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Title IX Policy

Title IX Policy

This Title IX Policy (the “**Policy**”) applies to allegations of Prohibited Conduct (defined below) occurring after September 9, 2023

This Policy supersedes all other University policies and procedures regarding Prohibited Conduct. Unless clearly established law requires the use of the current applicable procedures, the University will apply the Policy and applicable procedures or Grievance Process in effect on the date of the alleged incident of Prohibited Conduct. If an investigation involves multiple reports of Prohibited Conduct, the University may apply the Policy and applicable procedures or Grievance Process in effect as of the date of the most recent alleged Prohibited Conduct where it would be appropriate to consider all reports with regard to a totality of the circumstances analysis.

I. POLICY STATEMENT

Coastal Carolina University (the “University” or “CCU”) prohibits **Discrimination based on sex** pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§1681-1688 (“Title IX”) and the regulations promulgated thereunder, inclusive of **Sexual Misconduct** and related **Retaliation (“Prohibited Conduct”)**.

For purposes of this Policy Statement:

- A. **Prohibited Conduct** means Discrimination based on sex, inclusive of Sexual Misconduct and related Retaliation.
- B. **Discrimination based on sex** means unfair or unequal treatment in any University Education Program or Activity based on sex, gender, genetic information, sexual orientation, pregnancy, childbirth, or related medical conditions, or as established in Title IX and the regulations promulgated thereunder.
- C. **Sexual Misconduct** means Dating Violence, Domestic Violence, Sexual Assault, Sexual Exploitation, Sexual Harassment, and Stalking.
- D. **Retaliation** means any materially adverse action or threat of a materially adverse action taken by the University, or an Employee or Student thereof, against a Student or Employee who is:
 - a. Making a good faith report of wrongdoing, violation of law, or policy related to Discrimination based on sex or Sexual Misconduct;
 - b. Reasonably participating in the investigation conducted by, or at the direction of, the University related to Discrimination based on sex or Sexual Misconduct;
 - c. Reasonably objecting to or resisting wrongdoing related to Discrimination based on sex or Sexual Misconduct; OR
 - d. Being a close associate of someone who makes or may make a good faith report of misconduct related to Discrimination based on sex or Sexual Misconduct.

In addition, Retaliation includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing in the Title IX process.

II. POLICY APPLICATION

To the extent this Policy conflicts with Title IX or any regulations promulgated thereunder, as amended or modified, Title IX and the regulations shall control.

For purposes of this Policy, conduct that is deemed, by a Preponderance of the Evidence, to meet the definition of Prohibited Conduct constitutes a violation of this Policy. Unless ultimately proven otherwise pursuant to the Grievance Process of this Policy, Respondents are presumed to be not responsible for any alleged Policy violation. Respondents who are found to be in violation of this Policy pursuant to the Grievance Process of this Policy will be subject to corrective action, including Sanctions, up to and including termination from employment or expulsion from the University.

This Policy defines Prohibited Conduct, explains the University and Policy's jurisdictional limitations, provides reporting requirements and procedures, provides the range of Supportive Measures available to both Complainant and Respondent, explains how a Complainant may file a Formal Complaint, describes the University's Grievance Process and Appeal Process, and identifies the Sanctions the University may impose on a Respondent who has been found responsible for a Policy violation.

This Policy and its procedures are guidelines that the University intends to use regarding Prohibited Conduct. The University reserves the right to amend or alter this Policy, and the terms, conditions, and procedures herein, as it deems necessary. The University will endeavor to provide Students and Employees with notice of any changes to this Policy.

Students and Employees with inquiries concerning the application of this Policy to the University's programs and activities, or regarding allegations of Prohibited Conduct, are encouraged to contact the University's Office of Title IX and Protected Rights (the "Title IX Office") using the contact information provided in Section V.

This Policy is administered by the Title IX Office.

