



POLICY TITLE
TITLE IX FORMAL GRIEVANCE PROCEDURE

POLICY NUMBER:
12-002

Responsible Unit: <i>System Office for Compliance</i>	Effective Date: <i>08/19/2023</i>
Responsible Official: <i>System Director for Compliance</i>	Last Reviewed Date: <i>08/19/2023</i>
Policy Classification: <i>Safety and Security Policies</i>	Origination Date: <i>08/2015</i>

I. POLICY STATEMENT AND RATIONALE

The Title IX Formal Grievance Procedure supplements the Power-Based Violence/Sexual Misconduct Policy (Policy Number 6-001). The Title IX Formal Grievance Procedure addresses allegations of Title IX Sexual Harassment subject to the Title IX Regulations adopted by the U.S. Department of Education (USDOE), effective August 14, 2020. Misconduct that falls outside the scope of the Title IX Regulations (i.e., other power-based violence) may be addressed by applying the Power-Based Violence/Sexual Misconduct Policy (Policy Number 6-001) or appropriate Human Resources policy. The Title IX Grievance Procedure and its terms supersede any policies or procedures pertaining to the investigation or adjudication of “sexual harassment” as defined in this Policy.

Upon the effective date of this Policy, all institutions of the System shall immediately begin complying with this Policy. This Policy and all related processes shall be posted on the website of each institution of the System.

The System Office for Compliance may develop supplementary procedures to further support the implementation of this Policy among the institutions of the System. However, this Policy establishes various mandatory obligations with which all supplementary procedures must comply.

II. POLICY SCOPE AND AUDIENCE

The USDOE’s Title IX Regulations apply to both:

1. Conduct on the basis of sex that constitutes “sexual harassment” (§106.30); and

2. Conduct that relates to an Institution's "education program or activity" against a person in the United States on or after August 14, 2020.

A. SEXUAL HARASSMENT (§106.30)

Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following criteria:

1. An employee of the Institution conditioning the provision of an aid, benefit, or service of the Institution on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institution's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

B. EDUCATION PROGRAM OR ACTIVITY

An education program or activity includes locations, events, or circumstances in which an Institution exercise substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by an Institution. The Title IX Regulations exclude any education program or activity that does not occur in the United States. (§106.44(a).)

Conduct that does not satisfy the USDOE's jurisdictional requirement, such as off-campus behavior alleged to have an on-campus effect, may be addressed under alternative procedures such as the overarching Power-Based Violence/Sexual Misconduct Policy (Policy No. 6-001) or the appropriate Human Resources policy.

This Policy is intended to address individuals who have been affected by Title IX misconduct, whether as a Complainant, a Respondent, or a witness, and to provide fair and equitable procedures for all parties. It is applicable to all institutions of the Southern University System.

III. POLICY COMPLIANCE

The System and its institutions are subject to this Policy and all related procedures. Each Institution's Title IX Coordinator is the responsible official for implementation of this policy on the institutional level.

IV. POLICY DEFINITIONS

- A. **Actual Knowledge:** Notice of sexual harassment or allegations of sexual harassment to an Institution's Title IX Coordinator or any official of an Institution who has authority to institute corrective measures on behalf of the Institution.

- B. **Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- C. **Formal Complaint:** Under this Policy, a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the Institution investigate the allegation. At the time of the filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the Institution with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title Coordinator in person, by mail, by e-mail, or by any additional method designed by the Institution.
- D. **Respondent:** An individual alleged to be the perpetrator of misconduct that could constitute sexual harassment under Title IX.
- E. **Sexual Harassment:** Misconduct on the basis of sex that satisfies one or more of the following criteria:
 - a. An employee of the Institution conditioning the provision of an aid, benefit, or service of the Institution on an individual's participation in unwelcome sexual conduct;
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institution's education program or activity; or
 - c. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Institution's educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus, and other similar measures. The Institution must maintain as confidential any Supportive Measures provided to the Complainant or the Respondent, to the extent that maintaining such confidentiality would not impair the ability of the Institution to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

V. POLICY IMPLEMENTATION PROCEDURES

A. EQUITABLE TREATMENT

As required by the Title IX Regulations, Institutions are to treat Complainants and

Respondents equitably by: (1) offering Supportive Measures to a Complainant, and (2) following a grievance process that complies with the procedural requirements of the Title Regulations before the imposition of any disciplinary sanctions against a Respondent. (§106.44(a); §106.45(b)(1)(i).) Supportive Measures also may be offered as needed to Respondents and other individuals who belong to an Institution's community and who may be affected by sexual harassment.

