

CHOWAN POLICY and PROCEDURE
SEXUAL HARASSMENT, AND MISCONDUCT
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CHOWAN UNIVERSITY

SEXUAL HARASSMENT AND SEXUAL MISCONDUCT POLICY AND PROCEDURES

Chowan University is committed to providing a workplace and educational environment that is free from sexual harassment, and sexual misconduct. The University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All faculty and staff and applicants for those positions, students and applicants for enrollment, and visitors to the University shall be treated with respect, courtesy and dignity.

These goals will be manifested by providing equitable rights, privileges, opportunities, treatment, resources, services, participation, access and benefits to all persons through the development, formulation and implementation of University programs, policies, procedures, practices and contractual and other commitments.

The University expressly prohibits discrimination and harassment on the basis of sex, sexual orientation, gender, gender identity, gender expression. Chowan University prohibits sexual harassment, sexual violence, intimate partner violence, sexual exploitation and stalking regardless of the gender, gender identity, gender expression, or sexual orientation of the individuals involved.

Chowan University also prohibits retaliation against any person participating in good faith in any discrimination investigation or complaint process internal or external to the institution; for bringing a complaint of discrimination or harassment or for assisting someone with such a complaint.

Chowan's policies and procedures related to sexual harassment and sexual misconduct are designed to promote principles of human dignity with an emphasis on meaningful remedies, social justice, victim empowerment and advocacy, comprehensive investigation and prompt, humane, non-adversarial resolution of everything from bias incidents to stalking, to rape and intimate partner violence.

This Policy applies to all faculty, staff and students and shall be applied in all cases consistent with all federal, state, and local civil rights laws prohibiting sexual harassment and misconduct in employment and education. The University does not discriminate in its admissions practices, in its employment practices, or in its educational programs or activities.

The policies presented here are subject to evaluation and investigation in compliance with Title IX Regulations and, where applicable, referral to other appropriate Chowan Policies based on the status of the Respondent.

JURISDICTION:

This policy applies to sexual harassment and misconduct in the employment and education program and activities of Chowan University; to conduct that takes place on the campus or on property owned or controlled by Chowan University; at Chowan sponsored events, or in buildings owned or controlled by

Chowan University's recognized student organizations. The Respondent (person accused) must be a member of Chowan's community in order for its policies to apply.

Reports of sexual harassment, sexual misconduct or retaliation should be made promptly. There is no time limitation on the filing of grievances as long as the accused individual remains subject to Chowan's jurisdiction. All reports are acted upon promptly while every effort is made by Chowan to preserve the privacy of reports.

Regardless of where the conduct occurred, Chowan will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. Chowan will address off-campus conduct when such conduct represents a substantial University interest or substantially impacts a member of the Chowan community.

A substantial Chowan interest is defined to include:

- a. Any action that constitutes a criminal offense as defined by federal or state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality of Murfreesburo, North Carolina where Chowan is located;
- b. Any situation in which it is determined that the Respondent may present a danger or threat to the health or safety of self or others;
- c. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests of Chowan.

Off-campus discriminatory or harassing speech by employees may be regulated by Chowan only when such speech is made in an employee's official or work-related capacity.

John Dilustro serves as the Title IX Coordinator and oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating Chowan University efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment, and retaliation prohibited under this policy.

3. Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator or designee oversees all resolutions under this policy and these procedures.

The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Dr. Kirk Peterson at peterk@chowan.edu. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct committed by the Title IX Coordinator should be reported to Kirk Peterson, Chowan University President at peterk@chowan.edu. Reports of misconduct committed by any other

Title IX Team member should be reported to the Title IX Coordinator.

The core purpose of this policy is the prohibition of sexual harassment or other forms of sexual misconduct and retaliation. When an alleged violation of this policy is reported, the allegations are subject to resolution using Chowan University's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the Chowan University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Chowan University community. This community includes, but is not limited to, students,¹ student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers.

Inquiries about this policy and procedure may be made internally to the following Chowan administrator. Inquiries may also be made externally to the Office of Civil Rights.