III. DEFINITIONS

The capitalized terms set forth in the Policy Statement have the definitions provided herein or in Title IX and the regulations promulgated thereunder:

- A. **Actual Knowledge:** The University has Actual Knowledge only when the University's Title IX Coordinator, the Title IX Coordinator's written designee, as prescribed in the Title IX Grievance Process, or other Employees of the Title IX Office have notice of the Prohibited Conduct or the allegations of Prohibited Conduct. The University does not have Actual Knowledge when the only individual with Actual Knowledge is the Respondent. For purposes of this Policy, the Title IX Coordinator, the Title IX Coordinator's written designee, as prescribed in the Title IX Grievance Process, and other Employees of the Title IX Office are the only University officials who have authority to institute corrective actions under this Policy.
- B. **Complainant:** A person who is reported to be the subject of conduct that could constitute Prohibited Conduct.
- C. **Consent:** Consent is based on a choice and must be informed, freely, and actively given, and mutually understandable, indicating a willingness to participate in a mutually agreed-upon activity. If an individual cannot say "no," their saying "yes" has no meaning. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has Consented before engaging in the activity. Consent is determined using both objective and subjective standard. The objective standard is met when a reasonable person (a hypothetical person in society who exercises average care, skill and judgment in conduct) would consider the words or actions of the parties to have manifested an agreement between them to do the same thing, in the same way, at the same time, with one another. The subjective standard is met when a party believes, in good faith, that the words or actions of the parties manifested an agreement between them to do the same thing, in the same way, at the same time, with one another. Under this policy, "no" always means no, but "yes" does not always mean yes, if coerced. Examples of what is not Consent, include the following:
 - 1. A person cannot Consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including alcohol or consumption of other drugs.

2. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be Consent for other sexual activity (such as intercourse).
 3. A current or previous dating relationship or sexual relationship does not constitute Consent, nor does a prior decision or plan to engage in sexual activity.
 4. Silence or the absence of resistance, alone, is not Consent.
 5. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Withdrawal can be done in numerous ways and need not be verbal.
 6. Consent is not effectively given if it results from the use of physical force, threats, intimidation, or coercion. Being verbally, emotionally, psychologically, or physically pressured into any kind of sexual activity is not Consent.
 7. Consent may never be given by an individual under the age of 16.
 8. A person may not give Consent when the person is in a state of "incapacitation," meaning a state in which someone cannot make rational, reasonable decisions because they lack the capacity to give knowing Consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction). This expression also covers a person whose incapacity results from mental disability, involuntary physical, emotional, or psychological restraint, and/or from the taking of incapacitating substances.
- D. Dating Violence: violence committed by a person:
1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 2. the existence of such a relationship will be determined based on the reporting party's statement and with consideration of:
 - a. the length of the relationship;
 - b. the type of relationship; and
 - c. the frequency of interaction between the persons involved in the relationship.
 3. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.
- E. Decision-Maker(s): an individual appointed by the University to preside over a Title IX live hearing in a Formal Resolution Process. The Decision-Maker(s) may be an employee of the University or a third party contracted to serve in the role. In no circumstance may a Student serve as a Decision-Maker. The Decision-Maker(s) will be selected to preside over a Title IX live hearing based on availability. The Decision-Maker(s) cannot have a conflict of interest with or bias for or against any member in the proceedings.
- F. Domestic Violence: a felony or misdemeanor crime of violence committed:
1. By a current or former spouse or intimate partner of the victim;
 2. By a person with whom the victim shares a child in common;
 3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; OR
 5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- To categorize an incident as Domestic Violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.
- G. Education Program or Activity: Locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Prohibited Conduct occurred, including any building owned or controlled by a Student organization that is officially recognized by the University
- H. Employee: an individual who receives compensation for work or services for which the University has the right to supervise and control the manner of performance as well as the result of the work or service. For purposes of this Policy, University faculty, staff, and Student employees are considered "employees." Volunteers and independent contractors are not considered "employees."

