910.630.7306
mdempster@methodist.edu

Should the Title IX Coordinator or any Deputy Title IX Coordinator be named as the respondent, the functions of the Title IX Coordinator/Deputy Title IX Coordinator will transfer to another available Coordinator. At no point will the Title IX Coordinator or any Deputy Title IX Coordinator be involved in the coordination of a response to a notification and/or complaint against him or her except for his or her role as a respondent to a complaint. Likewise, no other Title IX official will participate in their official capacity in any Title IX matter if there is a conflict of interest. The University reserves the right to resolve all conflicts

of interest, perceived or otherwise. All Title IX officials must make any conflict known to the Title IX Coordinator/Deputy Title IX Coordinator.

1.2.2 Deputy Title IX Coordinators

Deputy Title IX Coordinators have the responsibility of assisting the Title IX Coordinator in coordinating the University's general response to Title IX notifications and complaints as directed by the Title IX Coordinator. Deputy Title IX Coordinators must receive thorough training in the handling of Title IX Complaints and other matters as provided by current regulations relating to Title IX. In addition, the Deputy Title IX Coordinators serve on the Title IX Committee.

The Title IX Coordinator is responsible for assigning cases to the Deputy Title IX Coordinator(s). If a potential conflict exists in performing the necessary duties, the Deputy Title IX Coordinator(s) must make the Title IX Coordinator aware of the conflict prior to participating in the Title IX matter. At any point, the Title IX Coordinator may reassign matters to alternate Deputy Coordinators if necessary for cause.

Deputy Coordinators will include, at a minimum:

- The Human Resources Assistant Director
- A delegate of the Dean of Students
- A representative from the Athletics Department
- A representative from the Faculty

1.2.3 Title IX Investigators

Title IX Investigators have the responsibility of investigating complaints of sexual harassment and completing an investigative report regarding such complaints in accordance with these procedures and the applicable regulations. If a potential conflict exists in performing the investigation, the assigned Title IX Investigator must make the Title IX Coordinator aware of the conflict prior to investigating the complaint or, if later in time, as soon as the Title IX Investigator becomes aware of any potential conflict. At any point in the investigation, the Title IX Coordinator may reassign investigations to alternate Title Investigators if necessary for cause. The complainant and respondent and their advisors, if applicable, will be notified of the Title IX Investigator and their contact information prior to the investigation proceeding and updated if any of that information changes in the course of the investigation. All parties are urged to cooperate with the assigned Title IX Investigator so that he/she may timely complete a thorough investigation and the resulting investigative report.

1.2.4 Title IX Decision-makers

Title IX Decision-makers have the responsibility of adjudicating complaints of sexual harassment in accordance with these procedures and the applicable regulations. If a potential conflict exists in performing the adjudication, the same should be reported before adjudicating the particular matter. The University reserves the right to resolve any conflicts by re-assignment or otherwise. In cases where both the respondent and the complainant are students at the University, the initial Title IX Decision-Maker shall be the Title IX Coordinator or Investigator. Similarly, in cases where the respondent is an employee of the University, the initial Title IX Decision-Maker shall also be the Title IX Coordinator or Investigator. Appeals of Title IX decisions shall be handled by the University's Appeal Board. Title IX Decision-Makers are entitled to access to counsel and legal representation as needed.

1.2.5 Title IX Mediators

Title IX Mediators have the responsibility for assisting in the informal resolution of eligible Title IX matters, as further provided in the applicable federal regulations. As with other Title IX officials, all conflicts should be reported as soon as the official is aware of the same, and the University reserves the right to resolve any conflicts by re-assignment or otherwise.

1.3 Sexual Harassment and Discrimination

Sexual harassment is a form of sex discrimination which is prohibited by Title VII of the Civil Rights Act of 1964, by Title IX of the Education Amendments of 1972, and in the Methodist University Equal Opportunity Policy.

Sexual harassment is an abuse of persons: it is a violation of the principle that all members of the Methodist community should be treated fairly and equally, with dignity and respect. Sexual harassment is thus a violation of the freedom of others: it cannot and will not be tolerated at Methodist University. It is the responsibility of all members of the Methodist University community to work toward understanding, preventing, and combating sexual harassment. The purpose of the University's policy regarding sexual harassment is to help the entire community fulfill this obligation. Any person found to have violated this policy will be subject to disciplinary measures.

