Purpose

These procedures provide a prompt and equitable resolution for complaints or reports of discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law, including complaints alleging sexual harassment or sexual misconduct prohibited by Virginia State University policy on Sexual Misconduct, Interpersonal Violence and Retaliation. Any person who believes he or she has been subjected to discrimination or harassment on any of these bases may file a complaint with Virginia State University as outlined in these procedures. These procedures also address any complaints or reports of retaliation against individuals who have filed complaints or reports of discrimination, who have opposed discriminatory practices, and those who have testified or otherwise participated in investigations or proceedings arising from complaints or reports of discrimination.

Authority, Responsibility, and Duties

These procedures govern the process for addressing complaints or reports of discrimination from University employees (faculty, administrators, and staff) and students when on the campus of Virginia State University, or on other University property, or in facilities, owned, or controlled by Virginia State University, or being used for a university-related event. Any exceptions in the application or enforcement of these procedures must be approved by the President or his designee. The Associate Vice President for Human Resources is responsible for the official interpretation of these procedures. Questions regarding the application of these procedures should be directed to the Office of Human Resources.

Complaints and Reporting

Complaints and reports of discrimination, retaliation and sexual harassment should be made to the Title IX Coordinator. Complaints and reports of sexual misconduct or violence (sexual assault, stalking and relationship violence) should be made to the Virginia State University Department of Police and Public Safety, local law enforcement, Sexual Assault Services, Student Conduct, Vice President of Student Affairs, Associate Vice President of Human Resources, Title IX Coordinator, or anonymously to a Campus Security Authority (CSA).

The Title IX Coordinator is responsible for overseeing the investigation of all reports of alleged discrimination, sexual harassment, or sexual misconduct. All members of the Title IX Team are trained to help individuals who file complaints find resources and how to respond appropriately to conduct alleged to be in violation of the Sexual Misconduct and Interpersonal Violence, and Retaliation. Individuals receiving reports or
complaints of discrimination, sexual harassment, or sexual misconduct should immediately notify the Title IX Coordinator and should not undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator. The Virginia State University’s Title IX Coordinator is Julia Walker. The Deputy Title IX Coordinators are Deborah Mallory and Sachiko Goode. Their contact information, including that for other members of the Title IX Team are listed below:

<table>
<thead>
<tr>
<th>Julia Walker, Title IX Coordinator</th>
<th>VSU Police</th>
</tr>
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<tbody>
<tr>
<td>Virginia Hall</td>
<td>(804) 524-5411 or (804) 524-5360</td>
</tr>
<tr>
<td>P.O. Box 9412</td>
<td>(804) 524-5411 or (804) 524-5360</td>
</tr>
<tr>
<td>804-524-1007 or 804-524-5090</td>
<td>Office of Student Conduct</td>
</tr>
<tr>
<td><a href="mailto:jawalker@vsu.edu">jawalker@vsu.edu</a></td>
<td>(804) 524-5866 or (804) 524-5504</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Sachiko Goode, Deputy Title IX Coordinator</th>
<th>VP of Student Affairs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginina Hall</td>
<td>(804) 524-5350</td>
</tr>
<tr>
<td>Office of the Provost</td>
<td>(804) 524-5305</td>
</tr>
<tr>
<td>804-524-5305</td>
<td>Office of Human Resources</td>
</tr>
<tr>
<td><a href="mailto:s.goode@vsu.edu">s.goode@vsu.edu</a></td>
<td>(804) 524-5090</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Deborah Mallory, Deputy Title IX Coordinator</th>
<th>Sexual Assault Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>20720 4th Avenue</td>
<td>(804) 524-6942 or (804) 524-5939</td>
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<tr>
<td>Athletics</td>
<td></td>
</tr>
<tr>
<td>804-524-5571</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:dmallory@vsu.edu">dmallory@vsu.edu</a></td>
<td></td>
</tr>
</tbody>
</table>

Reports of conduct in violation of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy should be made without undue delay after the incident and may be made orally or in writing, including by electronic mail to any of the individuals identified above. The Title IX Coordinator and the VSU Police also will accept, without comment or need for explanation, a sealed envelope addressed to “Title IX Coordinator.” The envelope, at a minimum, need only contain a piece of paper with the name and room number or phone number of the individual wishing to make a report. As will be the case with all reports, however made, the reporting individual will be contacted promptly, but in no case more than three calendar days from the date of the report, for an interview with the Title IX Coordinator or the VUS Police.