- I. Investigative Report: When the Investigator has completed the investigation, and if the Formal Complaint has not been dismissed, then the Investigator will prepare an investigative report that fairly summarizes the relevant evidence. Such investigative report will not include any recommended Sanctions or remedies, nor will it make a determination regarding responsibility. Both parties will receive the investigative report simultaneously prior to the Hearing.
- J. Investigator: an individual appointed by the University to investigate allegations of Prohibited Conduct. The Investigator will gather evidence in order to (i) determine if the allegations of Prohibited Conduct satisfy the definitional and jurisdictional requirements of this Policy, and (ii) provide the Decision-Maker with evidence with which to base the Written Determination of responsibility at the end of the Grievance Process. The Investigator is responsible for conducting interviews with all parties and witnesses, sharing investigative evidence with all parties for their review, and writing the Investigative Report. The Investigative Report will not recommend a determination for the Decision-Maker. The Investigator cannot have a conflict of interest with, or bias for or against any member in the proceedings.
- K. Preponderance of the Evidence: more likely than not or the greater weight of the evidence. This is the standard used when determining the outcome of any investigation.
- L. Respondent: A person who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.
- M. Sexual Assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual Assault further includes the following:
1. Sex offenses, forcible – any sexual act directed against another person, without the Consent of the victim including instances where the victim is incapable of giving Consent.
 - a. Forcible rape – (except statutory rape) the carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of his/her temporary or permanent mental or physical incapacity.
 - b. Forcible sodomy – oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of their youth or because of his/her temporary or permanent mental or physical incapacity.
 - c. Sexual assault with an object – to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 - d. Forcible fondling – the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 2. Sex offenses, nonforcible – (except prostitution offenses) unlawful, nonforcible sexual intercourse.
 - a. Statutory Rape – nonforcible sexual intercourse with a person who is under the statutory age of Consent.
 - b. Sexual Exploitation - A situation in which a person takes non-consensual or abusive sexual advantage of another and in which the conduct does not fall within the definition of Sexual Harassment. Examples of Sexual Exploitation include, but are not limited to:
 - i. Sexual voyeurism (example: watching a person undressing, using the bathroom, or engaging in sexual acts without the Consent of the person observed);
 - ii. Taking pictures or video or audio recording of another in a sexual act or in any other private activity without the Consent of all involved in the activity or exceeding the boundaries of Consent (example: allowing another person to hide in a closet and observe sexual activity or disseminating sexual pictures without the photographed person's Consent);
 - iii. Prostitution;
 - iv. Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted infection (STI) without informing the other person of the infection, and further includes administering alcohol or

drugs (example: “date rape” drugs) to another person without their knowledge or Consent; OR demanding payment or other benefit from someone in return for not revealing photos or videos of a sexual nature of that individual.

- N. Sexual Harassment: Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Discrimination based on sex that falls in one or more of the following categories:
- a. Quid Pro Quo Harassment - Occurs when an Employee of the University conditions the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct.
 - b. Hostile Environment – Occurs when an individual endures unwelcome sexual conduct that a reasonable person would find so severe, pervasive, and objectively offensive so as to effectively deny that individual equal access to the University’s Education Program or Activity.
- O. Stalking: engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to (i) fear for the person’s safety or the safety of others; or (ii) suffer Substantial Emotional Distress. For the purposes of this definition:
- a. “Course of Conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
 - b. “Reasonable Person” means a reasonable person under similar circumstances and with similar identities to the victim.
 - c. “Substantial Emotional Distress” means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- P. Student: a person who has gained admission to the University and (i) has registered for or is pursuing undergraduate, graduate, or professional studies or courses at the University, either full-time or part-time, whether attending University classes on- or off-campus; (ii) is not currently registered or enrolled for a particular term but has a continuing relationship with the University; or (c) is enrolled or participating in a University-sponsored program, including, but not limited to, orientation and study abroad programs.

IV. SCOPE OF POLICY AND THE UNIVERSITY’S JURISDICTION

This Policy only applies to:

- A. Incident(s) that are alleged to have occurred against a person in the United States and within a University Education Program or Activity, including those that (a) occur off-campus within a University Education Program or Activity, or (b) where the University exercised substantial control over both the Respondent and the context in which the Prohibited Conduct occurred, or (c) occur at a building owned or controlled by a student organization that is officially recognized by the University;
- B. Alleged conduct against an individual who is or was participating in or attempting to participate in the University’s Education Program or Activity at the time of filing of a Formal Complaint; and
- C. Alleged conduct that meets the definition of Prohibited Conduct under this Policy.

If allegations of Prohibited Conduct do not fall within Section IV.A, B, and C this Policy does not apply and the Title IX Office does not have jurisdiction to proceed with the Grievance Process as set forth herein.

The University’s ability to respond to a report of Prohibited Conduct may be limited or prevented if the University does not exercise substantial control over the Complainant or Respondent. In addition, the University’s ability respond to a report of Prohibited Conduct may be limited or prevented in situations involving a non-Student or non-Employee.