In addition to its policy regarding sexual harassment, Methodist University provides contacts and resources trained to deal with this issue. The Title IX Coordinator is available to assist with contacting any of these resources and making appointments if desired.

Methodist University
Health and Counseling Services at "The Well"
910.630.7150
Monday-Friday; 8:00 am- 5:00 pm

Campus Police and Public Safety
910.630.7577

Cape Fear Valley Employee Assistance Program
910.829.1733

CONTACT Crisis Hotline of Fayetteville
910.483.4134

Rape Crisis Volunteers of Cumberland County
910.485.7273

Fort Liberty Victim Advocacy Hotline
910.322.3418

Fayetteville VA Medical Center / Sexual Trauma Counseling:
910.488.2120, ext. 5482

Pope Field Victim Advocacy Hotline
910.394.7272

Safe-Link Domestic Violence Assistance Program
910.475.3029

NC Victim Compensation Services
800.826.6200

Domestic Violence Women's Shelter:
910.677.2532

Fayetteville Police Department
910.433.1529

Cumberland County Sheriff Department
910.323.1500

1.4 Definitions

Methodist University has a legal obligation to ensure a working and learning environment that is reasonably free from discrimination or harassment. Methodist University has procedures to receive, investigate, respond to and resolve complaints of discrimination, including harassment based on sex. Title IX violations include discrimination on the basis of sex or gender and include sexual harassment, sexual exploitation, nonconsensual sexual acts, sexual violence, and sexual misconduct. Per applicable regulations, discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. It is the intent of Methodist University to incorporate by reference the definitions set forth in 34 CFV Part 106.2. To the extent that there is any disagreement between the below definitions and those set forth in the applicable regulation or regulations, the definitions set forth in the regulations shall take precedence and control.

Adjudication Hearing: A live hearing conducted by the Title IX Decision-maker in regard to complaints of sex-based harassment involving a student.

Complainant: (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination. Moreover, with respect to complaints of sex discrimination other than sex-based harassment, in addition to the above, (1) any student or employee of the University; or (2) any person other than a student or employee who was participating or attempting to participate in the University's education program or activity at the time of the alleged sex discrimination.

Complaint: means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Confidential Employee: refers to an individual designated by the institution who, due to their professional role, is not obligated to report incidents of sexual harassment or other forms of sex discrimination to the

Title IX Coordinator or other school officials. Confidential Employees typically include certain healthcare providers, counselors, and other designated staff who provide support services to students and employees.

These individuals are permitted to maintain confidentiality and are not required to disclose information shared with them, except in limited circumstances such as imminent threats to safety, compliance with mandatory reporting laws, or when the individual gives explicit permission for the disclosure.

Dating violence: Violence, sexual abuse, physical abuse, or threats of or attempts at such abuse between partners who are or have been in a personal, romantic, or intimate relationship.

Disciplinary Sanctions: refer to the penalties imposed on an individual found responsible for violating the institution's Title IX policies. These sanctions, intended to hold the responsible party accountable and deter future misconduct, may include a written warning, probation, suspension, expulsion or termination, restrictions on access to certain areas or activities, mandatory training or counseling, community service, and fines or restitution. The sanctions must be fair and proportionate to the severity of the violation and are designed to remedy the effects of the prohibited conduct.

Domestic violence: Attempting to cause bodily injury; intentionally causing bodily injury; or inflicting substantial emotional distress by causing fear of imminent serious bodily injury or harassment by someone with whom the aggrieved party has or has had a personal relationship. A personal relationship means one between current or former spouses, persons who live or have lived together, persons who have a child in common, or persons who are or have been in a dating relationship.

Gender Discrimination or Gender Harassment: Prohibited sex discrimination includes discrimination based on the person's gender, but which is not sexual in nature. Methodist University's policies prohibit gender-based harassment, which means unwelcome conduct based on an individual's actual or perceived sex, including discrimination or harassment on the basis of sexual orientation, gender expression, or nonconformity with sex stereotyping.

Notice: A report of sex discrimination. Any person may report sex discrimination, including sexual harassment or sex-based harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator/Deputy Title IX Coordinator, or by any other means that results in the Title IX Coordinator/Deputy Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator/Deputy Title IX Coordinator. Certain employees of the University are required to report any alleged sex discrimination.