Notwithstanding the forgoing, individuals who believe they have been the subject of conduct in violation of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy are encouraged to make detailed written statements of the facts, including the name(s) of the offending individual(s), and any witness(es), promptly after an incident.
The Role of the Title IX Coordinator

The Title IX Coordinator is charged with coordinating the Virginia State University’s compliance with federal civil rights laws. The Title IX Coordinator does not serve as an advocate for either the complainant or the respondent. The Title IX Coordinator will explain to all identified parties the procedures outlined below, including confidentiality. As appropriate, the Title IX Coordinator or any member of the Title IX Team will provide all identified parties with information about obtaining medical and counseling services, making a criminal report, information about receiving advocacy services, and guidance on other Virginia State University and community resources. The Title IX Coordinator will offer to coordinate with other Virginia State University leadership, when appropriate, to implement interim measures as described below. The Title IX Coordinator will explain to all involved parties the process of a prompt, adequate, reliable, and impartial investigation, including the opportunity for both complainant and respondent to identify witnesses and provide other evidence. The Title IX Coordinator will explain to all identified parties the right to have a personal advisor present and to review and respond to the allegations and evidence. The Title IX Coordinator will also explain to the parties and witnesses that retaliation for reporting alleged discrimination, sexual harassment or sexual misconduct, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be reported immediately and will be promptly addressed.

Criminal Reporting and Coordination

The Title IX Coordinator or the Virginia State University Police will make all complainants aware of the right also to file a complaint with the Virginia State University Department of Police and Public Safety or local law enforcement. Virginia State University will comply with all requests by the Virginia State University Department of Police and Public Safety or local law enforcement for cooperation in investigations. Such cooperation may require the Title IX Coordinator to temporarily suspend the fact-finding aspect of a Title IX investigation detailed in the procedures below while the Virginia State University Dept. of Police and Public Safety or the local law enforcement agency gathers evidence. The Title IX Coordinator's Office will promptly resume its Title IX investigation as soon as notified by the Virginia State University Dept. of Police and Public Safety or law enforcement agency that it has completed the evidence gathering process. Otherwise, the Title IX investigation will not be altered or precluded on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

Student Investigation Procedures

Criminal investigations shall be conducted by the Department of Police and Public Safety. In cases where students face criminal charges, or are the subject of a criminal investigation, the University’s hearing procedures will commence at the conclusion of
such investigation, or criminal proceedings. When a criminal proceeding is not pursued by the Commonwealth Attorney, the campus police investigator will notify the complainant and respondent and refer the case for a hearing by the Student Conduct office.

Administrative Investigation. The University, in the interest of safety, may be obliged to pursue complaints through internal disciplinary procedures without the cooperation of the complainant. In such instances, the University will inform the complainant of its obligation to address the issue. The Title IX Coordinator shall provide for the adequate, reliable, and impartial investigation of all complaints. Administrative investigations of student versus student complaints shall be coordinated by the Director of the Office of Student Conduct and/or designee. Cases will be conducted by hearing officers who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Employee Investigative Procedures
Administrative investigations of student versus employee complaints shall be coordinated by the Associate Vice President of Human Resources with support from the Director of the Department of Student Conduct. Administrative investigations of employee versus employee complaints shall be coordinated by the Associate Vice President of Human Resources and/or designee.

Confidentiality, Anonymity and Requests Not to Pursue Title IX Investigation

Virginia State University officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this policy or another reporting party wishes to keep a report confidential, it must be made to Student Health Services or University Counseling Center. These individuals will encourage victims to make a report to the Virginia State University Dept. of Police and Public Safety, the Title IX Coordinator, or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above that are able to maintain confidentiality of reports. Other Virginia State University officials receiving reports of conduct in violation of this policy are mandated reporters but will maintain privacy to every extent possible without compromising the Virginia State University’s ability to investigate and respond in accordance with applicable law and regulations. The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation.