If a Respondent was affiliated with the University at the time the Prohibited Conduct is alleged to have occurred but is no longer affiliated with the University when the report of the Prohibited Conduct is received or thereafter, the University’s ability to respond to a report of Prohibited Conduct may be limited or prevented. Nonetheless, the University reserves the right to document the report and address the allegations with the Respondent prior to the Respondent returning to the University as a Student, Employee or campus visitor.

Likewise, the University's ability to respond to a report of Prohibited Conduct may be limited or prevented depending on the location where the alleged Prohibited Conduct took place.

To the extent that this Policy does not apply to a report of allegations of Prohibited Conduct or the Title IX Office is otherwise limited or prevented from responding, the report of allegations of Prohibited Conduct may be dismissed and the Title IX Coordinator has the discretion to refer the allegations to the Dean of Students or Office of Human Resources under other University policies.

V. TITLE IX COORDINATOR, PROCESS, INVESTIGATORS, DECISION-MAKERS, AND INVOLVED PERSONNEL

The University has a designated Title IX Coordinator. The University's Title IX Coordinator is **Antoinette Bellamy, or her successor or designee as prescribed in the Title IX Grievance Process**. The Title IX Coordinator administers, monitors, and oversees the overall implementation of Title IX compliance at the University, including coordinating campus-wide education programs and training regarding Title IX for all Students, Employees, and other members of the University community. The Title IX Coordinator will operate independently and will have no additional job responsibilities that may create a conflict of interest, such as serving as a disciplinary hearing board member or general counsel.

The Title IX Office and Title IX Coordinator may be reached at:

Telephone:	843-349-2382
Email:	titleix@coastal.edu
Physical location:	Kearns Hall- 211B
Mailing address:	PO Box 261954 Conway, SC 29528

The Title IX Coordinator, upon the approval of the leadership of the Division of University Belonging and Student Affairs and the Office of Human Resources, shall adopt and publish the University's Title IX Grievance Process within 30 days of the effective date of this Policy. The Grievance Process shall be reviewed, and updated if necessary, by the Title IX Coordinator, upon the approval of the leadership of the Division of University Belonging and Student Affairs and the Office of Human Resources, on or before August 1 of each calendar year.

In addition to the Title IX Coordinator, the University will designate an Investigator and Decision-Maker(s) to facilitate the Grievance Process. The Investigator shall not be the Decision-Maker in the same Grievance Process.

Individuals serving as Investigators and Decision-Makers shall receive training regarding the definition of Prohibited Conduct, the scope of the University's Education Program or Activity, how to conduct the Grievance Process (including hearings, appeals, and informal resolution processes, as applicable), how to serve impartially (including how to avoid prejudgment of the facts at issue, conflicts of interest, or bias), and how to determine whether evidence is relevant for the purposes of this Policy.

Investigators shall receive training on issues of relevance to create an Investigative Report that fairly summarizes relevant evidence.

Decision-Makers shall receive training on any technology to be used at a live hearing, in person or virtual, and on issues of relevance of questions and evidence, including when questions and/or evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an Informal Resolution Process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of all Formal Complaints of Prohibited Conduct.

For more information on the University's training materials, please visit:

<https://www.coastal.edu/titleix/ourprofessionaltraining/>.

VI. REPORTING PROCEDURES

For purposes of this Policy, the Title IX Coordinator or successor/designee as prescribed by the Grievance Process, and any other employees of the Title IX Office are the only University officials who have authority to administer this Policy.

Any individual who believes they have experienced or witnessed Prohibited Conduct is encouraged to report the same to the Title IX Office as soon as possible.

All alleged incidents of Prohibited Conduct should be reported to the Title IX Office.

A. PROMPT REPORTING STRONGLY ENCOURAGED

The University strongly encourages all individuals to report alleged incidents of Prohibited Conduct to the Title IX Office as promptly as possible. Prompt reporting allows the University to take steps toward ending the Prohibited Conduct, preventing its recurrence, and remediating its effects.

Complainants, Respondents, witnesses, or others reporting possible Prohibited Conduct are encouraged to preserve all information and materials relating to the incident, including emails, text messages, social media messaging or posts, i.e. SnapChat or the like, photographs, videos, clothing, bedding, and medical information.

While prompt reporting is encouraged, there is no time limit on reporting or filing complaints of alleged Prohibited Conduct. However, delays in reporting may affect University's ability to respond to the report, the availability of Supportive Measures, and the Grievance Process, and the length of time elapsed between an incident of alleged Prohibited Conduct and the filing of a Formal Complaint, may, in specific circumstances, prevent the University from collecting enough evidence to reach a determination of responsibility, justifying a dismissal.