Party: means a complainant or respondent.

Pregnancy or related Conditions: This term encompasses a broad range of conditions and situations associated with pregnancy and childbirth. This includes current pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery from any of these conditions. Additionally, it covers lactation and related medical conditions. These regulations mandate that educational institutions treat pregnancy and related conditions in the same manner and under the same policies as any other temporary disability,

ensuring that pregnant individuals have equal access to educational programs and activities. Institutions must provide reasonable accommodations to pregnant students, such as adjustments to the work environment, modifications to class schedules, and access to lactation spaces. These protections are intended to prevent discrimination based on pregnancy or related conditions and to promote an inclusive and supportive educational environment.

Relevant: means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies: means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

Respondent: *Respondent* means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

Retaliation: means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment: is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, which is:

(1) Quid pro quo harassment. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

(2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- (ii) The type, frequency, and duration of the conduct;
- (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

- (iv) The location of the conduct and the context in which the conduct occurred; and
- (v) Other sex-based harassment in the recipient's education program or activity; or

(3) Specific offenses.

(i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or (D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

Sexual coercion or intimidation: Words or actions used to pressure, manipulate, isolate, trick or intimidate a person into engaging in unwanted sexual activity.

Sexual Misconduct: Sexual misconduct is any attempted or actual sexual contact directed against another person in the direct absence of effective, mutually understandable consent. Prohibited sexual misconduct includes:

- Indecent Exposure: Deliberate exposure of one's intimate body parts; the display of sexual behavior in a public or open setting.
- Non-Consensual Sexual Contact: Any attempted or actual sexual touching directed against another person in the direct absence of effective, mutually understandable consent. Examples of sexual contact include but are not limited to the intentional touching, groping, or fondling of a person's breasts, buttocks, groin, genitals, or mouth or the clothing covering any of those areas, or using force to cause the person to touch, grope, or fondle his/her own breasts, buttocks, groin, genitals, or mouth or clothing covering any of those areas.
- Non-Consensual Sexual Intercourse: Any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by any person upon any other person without consent.

Sexual Exploitation: Taking sexual advantage of another person without effective consent. Examples

include but are not limited to causing incapacitation of another person for a sexual purpose; causing the prostitution of another person; recording, photographing, or transmitting intimate or sexual utterances, sounds, or images of another person; allowing third parties to observe sexual activity; engaging in voyeurism, trespassing, spying, or eavesdropping for sexual arousal; distributing intimate or sexual information/images of another person; and/or knowingly exposing another person to a sexually transmitted infection.

Sexual violence: A form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or when the person is incapable of giving consent because of a disability, drug or alcohol use, or other reason. Examples of sexual violence include rape, "date rape," sexual assault, and forcefully coercing someone to have sex or perform a sexual act.

Student: is defined as an individual who is enrolled or seeking to enroll in an education program or activity at an institution covered by Title IX. This includes individuals who are taking courses, whether full-time or part-time, undergraduate or graduate, and whether they are participating in traditional in-person settings or online learning environments. The definition also extends to those who may not be actively attending classes but are still considered enrolled, such as individuals on academic leave or those who have been recently accepted and are about to begin their studies. The regulations emphasize that the protections and procedures outlined under Title IX apply to all students within this broad definition, ensuring comprehensive coverage and protection against sex-based discrimination within educational settings.

Supportive Measures: *Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or (2) Provide support during the recipient's grievance procedures or during an informal resolution process.*

1.5 Privacy and Confidentiality

Complainants should not assume that reports of sex discrimination, including sexual violence, will be kept confidential. Complaints of sex discrimination, in most circumstances, be investigated in accordance with these procedures. The complainant and respondent will have mandatory notice of the allegations and an opportunity to participate in the investigation and adjudication phases (again the adjudication phases differ between allegations of sex-based harassment involving a student and all other allegations of sex discrimination).