If the complainant requests confidentiality or that an investigation not be conducted, the Virginia State University may be limited in the actions it is able to take and its ability to respond while respecting the request. The complainant will be asked to sign a statement
stating a desire for confidentiality or that an investigation not be pursued and the Title IX Coordinator will take all reasonable steps to respond to the complaint consistent with the request. The Title IX Coordinator will consider the reasons for the request, including concerns about continued safety of the person reportedly harmed and members of the campus community. Factors that also will be considered in weighing a request by a complainant for confidentiality or not to proceed with a formal investigation include the seriousness of the alleged violation, the respective ages and positions of the complainant and the respondent, whether there have been other complaints against the respondent, and the respondent’s right to receive information. In cases in which a complainant requests confidentiality or that an investigation not be pursued, but the Title IX Coordinator has concerns that not conducting an informal or formal investigation might endanger the health or safety of members of the campus community, the Title IX Coordinator will initiate confidential consultation with appropriate individuals who may include, as appropriate, the President, the Vice President for Student Affairs, the Provost, the Virginia State University Chief of Police, the Threat Assessment Team, Counseling Center Director, and legal counsel. The Title IX Coordinator will make the ultimate decision on whether to conduct an informal or a formal investigation or to respond in another manner, including use of interim measures described below.

**Interim Measures**

The University may take interim measures to assist or protect the complainant during the investigation and resolution of complaints and any law enforcement investigation to address the safety of the complainant or any member of the VSU community and avoid retaliation. If, in the judgment of the Vice President of Student Affairs, Title IX Coordinator or other VSU administrative leadership, the safety and well-being of any member of the VSU community may be jeopardized by the presence on campus of the accused individual, they may provide interim remedies to address the short-term effects of harassment, discrimination and/or retaliation and to prevent further violations. VSU will seek the consent of the complainant before taking interim measures to the greatest degree possible. Interim measures may include, but are not necessarily limited to changes in classroom schedules, housing, no-contact order, bar from campus, escorts on campus, referral and coordination of counseling and health services, and modification of work, academic or training requirements. The University may temporarily reassign or place on administrative leave an employee alleged to have violated this policy. In such a situation, the employee will be given the opportunity to meet with the Title IX Coordinator prior to such action being imposed, or as soon thereafter as reasonably possible, to show cause why the action should not be implemented.

**Timely Warnings**

Virginia State University is required by federal law to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of
the campus community. **Virginia State University** will ensure, to every extent possible, that a victim's name and other identifying information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safely in light of the potential danger.

**Coordination with Director of Student Conduct/Hearing Board, as applicable**

**Virginia State University**’s Title IX Coordinator is responsible for overseeing all complaints of discrimination and identifying and addressing any pattern or systemic problems that arise during the review of such complaints. Department of Student Conduct/Student Hearing Board, as applicable is charged with promoting appropriate student behavior and to enforce the rules and regulations outlined in the Virginia State University Student Code of Conduct. The office is also responsible for ensuring that students are treated fairly and that the appropriate judicial process is followed when rules and regulations are reported to have been broken.

Any member of the Department of Student Conduct/Student Hearing Board, as applicable, receiving a report of alleged sexual misconduct or sexual violence shall report it without delay to the Title IX Coordinator and the VSU Police as appropriate. The Department of Student Conduct/Student Hearing Board, as applicable shall undertake independent efforts to administratively investigate student versus student complaints of harassment, sexual misconduct or violence in accordance with policy procedures and under the oversight of the Title IX Coordinator.

The Department of Student Conduct/Student Hearing Board, as applicable shall report the findings of administrative investigations, inclusive of penalties, if any, to the Title IX Coordinator and the Vice President of Student Affairs. At the conclusion of the investigation, the Title IX Coordinator or the Vice President for Student Affairs may, in cases other than those involving allegations of sexual violence, refer the matter for adjudication to resolve the concern(s) formally through the student judicial process. The Vice President for Student Affairs along with Title IX Coordinator shall be apprised of all sanctions recommended through the student hearing process for complaints alleging student versus student harassment, sexual misconduct or violence.