John Dilustro,
Title IX Coordinator/ Associate Provost
Chowan University
One University Place
Murfreesboro, NC 27855
office: 252.398.6528
dilusj@chowan.edu

Office for Civil Rights (OCR) U.S.
Department of Education
400 Maryland Avenue, SW Washington, DC
20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>
Web: <https://www.notalone.gov/>

¹ For the purpose of this policy, the Chowan University defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the Chowan University.

POLICY STATEMENTS

Policy on Nondiscrimination

Chowan adheres to all federal and state civil rights laws banning sex-based harassment and sexual misconduct in institutions of higher education.

This policy covers sex-based harassment and sexual misconduct in employment and in access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community on the basis of sex is in violation of Chowan Policy on Sexual Harassment and Sexual Misconduct. When brought to the attention of an Official of Authority of Chowan, any such discrimination will be appropriately remedied by Chowan according to the procedures below. This Policy is not intended to create a contract between Chowan University and any other person.

Policy on Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of North Carolina regard Sexual Harassment a specific form of discriminatory harassment which consists not only of employer and employees, but of students as well.

Students, faculty and staff are entitled to a working environment and educational environment free of sexual harassment. Chowan's Policy on Sexual Harassment and Sexual Misconduct is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited sexual harassment that are also prohibited under this policy.

When harassment rises to the level of creating a hostile environment, Chowan may also impose sanctions on the harasser. A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent/pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

Offensive conduct and/or harassment that does not rise to the level of sex-based discrimination or that is of a generic nature not on the basis of a sex may not result in the imposition of discipline under this policy, but will be addressed through civil confrontation, remedial actions, education and/or effective conflict resolution mechanisms through the Student Conduct Office. For assistance with conflict resolution techniques, faculty and staff personnel should contact the Title IX Coordinator or a confidential resource.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

- 1) Quid Pro Quo:

- a) an employee of Chowan University,
 - b) conditions the provision of an aid, benefit, or service of the recipient,
 - c) on an individual's participation in unwelcome sexual conduct; and/or
- 2) Sexual Harassment:
- a) unwelcome conduct,
 - b) determined by a reasonable person,
 - c) to be so severe, and
 - d) pervasive, and,
 - e) objectively offensive,
 - f) that effectively denies a person equal access to Chowan's education program, benefits or activities
- 3) Sexual Assault, defined as:
- Sex Offenses:
- Any sexual act directed against another person,
 - without the consent of the Complainant,
 - including instances in which the Complainant is incapable of giving consent
- a) Rape:
1. Penetration,
 2. no matter how slight,
 3. of the vagina or anus with any body part or object, or
 4. oral penetration by a sex organ of another person,
 5. without the consent of the Complainant
- a) Sodomy:
1. Oral or anal sexual intercourse with another person,
 2. forcibly,
 3. and/or against that person's will (non-consensually),
 4. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- b) Sexual Assault with an Object:
1. The use of an object or instrument to penetrate,
 2. however slightly,
 3. the genital or anal opening of the body of another person,
 4. forcibly,
 5. and/or against that person's will (non-consensually).
 6. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- c) Fondling:
1. The touching of the private body parts of another person (buttocks, groin, breasts),
 2. for the purpose of sexual gratification,

3. forcibly,
 4. and/or against that person's will (non-consensually),
 5. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- d) Incest:
- (1) Sexual intercourse,
 - (2) between persons who are related to each other,
 - (3) within the degrees wherein marriage is prohibited by North Carolina law.
- e) Statutory Rape:
- (1) Sexual intercourse,
 - (2) with a person who is under the statutory age of consent of 16 years old (as defined in North Carolina state law).
- 4) Dating Violence, defined as:
- a) violence,
 - b) on the basis of sex,
 - c) committed by a person,
 - d) who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
- The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition: dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.
- 5) Domestic Violence, defined as:
- a) violence,
 - b) on the basis of sex,
 - c) committed by a current or former spouse or intimate partner of the Complainant,
 - d) by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
 - e) by a person similarly situated to a spouse of the Complainant under the domestic or family violence law of North Carolina, or
 - f) by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of North Carolina.
- 6) Stalking, defined as:
- a) engaging in a course of conduct,
 - b) on the basis of sex,
 - c) directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. suffer substantial emotional distress.