1.6 Title IX Procedures

1.6.1 Receipt of Notification of Alleged Sex Discrimination.

Notifications, whether written or oral, of conduct or alleged conduct that may reasonably constitute sex discrimination in the University's education program or activity should be directed to the University's Title IX Coordinator or Deputy Title IX Coordinators, who will immediately notify the Title IX Coordinator of the alleged conduct. As required by applicable federal regulations, upon receipt of said notice, as defined by these same regulations, of sex discrimination in a program or activity of the University's, the University must respond promptly and effectively and otherwise comply with its procedures and with applicable regulations to address the alleged sex discrimination in its education program or activity. The University's

response must treat complainants and respondents equitably and without bias as required and further defined by the applicable federal regulations. Upon receipt of any such notice, the Title IX Coordinator/Deputy Title IX Coordinator must promptly contact the complainant to discuss the availability and appropriateness of supportive measures, must consider the complainant's wishes with respect to supportive measures, , and must explain to grievance process and procedures for addressing the alleged sex discrimination, including, without limitation, whether the same may qualify as sex-based harassment involving student complainants and/or student respondents, and the resulting investigatory and adjudicative procedures.

1.6.2 Emergency Removal

Emergency removal of the respondent may be a valid supportive measure; however, prior to taking such a drastic action, the University must undertake a comprehensive and individualized safety and risk analysis, determine by a preponderance of evidence that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provided the respondent with notice and an opportunity to challenge the decision immediately FOLLOWING the emergency removal. Any appeal of such an emergency removal shall be to the Appeal Board or the appropriate University official identified in the written notice of removal. If no University official is identified, then the appeal may be made to the Appeal Board by default. Any such appeal may be taken after the emergency removal has been affected and up to the time that the initial adjudicative process is complete. If the respondent is absolved of any alleged wrongdoing by this Title IX process, the emergency removal order will immediately dissolve. In the case of an employee respondent, the University reserves the right to place the same on administrative leave during the Title IX process.

1.6.3 Grievance Process

The University has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. Additionally, any complaint concerns sex-based harassment that involves a student party, all of which as defined herein and within the applicable regulations, the grievance procedures explain provide for the prompt and equitable resolution of the same as further required by 34 CFV Part 106.46 in addition to all the other particular applicable regulations.

1.6.3.1 General Provisions:

The following shall apply throughout the grievance process to all complaints of sex discrimination; however, where said alleged sex discrimination concerns alleged sex-based harassment involving a student any modifications to the procedures are also set forth herein:

The University shall treat complainants and respondents equitably.

The University shall require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

The University shall require that any individual designated as a Title IX Coordinator/Deputy Title IX Coordinator, Title IX Investigator, Title IX Decision-maker, or Title IX Mediator, not have a conflict of interest or bias for or against complainants or respondents generally or toward an individual complainant

or respondent. Accordingly, the University must ensure that these Title IX officials receive training on the definition of sex discrimination and the other provisions of applicable regulations, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Likewise, the University must ensure that the Title IX Decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The University must also ensure that Title IX Investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train these Title IX officials must not rely on sex stereotypes and must promote impartial investigations and adjudications of complaints of sexual harassment. As long as there is no conflict of interest or bias, a Title IX Decision-maker may be the same person as the Title IX Coordinator or Title IX Investigator

It is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

This grievance process shall be completed in a reasonable prompt time frame [usually within sixty days]. The University may grant a temporary delay of the grievance process or grant prior to expiration a limited extension of time as to relevant deadlines for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the actions. Good cause may include, without limitation, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The University shall apply the preponderance of evidence standard to all Title IX complaints. A preponderance of evidence exists when a reasonable person, after evaluating all information available at the time of the hearing, would conclude that it is more likely than not a violation has occurred.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties provided that the University cannot 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 for a grievance process.

The University shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The University will take reasonable steps to protect the privacy of the parties and the witnesses during the grievance procedure and shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses

The University shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice

or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the University and its designees may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. Moreover, the University is only required to provide an advisor, as set forth herein, of its choice for either party at an adjudication hearing. Failure of the parties to fully participate in these procedures and proceedings may negatively impact the ability of the University to investigate and adjudicate the Title IX matter.

Finally, and for the avoidance of doubt, the complainant and respondent are each limited to the participation of no more than one (1) advisor per side at any adjudication hearing and the Title IX Decision-maker/chairperson of the Title IX Decision-maker retains broad authority to control the process and procedure of the adjudication hearing and the parties' participation therein. This authority shall include, without limitation, the ability to govern and control the examination and cross-examination of witnesses as well as the general conduct of the participants, including, again without limitation, the complainant, the respondent, and their respective advisors, again with each side being limited to no more than one such advisor in the adjudication hearing.