**Investigation and Resolution**

There are two possible methods for investigation and resolution of a complaint alleging violations of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy: formal and informal resolution. For alleged violations of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy other than sexual misconduct, the complainant and the respondent have the option to proceed under an informal [administrative] procedure, when deemed permissible by the Title IX Coordinator. The Title IX Coordinator will explain the informal and formal procedures to both the complainant and the respondent, if known. In all cases, **Virginia State University** will
ensure there is no actual conflict of interest in the investigation and resolution of complaints and will strive to avoid the appearance of conflict of interest.

A. Informal investigation and resolution

If the complainant, the respondent, and the Title IX Coordinator or Department of Student Conduct, as appropriate, all agree that an informal investigation and resolution should be pursued, an attempt shall be made to facilitate a resolution that is agreeable to the parties. Under this procedure, the Title IX Coordinator or Department of Student Conduct, as appropriate, will conduct a preliminary investigation only to the extent fact-finding is needed to resolve the conflict and to protect the interests of the parties, Virginia State University, and the campus community. Both parties will be permitted to request witnesses to be interviewed by the Title IX Coordinator or Department of Student Conduct, as appropriate and other evidence to be considered in the preliminary investigation. Typically, a preliminary investigation will be completed within 60 days of receipt of notice. If extension of the preliminary investigation beyond 60 days is necessary, all parties will be notified of the expected resolution time frame. If at any point during this informal investigation and resolution procedure, the complainant, the respondent, or the Title IX Coordinator or Department of Student Conduct, as appropriate, wish to suspend the informal procedure and proceed through the formal grievance procedure, such request will be granted.

Any resolution of a complaint through the informal procedure must adequately address the concerns of the complainant, as well as the rights of the respondent and the responsibility of Virginia State University to prevent, address, and remedy alleged violations of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy. Informal resolution remedies might include providing training, providing informal counseling to an individual whose conduct, if not ceased, could rise to the level of a policy violation, confidential briefing of the respondent’s work supervisor, use of penalties through the student hearing process, or other methods. All parties will be provided written notification of the resolution of the complaint through the informal procedures, including whether the preliminary investigation substantiated a policy violation(s) by a preponderance of the evidence. There shall be no right of appeal afforded to the complainant or the respondent following informal investigation and resolution.

B. Formal investigation and resolution

Formal investigation and resolution procedures for student versus student complaints or reports of harassment, sexual misconduct or violence will be administered in accordance with the Student Code of Conduct student hearing process. Only trained investigators will be assigned to conduct investigations. For all other complaints of discrimination, harassment, and retaliation, the procedures below will be followed.
1. A formal complaint may be submitted either in written format or through a verbal interview of the complainant by the Title IX Coordinator regarding the events and circumstances underlying the complaint. The complainant is not required to submit a written complaint to the Title IX Coordinator to commence an investigation. In the case of a third party notification, the Title IX Coordinator, or a member of the Title IX Team will contact the alleged victim promptly, and in no case later than three calendar days from the date of the complaint. The complaint may be supplemented by additional supporting documents, evidence, or recommendations of witnesses to be interviewed during the course of the investigation. The complainant must also disclose if a formal complaint has been filed with another Virginia State University, state, or federal entity for the same offense.

2. The Title IX Coordinator will discuss the complaint with the complainant and the respondent as appropriate, including providing information about the formal investigation procedure and other resources. The Title IX Coordinator will explain to the parties that each has the opportunity to provide evidence and to suggest witnesses to be interviewed during the course of the investigation.

3. The Title IX Coordinator will consider whether interim measures and involvement of other Virginia State University leadership is appropriate. The Title IX Coordinator also will confirm that the matter involves an alleged violation of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy, thereby conferring jurisdiction on the Title IX Coordinator's office. If the Title IX Coordinator determines that the Title IX Coordinator's office does not have jurisdiction, the Title IX Coordinator will offer to assist the complainant and, as appropriate, the respondent, in finding appropriate on-campus and off-campus resources to address the issues.