For the purposes of this definition - course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Online Sexual Harassment and/or Retaliation

The policies of Chowan University are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on an individual in Chowan's education program or activities or use Chowan University networks, technology, or equipment.

Although Chowan University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Chowan University, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Chowan University community.

Other Civil Rights Offenses (when the act is based upon sex)

- a. **Sexual Exploitation** refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment. Examples of sexual exploitation include, but are not limited to:
 - invasion of sexual privacy;
 - recording or attempting to record nude, partial nude or sexual media without the consent of the person or person depicted in the media;
 - streaming, sharing, or distributing nude, partial nude, or sexual media without the consent of the person depicted in the media;
 - non-consensual sexual voyeurism;
 - inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity;
 - administering sexual assault facilitating drugs including, but not limited to, alcohol, sleeping pills, sedatives, tranquilizers, anesthetics, depressants, and psychotropics without a person's knowledge and permission;
 - going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity);
 - exposing one's genitals in non-consensual circumstance;

- inducing another to expose their genitals;
 - prostituting another person;
 - knowingly transmitting or exposing another person to a sexually transmitted infection without the knowledge of the other person
- b. **Threatening or causing physical harm**, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of sex.
 - c. **Discrimination**, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex.
 - d. **Intimidation**, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of sex.
 - e. **Hazing**, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the campus community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the hazing policy) on the basis of sex; hazing is also illegal under North Carolina State law and prohibited by Chowan policy.
 - e. **Bullying, cyber-bullying**, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of sex .
 - f. Any other rules, when a violation is motivated by the actual or perceived membership of the complainant on the basis of sex or gender, may be pursued using this policy and process.

Sanctions for the above-listed “Other Civil Rights Behaviors” behaviors range from reprimand up through and including expulsion (students) or termination of employment.

Standards for Analysis of Reported Prohibited Conduct

a. Consent

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

In the State of North Carolina, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old is a crime, as well as a violation of this policy, even if the minor consents to engage in the act.

b. Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

c. Incapacitation

A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

d. Coercion

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop,

or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Policy on Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Chowan prohibits any retaliation against any person making a report or against any person cooperating in the investigation of an incident including witnesses. Retaliation includes intimidation, threats, or harassment. Acts of alleged retaliation should be reported immediately and will be promptly investigated. Chowan is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Chowan University and any member of Chowan University 's community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, 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 under this policy and procedure.

Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Process A that is not provided by Process B. Therefore, Chowan University vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Policy on Confidentiality & Reporting of Offenses

Chowan is committed to the highest ethical and professional standards of conduct and to the safety and well-being of all members of our community. To achieve this goal, Chowan expects and relies on each member of the community to report actual or suspected violations of federal or state laws, violations of Chowan policy or procedures, or other suspected wrongdoings. This includes reports from students, third-parties, and/or anonymous sources. The following describes the reporting options at Chowan.

- a. *Confidential Reporting* – If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with on-campus counselors, campus clinic providers, campus pastors, violence prevention coordinator, off-campus local rape crisis counselors, domestic violence resources and local or state assistance agencies, who will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Campus counselors are available for students free of charge and the University has a 24 hour campus crisis team to respond to

emergencies. These employees will submit anonymous statistical information for Title IX tracking and Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

- b. *Mandatory Reporting Options* – Chowan employees have a Duty to Report, unless they fall under the section above. Parties making a report may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Coordinators. Otherwise, employees must share all details of the reports they receive. If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law.

In cases indicating pattern, predation, threat and/or violence, Chowan will be unable to honor a request for confidentiality. In cases where the complainant requests confidentiality and the circumstances allow Chowan to honor that request, Chowan will offer supportive measures to the complainant and the respondent but will not otherwise pursue formal action. A complainant has the right, and can expect, to have reports taken seriously by Chowan when formally reported, and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: Title IX Coordinator, Deputy Coordinators, Hearing Panel members and Investigator. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as limited as possible to preserve a complainant's rights and privacy. Additionally, anonymous reports can be made by complainant and/or third parties using the online reporting form posted at www.augie.edu/sexualmisconduct. Note that these anonymous reports may prompt a need for Chowan to investigate.

Amnesty for Complainants and Witnesses

The Chowan University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Chowan University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Chowan University community that Complainants choose to report misconduct to Chowan University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Chowan University maintains a policy of offering parties and witnesses' amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and

the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Amnesty for Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the [Campus Police]).