The University shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all adjudication hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

The University shall provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report to be created as part of the investigation, the University shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the Title IX Investigator will consider prior to completion of the investigative report. The University must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

The University, as part of its investigation, shall create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to any final initial determination without an adjudication hearing or any adjudication hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Throughout the grievance process the University will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. The information and evidence collected and disseminated through the grievance process is confidential, potentially federally protected, and may not be disclosed or otherwise disseminated by the parties, their advisors, or any related persons or agents without the prior written permission and consent of the University, and any failure to adhere to these provisions is a violation of University policy that may be subject to sanctions under the University's code of conduct applicable to students and/or employees. Nevertheless, disclosures of such information and evidence **for purposes of administrative proceedings or litigation related to the complaint of sex discrimination** are authorized unless otherwise prohibited by applicable laws and/or regulations.

Throughout the grievance process, the parties will be offered the option of mediation (if appropriate). Incidents of sexual violence will never be eligible for mediation. Moreover, allegations involving an employee of the University as a respondent are not eligible for mediation. The University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of complaints of sex discrimination. Likewise, the University may not require that parties participate in an informal resolution process under this section. However, at any time prior to reaching a determination regarding responsibility the University may facilitate an informal resolution process, such as mediation, which does not involve a full investigation and adjudication, provided that the University –

(i) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from initiating or resuming a grievance process arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process; the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared for use in Title IX grievance procedures if such procedures are initiated or resumed, or otherwise;

(ii) Obtains the parties' voluntary, written consent to the informal resolution process; and

(iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

During the grievance process, the parties may request any interim supportive measures (such as University enforced mutual restrictions on contact between the parties (such as no contact orders, change in class schedules, the ability to retake or withdraw from class without penalty, emergency removals, etc.) or otherwise request a modification or termination of existing supportive measures. The decision to impose interim supportive measures or otherwise modify or terminate existing supportive measures is made by the Title IX Coordinator/Deputy Title IX Coordinator in conjunction with the appropriate University official or officials. The University will also enforce any court order. The Complainant and Respondent will be notified in writing of any imposed interim supportive measures or any modifications or terminations of existing supportive measures. Nevertheless, the applicable federal regulations require that innocence is to be presumed and that neither party can be unreasonably burdened prior to the completion of the grievance process. The Complainant and Respondent will be advised of any additional resources available to him or her for counseling, other mental health services, academic assistance, or other support. Without limiting the foregoing, at the time of providing any supportive measures or making any decision on any requested or otherwise offered or existing supportive measures, the Title IX Coordinator shall identify to the parties an impartial University employee, who was not otherwise involved in the initial decision or decisions concerning the requested, offered, or existing supportive measures and who shall be available to consider a challenge to the initial decision regarding the same. Any such challenge shall be made to the Title IX Coordinator, in writing, within five (5) days of the written notification of the initial decision (unless a different period is otherwise provided for herein). This challenge shall be for the express purpose of reviewing the initial decision by the University regarding the supportive measures in question and shall be for the purpose of seeking modification or reversal of the University's decision to provide, deny, modify, or terminate supportive measures applicable to the parties. The identified University employee shall not have been involved in the initial determination of the challenged initial decision and shall have the authority to modify or reverse the initial decision, if the impartial employee determines that the initial decision to provide, deny, modify, or terminate the supportive measure in question was inconsistent with the statutory and regulatory definition of supportive measures. An initial decision can only be appealed

or otherwise challenged one time by either party and the decision of the impartial University official shall be final as to the initial decision; however, the parties have the opportunity to see additional modification or termination of applicable supportive measures if the circumstances change materially. For the avoidance of doubt, these rights of review shall not be abused by the parties. The University shall identify any initial decision regarding supportive measures, including, without limitation, any modifications to or terminations of existing supportive measures that it imposes without request and the applicable review employee. The University, in turn, will identify the final decision after any review and whether there are any further review rights, which shall be deemed final.

For the avoidance of doubt, police investigations are entirely separate from this process. A complainant may make a report of sexual discrimination, including sexual violence, to the campus police or another law enforcement agency, to the Title IX Coordinator, to a Deputy Title IX Coordinator, or all. The fact that a police investigation is ongoing does not relieve the University of its obligation to investigate complaints of sexual harassment as provided herein. If campus police receive a report of sexual discrimination, campus police shall promptly notify the Title IX Coordinator.