4. The Title IX Coordinator will conduct a prompt, adequate, reliable, and impartial investigation of the complaint. Typically an investigation, not including the time necessary for potential appeals, will be completed within 60 days of receipt of notice. If extension of the investigation beyond 60 days is necessary, all parties will be notified of the expected time frame. Only trained investigators will be assigned to conduct investigations. All investigations of complaints alleging violations of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy shall be overseen by the Title IX Coordinator.

5. Both complainant and respondent will have the same opportunity to review and respond to evidence obtained during an investigation and will be afforded the same opportunity to review and provide comment to the investigator about the written investigation report before it is finalized.
6. The Title IX Coordinator will determine whether there is a preponderance of the evidence to substantiate the complaint of an alleged violation of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy. A respondent will not be found in violation of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy absent a finding of preponderance of evidence that the violation occurred. The "preponderance of the evidence" standard requires that the weight of the evidence, in totality, supports a finding that it is more likely than not that the alleged misconduct occurred.

7. In determining whether alleged harassment has created a hostile environment, the Title IX Coordinator shall consider not only whether the conduct was unwelcome to the complainant, but also whether the conduct was severe or pervasive and whether a reasonable person similarly situated to the complainant would have perceived the conduct to be objectively offensive.

8. The Title IX Coordinator shall prepare a written investigation report, which shall be provided to both the complainant and the respondent concurrently. In most cases the written investigation report shall be provided to both parties within 60 days of notice of the allegation. If extension of the time frame for the Title IX Coordinator to finalize the investigation report beyond 60 days is necessary, all parties will be notified of the expected time frame for completion of the investigation report.

9. If the Title IX Coordinator finds by a preponderance of the evidence that a violation of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy did not occur, the matter will be documented as closed. The Complainant may appeal the finding in the following ways. Faculty may appeal to the President or his/her designee or the Appeals Subcommittee of the Faculty Senate Committee on Reconciliation, and staff may appeal to the President or his/her designee under the procedure described below.

If the Title IX Coordinator finds by a preponderance of the evidence that violation of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy did occur, the Title IX Coordinator's written report will contain recommendations for steps that should be taken to prevent recurrence of any such violation and, as appropriate, remedies for the complainant and the community. The written report also will contain the Title IX Coordinator's recommendation on sanctions. If interim measures as described above have been taken, the Title IX Coordinator shall include a recommendation regarding continuation, suspension or modification of any such interim measures. The Title IX Coordinator shall provide the written report to both the complainant and respondent, in accordance with subsection 8, above, including the steps the Title IX Coordinator has recommended to eliminate a hostile environment, if one was found to exist, and to prevent its recurrence. Notwithstanding any other provision of these procedures, the respondent shall not be provided information about the individual remedies offered or

Revised May 13, 2010; November 25, 2014
provided to the complainant, but such information shall be provided to the complainant. The respondent and the complainant will be advised of their right to appeal any finding or recommended sanction(s). If the respondent does not contest the finding or recommended sanction, the respondent shall sign a statement acknowledging no contest to the finding and the recommended sanction.

The completed investigation will be provided to the appropriate individual to determine and impose appropriate sanctions, as described below.

**Sanctions**

1. Sanctions for students will be determined by the Vice President for Student Affairs in accordance with student regulations and policies and, where necessary or appropriate, in consultation with the President. Sanctions may include, but are not limited to, disciplinary penalties described in the student handbook, suspension or dismissal/expulsion.

2. Sanctions for teaching and research faculty will be determined by the Provost, in consultation with the President and in accordance with the faculty handbook. Sanctions for non-teaching faculty and other non-classified staff shall be determined by the appropriate supervising manager and the Office of Human Resources, or the President, in accordance with the applicable Virginia State University policy. Possible sanctions include, but are not limited to counseling, training, reassignment, or the initiation of termination proceedings.