Chowan University maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, the Recipient may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Amnesty for Employees: Sometimes, employees are hesitant to report sexual harassment or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to Chowan University officials.

Chowan University may, at its discretion, offer employee Complainants amnesty from such policy violations typically more minor policy violations related to the incident. Amnesty may also be granted to Respondents and witness on a case-by-case basis.

False Reports or Allegations

Knowingly and deliberate false and/or malicious reports or allegations made under this Policy are prohibited and will be investigated and addressed accordingly. Individuals who are found to have made a knowingly and deliberate false and/or malicious report or allegation will be subject to appropriate disciplinary action up to and including termination from employment or expulsion from the University. Reports or allegations that are made in good faith but are found to be erroneous are not considered false reports or allegations.

Policy on Federal Requirement for Timely Warnings

Certain campus officials- those deemed Campus Security Authorities- have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “ primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson:
- b) Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property.
- c) VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with campus law enforcement regarding the type of incident and its general location) on or off campus or in the surrounding area, but no addresses are given for publication in the Annual Security Report and

daily campus crime log.

Campus Security Authorities includes: student affairs/student conduct staff, campus law enforcement/public safety/security, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

II ELEMENTS OF RESOLUTION PROCEDURES & REMEDIES

Chowan will act on any notice or formal complaint of an allegation of a violation of the policy on Sexual Harassment and Sexual Misconduct that is received by a Title IX Coordinator, Deputy/Deputies, Campus Safety Officers or Official with Authority.

The procedures described below will apply to all grievances involving students, staff or faculty members. Redress and requests for responsive actions for grievances brought involving non-members of the Chowan community are also covered by these procedures.

All employees receiving reports of a potential violation of Chowan policy are expected to promptly contact the Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy: specific information on any grievances received by any party will be reported to the Title IX Coordinator, but, subject to Chowan's obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of a grievance. In all cases, Chowan will give consideration to the party making an allegation of a violation with respect to how the resolution of the allegation is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when a complainant chooses not to initiate or participate in the formal complaint process.

A. Reporting an Allegation or Filing a Complaint

Notice or complaints of sexual harassment or misconduct and/or retaliation may be made using any of the following options:

- 1) File a complaint with, or give verbal notice to, the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.
- 2) Report online, using the reporting form posted <https://www.chowan.edu/campuslife/public-safety/title-ix> . Anonymous reports are accepted but can give rise to a need to investigate. The Recipient tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the Recipient respects Complainant request to dismiss complaints unless there is a compelling threat to health and/or safety, the complainant is largely in control and should not fear a loss of privacy by making a report that allows the Chowan University to discuss and/or provide supportive measures.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Chowan University investigate the allegation(s).

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Chowan University that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the Chowan University investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

Advisor of Choice: The complainant and respondent are permitted and encouraged to have an Advisor of Choice accompany them throughout the process. In cases involving sexual harassment, sexual assault, dating or domestic violence or stalking, by law, the advisor of choice may be anyone the party chooses to serve in this capacity. Chowan University will provide an advisor if the individual does not have one identified.

Confidentiality: The University will maintain confidentiality to the greatest degree possible consistent with the University's legal obligations to take all reasonable steps to protect the welfare of the campus community and to otherwise comply with applicable law.

B. Supportive Measures

Upon notice of alleged harassment, sexual misconduct, and/or retaliation, and during the pendency of an investigation or other proceedings under this policy, the University will offer and implement appropriate and reasonable supportive measures to the parties to ensure equal access to its education programs and activities, to protect the parties, and/ or to safeguard the University community.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented. The Title IX Coordinator will offer appropriate supportive measures to the Respondent upon notice of allegations.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide the supportive measures. University will act to ensure as minimal an academic or occupational impact on the parties as possible.