Retaliation against anyone who brings forward a complaint of sexual discrimination is strictly prohibited. Anyone responsible for retaliation or threats of retaliation, whether that person is the accused party, someone affiliated with the accused (i.e. a friend or family member), or any other party, will be subject to disciplinary action by the University. Retaliation includes (but is not limited to):

- adverse employment actions (such as unjustified termination, suspension, denial of a promotion, or refusal to hire)
- Harassment (such as threats, increased surveillance, altering work conditions so an employee cannot perform the duties of his or her job, unjustified grading, excluding student from class participation, or unjustified write-ups or performance reviews)
- Criminal acts (violence such as assault, vandalism, and theft)
- Post-employment retaliation (such as refusing to provide a reference, interfering with attempts to find other employment, or providing false and negative information in a job reference)
- Other conduct as provided by applicable regulations, the terms of which are incorporate herein by reference as if fully set forth.

Retaliation should be reported promptly to the Title IX Coordinator or the any Deputy Title IX Coordinator(s), who will report the retaliation to the Title IX Coordinator. Retaliation by a person not affiliated with the University may be addressed by the police.

The University shall maintain for a period of seven years records of (1) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript created, 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; (2) Any appeal and the result therefrom; and (3) Any informal resolution and the result therefrom. Additionally, the University must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or complaint of sexual harassment. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. If the University does not provide a complainant with supportive measures, then the University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures

does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

1.6.3.2 Initiation of these Grievance Procedures

Complaints and other notification in the manner indicated in the definition herein, to the University's Title IX Coordinator or Deputy Title IX Coordinators, who will immediately notify the Title IX Coordinator of the complaint. Allegations of sexual violence will be forwarded to campus police. If the complaint is also a first notice of alleged sexual harassment, the Title IX Coordinator/Deputy Title IX Coordinator shall comply with all notification procedures. For the avoidance of doubt, all complaints can also be a first notice of alleged sex discrimination; however, not all notifications of alleged sex discrimination can be complaints since only certain persons are entitled to make complaints of sex discrimination. Without limiting the foregoing, the University incorporates by reference the particular requirement regarding allegations of sex discrimination and the University's response thereto as set forth in applicable effective regulations.

Upon receipt of a complaint, the Title IX Coordinator/Deputy Title IX Coordinator must review the same and determine if the allegations do not meet the definition of sex discrimination or did not occur in the University's education program or activity. After reviewing the allegations of the Complaint in the light most favorable to the complainant, the University may dismiss the complaint of sex discrimination if (1) the University is unable to identify the respondent after taking reasonable steps to do so; (2) the respondent is not participating in the University's education program or activity and is not employed by the University; (3) the complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the University determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or (4) the University determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX (before dismissing the complaint for this reason, the University will first make reasonable efforts to clarify the allegations of the complaint. Upon dismissal, the University will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the University will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The University will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the University will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the University will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the

- allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the University will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the University's education program or activity.

For the avoidance of doubt, if the complaint or allegations within the same are so dismissed, the University will give prompt written notice of the dismissal and all relevant reasons simultaneously to all parties with instructions for appealing the same to the Appeal Board, as otherwise provided herein.

Without limitation, the University may consolidate complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Upon receipt, the Title IX Coordinator or Deputy Title IX Coordinator(s) will initiate the required investigation and assign the Title IX Investigator(s) and/or the Title IX Mediator(s) for any pending matters.

Additionally, upon receipt of a complaint that is not initially dismissed for failure to state a claim, in part or whole of sex discrimination under this policy, the Title IX Coordinator/Deputy Title IX Coordinator shall issue a written notice of allegations to all known parties. The notice of allegations must give notice of this grievance process, along with any informal resolution or mediation process. Additionally, this notice of allegations must give notice of allegations of sex discrimination potentially constituting sex discrimination, including, as applicable, sex-based harassment, all as defined herein and the applicable federal regulations, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sex discrimination, and the date and location of the alleged incident, if known. The written notice must 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. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence collected as part of the grievance process. The written notice must inform the parties of any provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. Moreover, if, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the initial or a subsequent notice allegation, the University must provide written notice of the additional allegations to the parties whose identities are known in the manner specified above.