An individual's status as a Respondent shall not be considered a negative factor during any process under this Procedure. Respondents are entitled to, and will receive the benefit of, a presumption that they are not responsible for the alleged misconduct unless and until the process concludes and a determination regarding responsibility is issued. Similarly, a person's status as a Complainant, a Respondent, or a witness will not determine whether that person is deemed credible. (§106.45(b)(1)(ii-iv).)

Remedies are to be provided to a Complainant only if the grievance process described in this Policy results in a determination that the Respondent is responsible for sexual harassment. Remedies are designed to restore or preserve equal access to an Institution's education program or activity and may include the same individualized services as Supportive Measures. Remedies may be disciplinary and punitive and may burden a Respondent. (§106.45(b)(1)(i).)

Title IX Coordinators, Investigators, Decision Makers, and any person who facilitates an informal resolution process (collectively, Title IX Administrators) will not have a conflict of interest or bias in favor of or against any party or participant in sexual misconduct (i.e., Complainants, Respondents, or witnesses).

B. TIME FRAME TO RESOLVE GRIEVANCE

Under normal circumstances, most grievance processes will conclude within sixty (60) days. For good cause, a temporary delay in the grievance process or the limited extension of time frames may be allowed with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include 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. Any delay or extension must be approved by the System Director for Compliance.

C. TITLE IX FORMAL GRIEVANCE PROCEDURE

This section outlines the steps taken to initiate a grievance and the procedural requirements for investigation and adjudications of Formal Complaints in accordance with federal regulations. The Title IX Coordinator will report all power-based violence and Title IX cases involving employees to the appropriate Human Resources Director.

1. FILING A FORMAL COMPLAINT

A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment as defined by the Title IX

Regulations against a Respondent and requesting an Institution investigate the allegation of sexual harassment. The submission of a Formal Complaint and its receipt by the Title IX Coordinator triggers the Title IX Formal Grievance Procedure.

A Formal Complaint must be in writing and may be filed with the Title IX Coordinator in person, by mail, or by e-mail. The Formal Complaint must contain that the Complainant is the person filing it. (§106.30) At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity.

When an Institution receives an allegation of misconduct that falls within the scope of this Policy, whereby it meets both the Title IX Regulations' definition of "sexual harassment" and their jurisdictional requirements, but no Formal Complaint is filed, then the Title IX Regulations prevent an Institution from administering a formal grievance process (including any informal or early resolution) that permits the imposition of any disciplinary sanctions or other actions against a Respondent. Supportive Measures, however, may still be offered.

a. TITLE IX COORDINATOR FILING COMPLAINT

A Title IX Coordinator may sign a Formal Complaint to initiate or continue the Title IX Formal Grievance Procedure process, if necessary, to fulfill an Institution's duty to not be deliberately indifferent to actual knowledge of sexual misconduct.

Signing a Formal Complaint does not make a Title IX Coordinator a Complainant or otherwise a party.

b. WITHDRAWAL

After filing a Formal Complaint, a Complainant may withdraw their Formal Complaint at any time by providing written notice to the Title IX Coordinator. That withdrawal concludes the Title IX Formal Grievance Procedure process unless the Title IX Coordinator takes action under Subsection a (Title IX Coordinator Filing Complaint).

c. CONSOLIDATION

Institutions, at their discretion, may consolidate Formal Complaints alleging 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.

d. MANDATORY DISMISSAL

If the misconduct alleged in the Formal Complaint does not satisfy the requirements of sexual harassment as defined by §106.30, an Institution must dismiss the Formal Complaint under the Title IX Formal Grievance Procedure. However, the Title IX Coordinator will transfer the Formal Complaint to the Power-Based Violence/Sexual Misconduct Policy (Policy Number 6-001) for review and possible investigation and resolution.

The Institution will notify the parties simultaneously and in writing that the Formal Complaint is being dismissed for the purposes of the Title IX Formal Grievance Procedure process, and of the transfer if applicable. Each party may appeal this dismissal to the System Director for Compliance or his or her designee in accordance with the appeals process in this Policy.

e. PERMISSIVE DISMISSAL

An Institution may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

- i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- ii. The Respondent is no longer enrolled in or employed by the Institution, or
- iii. Specific circumstances prevent the Institution from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. (These specific circumstances must be outlined in detail and approved by the System Director for Compliance.)