3. Sanctions for classified employees will be determined by the appropriate supervising manager and the Office of Human Resources in accordance with the Commonwealth’s Standards of Conduct Policy, 1.60. Sanctions that may be imposed by Virginia State University include, but are not limited to verbal counseling, additional training, issuance of a Written Notice, suspension, or termination of employment.

4. Contractors shall assign for duty only employees acceptable to Virginia State University. Virginia State University reserves the right to require the Contractor to remove from campus any employee who violates the Sexual Misconduct, Interpersonal Violence and Retaliation Policy.

5. Visitors (including, but not limited to, students participating in camp programs, non-degree seeking students, exchange students, and other students taking courses or participating in programs at Virginia State University), who violate the Sexual Misconduct, Interpersonal Violence and Retaliation Policy will be directed to immediately leave campus and may be subject to a permanent bar from campus.
6. Determination regarding the imposition of sanctions shall be made within 15 calendar days of the date of the Title IX Coordinator's final investigative report. If extension of the time frame for sanctions to be imposed beyond 15 days is necessary, all parties will be notified of the expected time for completion of the investigation report. Respondent shall be informed in writing of any sanctions imposed for violation of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy by the individual imposing the sanctions within five calendar days of the determination. The Title IX Coordinator shall be provided a copy of such written notification. The Title IX Coordinator will disclose to the complainant within five calendar days of notification to respondent sanctions that directly relate to the complainant as permitted by state and federal law including the Federal Educational Rights and Privacy Act (FERPA) and the Virginia Freedom of Information Act. The Title IX Coordinator also will disclose in writing to the complainant the final results of a disciplinary proceeding involving the respondent with regard to an alleged forcible or non-forcible sex offense, act of stalking, domestic violence or dating violence on the complainant, as permitted by state and federal law including FERPA and the Virginia Freedom of Information Act.

**Discrimination Appeals Committee**

1. **Composition of the Committee Designated by the President or his/her Designee**
   The President may uphold the sanction decision or defer the matter to the appropriate appeals committee. The Discrimination Appeals Committee ("Committee") shall be comprised of three trained individuals: one faculty member, one non-faculty member of the administration, and one classified employee, to be nominated by the Associate Vice President of Compliance and Human Resources. The President shall appoint members of the Committee and the Committee Chair. Committee members shall serve indefinitely at the pleasure of the President. The President may appoint one or more persons to serve on the Committee temporarily to fill a vacancy due to recusal or otherwise to ensure a full three-member Committee. The President has sole discretion to permanently remove members of the Committee for cause.

2. **Appeal Procedure**
   Faculty may appeal to the President or his/her designee or the Appeals Subcommittee of the Faculty Senate Committee on Reconciliation in accordance with the procedures outlined in the faculty handbook. Staff may appeal to the President or his/her designee under the procedure described below.

A. A complainant or respondent desiring to appeal the investigative findings of the Title IX Coordinator shall file a written request for appeal with the Title IX Coordinator within three (3) business days of receipt of the written investigation report along with information to support one or more of the following grounds for appeal:
The Title IX Coordinator exhibited unfair bias which influenced the results of the investigation;

ii. new evidence, unavailable at the time of the investigation, that could substantially impact the Title IX Coordinator's finding;

iii. error in the conduct of the investigation that is of such magnitude as to deny fundamental fairness.

iv. the sanctions recommended by the Title IX Coordinator are substantially outside the parameters or guidelines set by Virginia State University for this type of offense or the cumulative conduct record of the respondent.

B. Within five (5) days of receipt of the written request for appeal, the Title IX Coordinator will notify the parties of the time and place of hearing before the Committee. Such hearing typically will be scheduled within fifteen (15) days of receipt of the request for appeal. If extension beyond fifteen (15) days is necessary, both parties will be notified of the expected time frame.

C. Within five (5) days of filing the request for appeal, the party appealing the Title IX Coordinator's findings (appellant) must submit a written statement that (i) identifies the names and addresses of witnesses that are requested to be called at the hearing; (ii) identifies and includes copies of any documents that will be used as evidence at the hearing; (iii) describes with specificity the portion of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy allegedly violated and the grounds for appeal; and (iv) requests a specific remedy.