The complainant and the respondent, and their advisors if any, shall be informed of who will be performing

the investigation into the complaint. Evidence of past consensual sexual relationships or previous Title IX complaints by the Complainant will not be considered when making a determination regarding a current complaint.

The assigned Title IX Investigator(s) shall fully investigate the facts alleged in the complaint with the support of the University. This investigative process shall include, at a minimum:

- an interview with the complainant
- an interview with the respondent
- an interview with any witnesses to the accused conduct
- examination of all documentary evidence relevant to the matter being investigated.

The Title IX Investigator will collect and preserve evidence pertaining to the allegations set forth in the initiating complaint. Party and/or witness interviews may be recorded. If not, the Title IX investigator shall take and preserve notes of the interviews. As part of this investigation, the Title IX Investigator shall create a preliminary and final investigative report and shall provide access and opportunity for review and response to all parties and their advisors, if any, as provided above and as otherwise required by applicable federal regulations.

If an investigation and adjudication is going to take longer than 1 month, the complainant and respondent will be notified in writing of an approximate completion date. If the completion date cannot be met due to the significant size or complexity of the investigation, the complainant and respondent will be notified in writing of any updated completion timeline.

Upon completion of his or her investigation, the assigned Title IX Investigator(s) shall finalize the investigative report and transmit it to the Title IX Coordinator/Deputy Title IX Coordinator and the relevant Title IX Decision-maker in preparation for a final determination if there will be no adjudicative hearing and the adjudicative hearing if one is to be held involving allegations of sex-based harassment involving a student.

If an adjudicative hearing is to be held, the Title IX Decision-maker shall schedule the hearing and provide the required notice of the same to all known parties. This hearing will be live and “in real time;” However, it may be conducted “remotely and without all the parties and their advisors physically present in one room or location” via technological means. At the live hearing, the relevant Title IX Decision-maker must permit each party’s advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party’s advisor of choice and never by a party personally, notwithstanding the discretion of the Title IX Decision-maker to otherwise restrict the extent to which advisors may participate in the proceedings. At the request of either party the University must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the relevant Title IX Decision-maker and parties to simultaneously see and hear the party or the witness answering questions. Only relevant cross- examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the relevant Title IX Decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Methodist University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of their relevance:

- Evidence protected under a privilege recognized by Federal or State law, or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A party's or witness's records made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with providing treatment to the party or witness, unless Methodist University obtains that party's or witness's voluntary, written consent for use in its grievance procedures.
- Evidence relating to the complainant's sexual interests or prior sexual conduct, unless it is offered to prove that someone other than the respondent committed the alleged conduct or pertains to specific incidents of the complainant's prior sexual conduct with the respondent offered to prove consent to the alleged sex-based harassment. Prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

If a party or witness does not fully submit to cross-examination at the live hearing, the relevant Title IX Decision-maker may choose to place less or no weight upon statements by a party or witness who refuses to fully and adequately respond to questions deemed relevant and not impermissible; provided, however, that the relevant Title IX Decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. The University must create an audio or audiovisual recording, or transcript, of any live adjudicative hearing and make it available to the parties for inspection and review. Finally, and without limitation, the relevant Title IX Decision-maker has broad authority to conduct and control the live adjudicative hearing. To that end, and again without limitation, the same may rule on evidence, control the conduct of participants, exclude unruly participant and exercise a broad reservoir of equitable, jurisdictional and procedural powers and authority to conduct the hearing and render a determination.

Within five days of completion of the determination without a hearing or the adjudicative hearing if one is held, the relevant Title IX Decision-maker shall issue a written determination regarding responsibility applying the preponderance of evidence standard. The written determination must include the following:

- Identification of the allegations potentially constituting sex discrimination (including, without limitation, sex-based harassment where applicable)
- A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and adjudicative hearings held (if one was held in the case of allegations of sex-based harassment involving a student);
- Rationale supporting the determination;
- Conclusions regarding the application of the University's applicable code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; in the case of allegations of sex-based harassment involving a student, any disciplinary sanctions the University imposes [subject to additional requirements] on the

respondent; and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant;

- The University's procedures and permissible bases for the complainant and respondent to appeal; and
- All other information required by applicable effective federal regulations the terms of which are incorporated by reference as if fully set forth.