Upon dismissal, the Institution must promptly send written notice of the dismissal and reason(s) simultaneously to the parties.

2. INITIAL STEPS AND DETERMINATION OF APPROPRIATE PROCEDURES

Upon Actual Knowledge of a Report of alleged misconduct, the Title IX Coordinator should perform an initial assessment consistent with information outlined in Section VI.4.i.a (Initial Contact with Potential Complainant) of the Power-Based Violence/Sexual Misconduct Policy (Policy Number 6-001), which includes making initial contact with the potential Complainant of the Report and offering information to include Supportive Measures. The Title IX Coordinator will report all Power-Based Violence and Title IX cases involving employees to the appropriate Human Resources Director.

If the initial assessment reveals that the alleged misconduct does meet the definition of sexual harassment as contained within the USDOE's Title IX Regulations, the investigations must proceed pursuant to the Title IX Formal Grievance Procedure. If the alleged conduct does not meet USDOE's definition of sexual harassment, the investigation will proceed pursuant to the Power-Based Violence/Sexual Misconduct Policy (Policy Number 6-001) or the appropriate Human Resources policy.

3. INVESTIGATION

a. NOTICE

Upon receipt of a Formal Complaint, the Institution must provide written notice to the following to known parties:

- i. The investigation and adjudication process, including any informal process;
- ii. Allegations of sexual harassment, including sufficient details known at the time. Sufficient details include the identities of parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
- iii. 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;
- iv. The parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- v. The parties may inspect and review evidence;
- vi. The parties are prohibited from knowingly making false statements or knowingly submitting false information during the investigation and adjudication process; and
- vii. If the Institution decides to investigate additional allegations not included in the original notice, it must provide notice of the additional allegations to the parties whose identities are known.

b. INVESTIGATION PROCEDURE

The Title IX Coordinator shall appoint an Investigator to investigate the allegations documented in the Formal Complaint. The investigation may include, among other steps, interviewing the Complainant, the Respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files; and gathering and examining other relevant documents, social media posts, and other evidence.

The Investigator will attempt to collect all relevant information and evidence. Following the investigation, the Investigator will draft an investigative report succinctly describing all collected information. The

Investigator will not make any determination as to whether a policy violation has occurred or recommend potential sanctions.

While investigating the allegations of any Formal Complaint of sexual harassment, the Investigator will conduct an objective evaluation of all relevant evidence. Relevant evidence is any evidence that may tend to make the allegations at issue more or less likely to be true. (See §106.45(b)(1)(ii).)

When investigating a Formal Complaint and throughout the investigation and adjudication process, the Institution must:

- i. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the Institution and not on the parties;
- ii. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- iii. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- iv. Provide the parties shall have the right to an Advisor, who at the Complainant or the Respondent's expense, may be an attorney or a non-attorney advocate who may fully participate during any stage of this Title IX Formal Grievance Procedure;
- v. Provide written notice to each party of the date, time, location, participants, and purposes of each Title IX Formal Grievance Procedure meeting and why they are invited to participate, with sufficient time for the party to prepare to participate;
- vi. 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 a Formal Complaint, including the evidence upon which the Institution does not intend to rely on 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 the conclusion of the investigation.
 - 1) Prior to completion of the investigative report, the Institution must send the report to each party and 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 investigator will consider prior to completion of the investigative report.
 - 2) The Institution must make available at any hearing all such evidence subject to the parties' inspection and review, to give each party equal opportunity to refer to such evidence during the hearing, including for purposes

of cross-examination; and

- vii. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the hearing, send to each party and each party's Advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.
- viii. The Title IX Coordinator shall send notice of the hearing to the parties. The date of the hearing shall be no less than seven (7) business days from receipt of the notice of the hearing by the parties.
- ix. The Decision Maker shall receive a copy of the final investigative report at least seven (7) days before the hearing.

4. HEARINGS

In assessing allegations of sexual harassment, the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard, and the same standard applies for Formal Complaints against students as for Formal Complaints against employees, including faculty. Additionally, the same standard of evidence applies to all Formal Complaints of sexual harassment.