B. ACTUAL KNOWLEDGE REQUIRED FOR UNIVERSITY TO RESPOND

In order to take appropriate action and respond, the University must have Actual Knowledge of the alleged Prohibited Conduct. The University only has Actual Knowledge of alleged Prohibited Conduct when a report is made to the Title IX Office. As a result, any individual who believes they have experienced or witnessed Prohibited Conduct is encouraged to report the incident(s) to the Title IX Office.

A report made to an individual who is not part of the Title IX Office does not give the University Actual Knowledge of Prohibited Conduct. However, if such individual does receive a report of Prohibited Conduct, that individual is encouraged to share such information with the Title IX Office and/or to recommend that the Complainant contact the Title IX Office.

C. MANDATORY TITLE IX REPORTERS

Mandatory Title IX Reporters are certain Employees that are required to report allegations of Prohibited Conduct to the Title IX Office. The University's Mandatory Title IX Reporters are:

- Human Resources and Equal Opportunity Employees.
- President, vice presidents, associate/assistant vice presidents, and directors.
- Provost, associate/assistant provosts, academic deans, department chairs, and others in academic administration roles.
- Staff who work directly with Students, including all University Belonging and Student Affairs staff, unless statutorily exempt or designated as confidential by the University.
- University Housing directors, associate directors, and assistant directors and Resident Success employees, including Resident Advisors in their capacity as employees.
- Advisors to recognized Student organizations.

- Athletic directors, assistant athletic directors, coaches, and assistant coaches of official University teams.

When a Complainant contacts a Mandatory Title IX Reporter regarding an alleged incident of Prohibited Conduct, the Mandatory Title IX Reporter must report such allegations to the Title IX Office.

A Mandatory Title IX Reporter is encouraged to inform the Complainant about the role of the Title IX Office, the existence of this Policy, and the advisability of contacting the Title IX Office directly.

D. WAYS TO REPORT

All incidents of alleged Prohibited Conduct should be reported to the Title IX Office. A report made to an individual who is not part of the Title IX Office does not give the University Actual Knowledge of Prohibited Conduct.

The Title IX Office's contact information is as follows:

Title IX Coordinator: Antoinette Bellamy, or successor/designee as prescribed by the Grievance Process

Telephone:	843-349-2382
Email:	titleix@coastal.edu
Physical location:	Kearns Hall- 211B
Mailing address:	PO Box 261954 Conway, SC 29528

Reports of Prohibited Conduct may be made at any time, including during non-business hours, by using the telephone number and leaving a voice message, e-mail address, or by mail to the office address, listed for the Title IX Office.

In addition, reports of Prohibited Conduct may be made anytime on the University's website at <https://www.coastal.edu/titleix/violation/>.

For more information about reporting Prohibited Conduct, email titleix@coastal.edu or call 843-349-2382.

VII. THE UNIVERSITY'S RESPONSE TO A REPORT

A report of Prohibited Conduct does not automatically result in the filing of a Formal Complaint against the Respondent or the initiation of the Grievance Process.

Upon receiving Actual Knowledge of a report of alleged Prohibited Conduct, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, explain to the Complainant the process for filing a Formal Complaint, explain to the Complainant the University's Title IX Grievance Process following a Formal Complaint, including Notice of Allegations, mandatory and discretionary dismissals, assignment of Investigator(s), the availability of an Informal Resolution Process, the Formal Resolution Process (including investigation, assignment of Decision Maker(s), and a Written Determination, Sanctions, and Appeal).

The same information shall be communicated to the Respondent, when reasonable in the discretion of the University.

The Title IX Grievance Process shall be adopted and published pursuant to Section V.

A. Supportive Measures

Supportive Measures are prospective, non-disciplinary, non-punitive individualized services offered in the discretion of the University as appropriate, as reasonably available, and without fee or charge to the Complainant and the Respondent 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 University's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter Prohibited Conduct.

The University will provide the Complainant and Respondent with equal access to Supportive Measures, and the University will endeavor to consider the Complainant and Respondent's wishes with respect to Supportive Measures.