The University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Student financial aid counseling
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related

adjustments

- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

C. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether Chowan University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires Chowan University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Chowan may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Chowan University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When Chowan University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that Chowan University's ability to remedy and respond to notice may be limited if the Complainant

does not want Chowan University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Chowan University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Chowan University to honor that request, Chowan University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Chowan University, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

D. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Chowan University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Chowan University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.²

E. Emergency Removal

The University can act to remove a student Respondent entirely or partially from its education programs or activities on an emergency basis when an individualized safety and risk analysis has determined that a substantial threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator (often in collaboration with the institution's behavior intervention team) using its standard objective violence risk assessment procedures. In all cases in which an emergency removal is imposed, the accused student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate.

When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

Chowan University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

F. **Promptness**

All allegations are acted upon promptly by Chowan University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Chowan University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Chowan University procedures will be delayed, Chowan University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

G. **Privacy**

Every effort is made by Chowan University to preserve the privacy of reports.³ Chowan University will

³ For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of Chowan University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the Recipient's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the Recipient's Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. Chowan University has designated individuals who have the ability to have privileged communications as Confidential Resources. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed

not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Chowan University reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Division of Student Affairs, Chowan University Police, and the Behavioral Intervention/ Threat Assessment Team.

Information will be shared as necessary with Investigators, Hearing Panel members/ Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

Chowan University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

H. The Investigation Process

Following a signed Formal Complaint by the Complainant, the Title IX Coordinator, or designee, will initiate the process under this policy by notifying the accused party (“respondent”) that a complaint has been filed against them and inform the respondent of the nature of the complaint.

The Title IX Coordinator, or Deputy Coordinator, shall explain to both parties the avenues for informal and formal action, including a description of the process and the relevant avenues of redress, and provide each with a copy of this policy.

The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report.

At any time during the investigation, the Title IX Coordinator, or designee, may recommend supportive measures be provided by University officials.

I. Informal Resolution Process

The University provides an informal resolution process, following a formal complaint, when the parties desire to resolve the situation cooperatively. Informal resolution may include inquiries into the facts but does not typically rise to the level of a formal investigation.

The informal process, which is overseen by the Title IX Coordinator, or designee, is designed to resolve

when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

complaints quickly, efficiently, and to the mutual satisfaction of all parties involved. Where circumstances allow, the informal process will be initiated as soon as possible after the filing of the formal complaint, absent any unusual circumstances.

Informal resolution may include, but is not limited to, options such as meeting informally with the complainant and the respondent (individual or group representative) with the intent of bringing about resolution; meeting privately with the respondent and acting as intercessor; separation of the parties; referral of the parties to counseling programs, conducting educational and/or training programs, mediation, restorative justice, or other remedial measures. In cases where groups are involved, the Title IX Coordinator may require that one or two members of the group be authorized in writing to act on behalf of the group in the informal process; all members of the group would be bound by the terms of the informal process.

Situations that are resolved through the informal process are usually subject to follow-up after a period of time. Steps taken by the Title IX Coordinator or a Deputy Title IX Coordinator to help the parties achieve informal resolution will be documented. Some reports of alleged violations of this policy may not be appropriate for informal resolution but may require a formal investigation at the discretion of the Title IX Coordinator, in consultation with other appropriate offices. Both the complainant and the respondent have the right to bypass or end the informal complaint process at any time in order to begin the formal complaint process.

III. GRIEVANCE RESOLUTION PROCESSES (Process “A” and Process “B”)

In order to comply with Title IX Regulatory Standards (34 CFR §106.30) Chowan University has established a Two-prong Grievance Resolution Process. Process “A” is created to comply with the Title IX Regulatory standards and Process “B” applies to all other forms of harassment and discrimination and sexual misconduct violations that are not applicable under the Title IX Regulatory standards as set forth in §106.30.

The procedures below apply **only** to qualifying allegations of sexual harassment including sexual assault, dating violence, domestic violence, and stalking, as defined above involving students, staff, administrator, or faculty members.

Process B can also apply to sexual harassment including sexual assault, dating violence, domestic violence, and stalking, as defined above when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator. Additionally, Process B will apply to other forms of sexual misconduct not covered by the Title IX definitions, including Sexual Exploitation.

In cases involving conduct that falls under Process B the University will refer cases in which a student is the respondent to the Vice President of Student Affairs to address under the University’s Code of Student Conduct and for cases where the accused is a faculty or staff member the case will be referred to the Office of Human Resources for appropriate employee resolution consistent with published protocols.