Institutions must provide for a live hearing. A Decision Maker will consider all of the evidence presented and determine whether a Respondent is responsible for a violation of this protocol. The Decision Maker will not be the same person as the Title IX Coordinator or the Investigator. Cases will be adjudicated by a trained Decision Maker. The Decision Maker is typically a hearing panel of three (3) trained members. However, the System Director for Compliance may approve a deviation. The Title IX Coordinator shall select a chair for the hearing panel.

At the request of either party, an Institution must provide for the live hearing to occur with the parties located in separate rooms, with technology enabling the Decision Maker and parties to simultaneously see and hear the party or the witness answering questions. Institutions will create a transcript or recording (audio or audiovisual) of any adjudicative hearing to be made available to the parties for inspection and review pursuant to FERPA.

At the live hearing, the 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. 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. (§106.45(b)(6)(i).) 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 Decision Maker (or chair, if the Decision Maker is a hearing panel) 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 Institution must provide, without fee or charge to that party, an Advisor of the Institution's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

A Decision Maker may consider statements made by parties or witnesses that are otherwise permitted under the Title IX Regulations, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility in Title IX Formal Grievance Procedure.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the Institution's discretion, any or all parties, witnesses, and other participants appearing at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

Institutions must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

a. DETERMINATION REGARDING RESPONSIBILITY

The Decision Maker shall issue a written determination to the Title IX Coordinator with any sanctions, if applicable, within fifteen (15) days regarding responsibility, which must include:

- i. Identification of the allegations potentially constituting sexual harassment;
- ii. A description of the procedural steps taken from receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of the Policy to the facts;
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any sanctions the Institution will impose on the Respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the Complainant; and

- vi. Procedures and permissible bases for parties to appeal.

The Decision Maker shall determine the sanctions for students while Human Resources shall determine sanctions for employees. Therefore, for employees, the Decision Maker must consult with Human Resources for a determination of sanctions before issuing their written determination when applicable.

The Title IX Coordinator shall notify the parties simultaneously of the written determination and any sanctions, if applicable, within two (2) business days of receiving the written findings from the Decision Maker.

The determination regarding responsibility becomes final either on the date that the Title IX Coordinator provides the parties with the written determination of the result of the 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.

5. SANCTIONS

Factors considered when determining a sanction may include, but are not limited to:

- i. The nature, severity of, and circumstances surrounding the violation(s);
- ii. The Respondent's disciplinary history;
- iii. Previous allegations or allegations involving similar misconduct;
- iv. The need for sanctions to bring an end to the discrimination, harassment, or retaliation;
- v. The need for sanctions to prevent the future recurrence of discrimination, harassment, or retaliation;
- vi. The need to remedy the effects of the discrimination, harassment, or retaliation on the Complainant and the community;
- vii. The impact on the parties; and
- viii. Any other information deemed relevant by the Decision Maker.

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. Within 24 hours of the outcome of any appeal or the expiration of the window of appeal without an appeal being requested, the later of the two, the Title IX Coordinator shall notify Student Affairs or Human Resources respectively of the Respondent's sanctions for implementation, monitoring, and execution.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

a. STUDENT

The following are the usual sanctions that may be imposed upon a student Respondent found Responsible of Title IX misconduct:

- i. **Community Service:** An assigned number of hours of service to an on or off-campus organization.
- ii. **Eviction from Facilities:** Removal from resident facilities or other campus facilities as designated in the written notification. Fees will not be refunded to a student who is evicted from residence facilities.
- iii. **Expulsion:** Permanent termination of student status and revocation of right to be on campus for any reason or to attend the System or its institutions' sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript. An expelled student may not apply for (re)admission to any institution in the System.
- iv. **Mandatory Withdrawal:** Forced removal from an academic course in which an offense occurred without credit for the course. Forced removal from a campus club/organization, University Royal Court, or position of student leadership.
- v. **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the Respondent is found in violation of any institutional policy, procedure, or directive within a specific period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, or other measures deemed appropriate.
- vi. **Required Counseling:** A mandate to meet with an engage in either the System or its institutions' sponsored or external counseling to better comprehend the misconduct and its effects.
- vii. **Suspension:** Termination of student status for a definite period of time not to exceed two years or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the System or its institutions.
- viii. **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any of the System or its institutions' policies, procedures, or directives will result in more severe sanctions/responsive actions.