The University must provide written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator is responsible for effective implementation of any remedies.

1.7 Sanctions

If the appropriate authority determines that the respondent committed a Title IX violation as defined herein, he, she or they shall order an appropriate sanction and other remedies, and shall consider a range of sanctions, which may include (but it not limited to) any of the following and depends on the nature and severity of the incident:

- No punishment
- Termination (complying with applicable rules for terminating a faculty member . . . to that end, an adjudication of responsibility as to a faculty member shall be deemed an event of moral turpitude and criminal or disreputable conduct entitling the University to revoke the tenure and immediately terminate same and/or immediately terminate the same in the case of a non-tenured faculty member) or expulsion
- Additional required training
- Loss of supervisory/management duties
- Expulsion
- Suspension
- Transfer of the respondent to another residence hall
- Transfer of the respondent out of classes shared with the complainant
- Verbal or written warnings
- Other appropriate sanctions as deemed necessary for the University to comply with all local, state, and federal laws and regulations and fulfill the University's obligation to ensure a working and learning environment that is reasonably free from discrimination or harassment.
- All other remedies reasonably required to fully address the sex discrimination.

If sanctions are imposed based on published university guidelines, additional measures beyond those published guidelines may also be imposed on the Respondent and/or granted to the Complainant to meet the University's Title IX obligations.

1.8 Appeals

All parties have a right to appeal from a determination regarding responsibility, and from a recipient's dismissal of a complaint or any allegations therein, on the following bases:

- (i) Procedural irregularity that affected the outcome of the matter;
- (ii) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (iii) The involved Title IX Coordinator/Deputy Title IX Coordinator, Title IX Investigator(s), or title IX Decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

All appeals shall be presented to the University Appeal Board, which shall serve as the appellate Title IX Decision-maker under these procedures. A complainant or respondent who wishes to appeal the written determination must notify the assigned Title IX Coordinator/Deputy Title IX Coordinator in writing within five days of the rendering of the written determination. The written appeal must identify the specific basis for the appeal and any information the appealing party would like reviewed and/or considered. The other party will be given a copy of the written appeal and given five days to provide a written response. Parties may cross-appeal and cross respond so long as the deadlines are complied with. Thereafter, the Appeal Board will meet, consider the appeal(s) and promptly render a written decision describing the result of the appeal and the rationale for the same. It is contemplated that the Appeal Board will, in the absence of extenuating circumstances, meet within ten days of receiving any written response to an appeal/expiration of the time to submit a written response and render a final decision within five days of meeting to consider the same. The written decision of the Appeal Board will be provided to the parties simultaneously and will be final; however, as the initial determination, certain sanctions, such as suspensions and exculpations/terminations are subject to compliance with relevant University procedures and subject to administration approval.

1.9 Dismissal of a Complaint

As otherwise set forth herein and for the avoidance of doubt, the University may dismiss a complaint of sex discrimination if:

- Methodist University is unable to identify the respondent after taking reasonable steps to do so.
- The respondent is not participating in Methodist University's education program or activity and is not employed by Methodist University.
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and Methodist University determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven.
- Methodist University determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.

Before dismissing the complaint, Methodist University will make reasonable efforts to clarify the allegations with the complainant. Upon dismissal, Methodist University will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, Methodist University will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant or simultaneously if notification is in writing. Methodist University will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the

respondent has been notified of the allegations, Methodist University will also notify the respondent that the dismissal may be appealed.

1.10 Regulations and Other University Policies

It is the intent of the University that these policies and procedures fully comply with all relevant federal regulations regarding the same. These policies and procedures are promulgated in accordance with the same. Accordingly, and for the complete avoidance of doubt, these policies and procedures are subject to the applicable federal regulations, and, in the event of any conflict between them, the applicable federal regulations shall control. Moreover, any discrepancy between the two shall be immediately and without need for notice resolved by implied modification or amendment to these policies and procedures to be compliant.

While certain undesirable or injurious conduct may not fall within the scope or purview of these Title IX policies and procedures, they may still violate various University codes of conduct, for students and/or employees. Accordingly, the Title IX Coordinator/Deputy Title IX Coordinator(s) are fully empowered to give notice of any conduct violations and/or grievances and initiate University proceedings regarding the same.