The extent to which Supportive Measures are available is based on the facts of the specific incident of Prohibited Conduct and the needs of the individuals involved as determined in the discretion of the University. Supportive Measures are available to all parties involved in the alleged Prohibited Conduct. A Complainant is not required to file a Formal Complaint, report the alleged Prohibited Conduct to law enforcement, or pursue criminal charges in order to receive Supportive Measures.

The University may implement Supportive Measures for the Complainant and/or Respondent upon request of either party or on the University's own initiative in the University's discretion. If the Complainant and/or Respondent would like to request any specific Supportive Measure, they should direct such request to the Title IX Coordinator. Examples of potential Supportive Measures that may be generally available include the following:

- Imposition of a mutual no contact order;
- Access to counseling services and assistance in setting up initial appointments;
- Academic support;
- Living arrangement adjustments;
- Voluntary leave of absence;
- Academic or work schedule and assignment accommodations, in the discretion of faculty or supervisor(s);
- Campus escort services;
- Safety planning;
- Referral to campus and community resources;
- Any other similar non-punitive measure that may be reasonably tailored to the involved individuals to achieve the goals of this Policy.

The University will maintain as confidential any Supportive Measures offered or provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

B. Grievance Process

The University adheres to the Grievance Process, adopted and published pursuant to Section V, when responding to and addressing Actual Knowledge of allegations of Prohibited Conduct. The University will follow this Grievance Process before the imposition of any Sanctions, or other actions that are not Supportive Measures, against a Respondent. In order for this Grievance Process to apply, the following criteria must be met:

- The alleged Prohibited Conduct must have occurred against a person in the United States and within a University Education Program or Activity, including those that take place off-campus within a University Education Program or Activity, or where the University exercised substantial control over both the respondent and the context in which the Prohibited Conduct occurred or at a building owned or controlled by a student organization that is officially recognized by the University;
- The Complainant must be participating in or attempting to participate in the University's Education Program or Activity at the time of the alleged Prohibited Conduct.
- The Formal Complaint must include at least one allegation of Prohibited Conduct.

In general, the Grievance Process includes: (1) the filing of a Formal Complaint by the Complainant or the Title IX Coordinator; (2) an assessment regarding whether the Policy applies to the alleged conduct; (3) a determination regarding whether mandatory or discretionary dismissal under Title IX applies; (4) the Formal Resolution Process and/or Informal Resolution Process; and (5) the Appeal Process (if applicable).

The Title IX Grievance Process shall be adopted and published pursuant to Section V.

C. Sanctions for Findings of Responsibility

Complainants and Respondents will be treated equitably, and Sanctions will only be imposed if a final determination of responsibility for Prohibited Conduct has been made pursuant to the Grievance Process. If such determination of responsibility has been made, the University may impose certain sanctions depending on a Respondent's status as Student or Employee and the factors below ("**Sanctions**").

1. Student Sanctions

Sanctions, or action plans, for Students who are determined to be responsible for a Policy violation can be found in the Code of Student Conduct at <https://www.coastal.edu/csa/>.

2. Employee Sanctions

Sanctions for an Employee who has been determined to be in violation of this policy can be found in FAST-222 Disciplinary Action and Termination for Cause (<https://www.coastal.edu/policies/policyDetails.php?x=153>) and/or the Faculty Manual (<https://www.coastal.edu/academics/facultysenate/manuals/>).

3. Factors for Determining Sanctions

Factors considered when determining a Sanction for Students or Employees may include:

- The nature of, severity of and circumstances surrounding the violation;
- The Respondent's disciplinary history;
- Previous substantiated complaints or allegations against the Respondent involving similar conduct;
- The need to bring an end to the discrimination, harassment and/or retaliation;
- The need to prevent the recurrence of discrimination, harassment, and/or retaliation; and
- The need to restore or preserve equal access to the University's Education Program or Activity.

VIII. PRESERVATION OF RECORDS

The University will maintain for a period of at least seven (7) years all records related to:

- Each Policy investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any Sanctions imposed on Respondent, and any remedies provided to Complainant designed to restore or preserve equal access to the University's Education Program or Activity;
- Any appeal and the result therefrom;
- Any Informal Resolution and the result therefrom; and
- All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an Informal Resolution Process.

The seven (7) year period begins on the date of the record's creation. These records are considered confidential and are subject to any applicable state and federal privacy laws.