b. EMPLOYEE

The following are the usual sanctions that may be imposed upon an employee Respondent found Responsible of Title IX misconduct:

- i. Warning – Verbal or Written
- ii. Performance Improvement/Management Process
- iii. Required Counseling

- iv. Required Training or Education
- v. Probation
- vi. Loss of Annual Pay Increase
- vii. Loss of Oversight or Supervisory Responsibility
- viii. Demotion
- ix. Suspension with pay
- x. Suspension without pay
- xi. Termination

6. APPEALS

Appeals should only be raised on one or more of the following grounds:

- a. A procedural irregularity that affected the outcome of the matter;
- b. To consider new facts or information that were not known or knowable to the appealing party before or during the time of the resolution and that are sufficient to alter the decision;
- c. The decision reached was not supported by a preponderance of evidence; or

The parties may appeal a determination from the Decision Maker. A written notice of appeal outlining the reasons for the appeal shall be filed with the Title IX Coordinator within ten (10) days after receiving the written determination from the Title IX Coordinator.

Upon receiving a written notice of appeal, the Title IX Coordinator shall provide a copy to the other party giving the other party five (5) days to provide a written response to the appeal. After the lapse of the response time, the Title IX Coordinator shall forward the appeal, appellate response, and case file to appellate adjudicator for adjudication of the appeal.

The appellate adjudicator shall be the System Director for Compliance or his or her designee. The appellate adjudicator may GRANT THE APPEAL or DENY THE APPEAL. If the appeal is granted, the appellate adjudicator may ORDER A NEW HEARING or REDUCE or MODIFY THE SANCTIONS.

Upon receipt of the appeal, appellate response, and case file, the appellate adjudicator shall have fourteen (14) days to issue a written decision with rationale to Title IX Coordinator. Upon receipt of the written decision from the appellate adjudicator, the Title IX Coordinator shall notify the parties simultaneously of the written decision within two (2) business days.

If the appeal results in the reversal of a decision or a lessening of the sanction, the Institution shall reimburse the student for any tuition and fees paid for the period of suspension, including a deferred suspension, or expulsion which had not been previously refunded, if applicable.

In the event that a New Hearing is ordered, the appellate Decision Maker shall not have been part of the initial resolution hearing decision. The notice of the

New Hearing shall be sent by the Title IX Coordinator and comply with the requirements of the original hearing.

It should be noted that all previous and new information regarding the Title IX misconduct matter may be used during the New Hearing. New sanctions, which may be lesser or greater than the original sanctions, may be imposed by the appellate Decision Maker if the Respondent is found responsible. The appellate decision is the final authority on the matter.

D. INFORMAL RESOLUTION

At any time prior to reaching a determination regarding responsibility, the Institution may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. An Institution may not offer an informal resolution process unless a Formal Complaint is filed. An Institution may not require the parties to participate in an informal resolution process and will not require them to waive their rights to a Title IX Formal Grievance Procedure. (§106.45(b)(9).)

E. RECORD-KEEPING

Records created or received under this Policy shall be maintained for seven (7) years from the date of final closure of each matter.

VI. POLICY RELATED INFORMATION

- Louisiana Campus Accountability and Safety Act (La. R.S. 17:3399.11, et seq.)
- Louisiana Student Due Process and Protection Act (La. R.S. 17:3394)
- Title VII of the Civil Rights Act of 1964
- Title IX of the 1972 Education Amendments
- Section 304 of the Violence Against Women Reauthorization Act of 2013

VII. POLICY HISTORY AND REVIEW CYCLE

The System Office for Compliance in conjunction with the Title IX Coordinators for each institution of the Southern University System will be charged with implementing this, Policy.

This Policy replaces any current System or Institution's power-based violence and is subject to a five-year policy review cycle.

VIII. POLICY URL

The information regarding the Title IX Formal Grievance Procedure Policy will be posted to the System Board's website under Board Policies at www.sus.edu and on each of the Institution's websites.

IX. POLICY APPROVAL

The effective date of this Policy is determined by the approval date of the President-Chancellor

of the Southern University and A&M College System and the Board of Supervisors of the Southern University and A&M College System.



Dennis J. Shields
President-Chancellor, Southern University and A&M College System

8/19/23
Effective Date of Policy



The Honorable Myron K. Lawson
Chair – Southern University System Board of Supervisors

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