The non-appellating party (appellee) also may submit such information for the Committee's consideration. If the appellee chooses not to participate in the Committee hearing, the Title IX Coordinator will provide to the Committee within five (5) days of notification that the appellee will not participate in the hearing; (i) the written investigative report; (ii) the names and addresses of witnesses the Title IX Coordinator will call at the hearing; and (iii) identification and copies of any documents that will be submitted as evidence at the hearing. If the appellee provides notification less than five (5) days prior to the scheduled hearing that he or she will not participate, the hearing shall be postponed to give the Title IX Coordinator a full five (5) days to provide the Committee the above information.

The Title IX Coordinator shall provide the written investigation report and all witness information and documents identified pursuant to this subsection to the Committee and to all parties at least three (3) days prior to the hearing.

D. Both the appellant and the appellee may retain legal counsel at their own expense or designate a non-attorney advisor to accompany him or her at any meeting or proceeding in the appeal process. If either party has retained legal counsel or a non-attorney advisor, the party must immediately notify the Committee Chair of such
representation. The role of counsel or the non-attorney advisor for the parties shall be limited to advice and consultation with the attorney's client and the client's witnesses. Neither counsel/advisor for the appellant nor counsel/advisor for the appellee shall be permitted to question witnesses, raise objections, or make statements or arguments to the Committee at the hearing. If either party is represented by legal counsel, Virginia State University may be represented at the hearing by assigned legal counsel from the Office of the Attorney General, who will ensure that the rights of Virginia State University and the parties are respected.

E. The Chair of the Committee shall preside over the hearing. The hearing will be a non-adversarial proceeding and the rules of evidence shall not be strictly applied. However, the Chair of the Committee may limit evidence or testimony that is not relevant to a determination of whether a violation of the Sexual Misconduct, Interpersonal Violence and Retaliation Policy occurred and whether the grounds for appeal are met by a preponderance of evidence. The hearing will be conducted in a fair and impartial manner. Both appellant and appellee, or the Title IX Coordinator if the appellee does not participate, will address the Chair of the Committee and not each other. The Chair will be the final decision-maker on all matters of procedure during the hearing. All hearings will be closed to the public.

F. The past sexual history or sexual character of a party to the complaint, complainant or respondent, with anyone other than each other, will not be admissible. Notwithstanding the above, demonstration of pattern, repeated, and/or predatory behavior by the respondent, in the form of previous findings in any Virginia State University or judicial proceeding will be admissible. The parties will be notified in advance of the hearing if any information addressed by this paragraph is deemed admissible.

G. Within ten (15) days of the hearing, the Committee will submit a written decision to the parties, the Title IX Coordinator, and the President. The decision shall include: (i) a description of the appellant's grounds for appeal; (ii) whether such grounds are accepted or rejected and the rationale for such determination; (iii) the Committee's decision to uphold or reject the findings of the Title IX Coordinator and/or the recommended sanction and the rationale for such determination; (iv) if the Title IX Coordinator's findings and/or recommended sanction are rejected, the findings of the Committee and recommendations for resolution.

H. Within three (3) days of the Committee's decision, the President shall notify the Committee, the Title IX Coordinator, and the parties, in writing, of his decision relative to the findings and recommendations of the Committee. The decision of the President is final with no further right to appeal.
Documentation and record-keeping

The Title IX Coordinator shall maintain, in a confidential manner, for at least ten (10) years paper or electronic files of all complaints, witness statements, documentary evidence, written investigation reports, resolutions, and appeal hearings and associated documents. The Title IX Coordinator will prepare a monthly summary of pending complaints that will be presented to the Associate Vice President for Compliance & Human Resources and also will be retained for at least ten (10) years. Such summary will contain sufficient information to permit the Title IX Coordinator, Associate Vice President for Compliance & Human Resources and the President to assess Virginia State University’s compliance with the requirements of Title IX.

APPROVED BY: __________________________

PRESIDENT

DATE: ___________________