IX. PRIORITY OF POLICY

In the event of that there is a conflict between this Policy and any other University policy or materials, including materials posted on the University's website regarding Title IX matters, this Policy will govern.

X. MATERIALLY FALSE INFORMATION OR EVIDENCE PROHIBITED

The University retains the right to charge an individual for making a materially false statement in bad faith during the course of an investigation, proceeding, or hearing under this Policy. An individual does not make a materially false statement in bad faith solely based on the determination regarding responsibility.

Charging an individual with a University code of conduct or policy violation for making a materially false statement in bad faith in the course of the Grievance Process under this policy does not constitute retaliation; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

XI. CONFIDENTIALITY

With respect to any report or complaint made under this Policy, the University will make reasonable efforts to keep the identities of participants confidential, taking into account the need to disclose such identities as required by law, or to carry out the purposes of this Policy, including to conduct an investigation, hearing, or judicial proceeding arising hereunder. All University Employees assisting with a Title IX or Sexual Misconduct matter are expected to safeguard private information in accordance with applicable laws.

The University will consider any requests for confidentiality by the person initiating the conversation. However, Complainants should be aware that requests for confidentiality will limit the University's ability to investigate and take action regarding the Prohibit Conduct. Additionally, if the Title IX Coordinator determines that the University needs to take certain actions as a result of the alleged Prohibited Conduct, such as addressing an immediate threat to the physical health or safety of Employees, Students, or other individuals, then the Title IX Coordinator may be obligated to share certain information regarding the alleged incident with relevant University administrators.

While Complainants and Respondents are not restricted from discussing the allegations of Prohibited Conduct or information revealed during the Grievance Process, Complainants and Respondents are encouraged to exercise discretion regarding the sharing of such information in order to safeguard the integrity of the Grievance Process and avoid the appearance of Retaliation. Information provided by the Title IX Investigator to the parties during the Grievance Process should not be disseminated or discussed in a manner that constitutes Retaliation or unlawful tortious conduct, such as defamation or breach of privacy.

The University may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University first obtains that party's voluntary, written Consent to do so for the purposes of the Grievance Process. If a Complainant or Respondent provides such records to the University during the Grievance Process, then the parties will have an equal opportunity to inspect and review information in such records that is directly related to the allegations in the Formal Complaint.

XII. CONFLICTS OF INTEREST AND BIAS

The Investigator, Decision-Maker(s), Title IX Coordinator, and any other person designated by the University to facilitate the Informal or Formal Resolution Processes should not have a conflict of interest or bias for or against Complainants or Respondents generally, for or against an individual Complainant or Respondent, should not rely on sex stereotypes, and should promote impartial investigations and adjudications of Formal Complaints of Prohibited Conduct.

Any person designated by the University to facilitate the Informal or Formal Resolution Process who believes they may have a conflict of interest or bias that would prevent them from fulfilling their duties impartially, must inform the Title IX Coordinator or University Counsel as soon as practicable and in writing after discovering the circumstances giving rise to

their belief that a conflict of interest and/or bias may exist. The University will then review the issue and determine, in its absolute and sole discretion, whether to replace the individual(s) in question. If the University elects to replace the individual(s), the University will designate an alternative person.

When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party, and is not placed in a position adverse to either party. In signing the Formal Complaint, the Title IX Coordinator is merely initiating an investigation based on allegations of Prohibited Conduct of which the Title IX Coordinator has been made aware. It is not a disqualifying conflict of interest or bias under this Policy for the Title IX Coordinator to determine that allegations do or do not warrant an investigation and/or dismissal.

If the Complainant and/or the Respondent believe(s) that the Investigator, Decision-Maker(s), Title IX Coordinator, and/or any other person designated by the University to facilitate the Informal or Formal Resolution Processes has a conflict of interest or bias, the Complainant or Respondent must promptly provide written notice to the Title IX Coordinator or the General Counsel to make them aware of such alleged conflict or bias. In the writing, the Complainant or Respondent should detail the facts giving rise to their beliefs that a conflict of interest or bias exists. Upon receiving such written notice, the University will review the allegations of conflict or bias that have been raised and determine, in its absolute and sole discretion, whether to replace the individual(s) in question. If the University elects to replace the individual(s), the University will designate an alternative person. This determination will not limit the right of either party to raise a claim of conflict of interest or bias on appeal by following the procedures and time frames set forth in the Grievance Process.

Policy Attributes

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