PROCESS “A”

I. TITLE IX REGULATORY GRIEVANCE STANDARDS (106.45)

Under 34 CFR §106.45 (B)(3) the University must apply the following standards in order to comply with the Title IX Regulatory Grievance Protocol. Allegations of sexual harassment that meet the five elements identified under Process “A” will be addressed under the Grievance Resolution Part A, “Title IX Regulatory Grievance Standards”, if any of the five categories are not met, the process will revert to the appropriate office for resolution consistent with student processes or employee processes (Process “B”).

Initial Assessment and Mandatory Dismissal:

The Title IX Coordinator will conduct an Initial Assessment following the filing of a formal complaint. If any of the following elements are not present, the University will dismiss the formal complaints under the Regulatory Grievance Process (Process “A”) and address them under the University Grievance Process (Process “B”) which constitutes referral to the Vice President of Student Affairs or the Office of Human Resources:

1. The conduct must meet the definition of sexual harassment (34 CFR §106.30)
2. The Complainant must be a member of or seeking to become a member of the University community
3. The University must have control (that is, disciplinary authority) over the harasser (i.e., must be a current student or employee)
4. The conduct must occur in a program or activity of the University, or at an off-campus residence that is owned or controlled by a registered student organization
5. The incident must occur in the United States

Title IX Regulatory Definition of Sexual Harassment

Conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’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).

Permissive Dismissal

The University may dismiss a formal complaint or any related allegations if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by the University; or
3. Circumstances that prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. Dismissal of a formal complaint as defined by Title IX Regulations, CFR part 106.30, does not preclude further proceedings related to potential violations of any other University Policy

This dismissal decision is appealable by any party under the procedures for appeal.

Informal resolution may not be used to resolve cases involving allegations of an employee harassing students.

In formal complaints of sexual harassment (as defined by Title IX Regulations, CFR part 106.30) the following general principles and procedures will govern this process, to the extent consistent with the University's legal obligations.

Counterclaims

Chowan University is obligated to ensure that the grievance process is not abused for retaliatory purposes. Chowan University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

Right to an Advisor

The parties may each have an Advisor⁴ of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.⁵

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

⁴ This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally), but some Recipients do permit more than one. If the Recipient allows more than one Advisor for one party, they should do so for all parties.

⁵ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

II. TITLE IX REGULATORY FORMAL GRIEVANCE PROCESS (Process “A”)

If the allegation of a violation of this policy has not been resolved as a result of the informal process or is not suited for informal efforts, or if either the complainant or the respondent requests to invoke the formal complaint process, the following process will be initiated. (The lodging and processing of a formal complaint does not preclude, however, the possibility of an informal resolution of the matter, if desired by the parties.)

Formal Grievance Resolution Process

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the University’s policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor, A statement informing the parties that the University’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the University’s VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have,
- An instruction to preserve any evidence that is directly related to the allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records or emailed to the parties’ University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

III TITLE IX REGULATORY INVESTIGATION PROCESS (Process “A”)

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

- Prior to the conclusion of the investigation, the University will provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses.
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.
- The investigator shares the final report with the Title IX Coordinator for feedback.
- The Investigator will incorporate any relevant feedback from the Title IX Coordinator, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.
- Following its completion, the Title IX Coordinator, or designee, will provide the full investigative report to the Community Standards Board.
- After the completion of the Community Standards Board hearing, which includes objective evaluation of relevant evidence and cross examination of parties conducted by an Advisor of choice, the Committee will prepare a notice of outcome or written decision, including but not limited to, any necessary sanctions, using the preponderance of evidence standard and stating the rationale for its decision. In employee cases, the Community Standards Board will refer their final decision to the Office of Human Resources for appropriate sanctions.
- Both parties are entitled to appeal the decision subject to the standards established by Chowan University. (*See Part III Protocols to Accompany All Grievance Processes*)

IV. TITLE IX HEARING PROCESS (Process “A”)

Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent)⁶, Advisors to the parties, any called witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to

frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

Recording Hearings

Hearings (but not deliberations) are recorded by Chowan University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of Chowan University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator maybe invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by appropriate administrator and will recommend/determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions or recommendations.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Chowan University records, or emailed to the parties' Chowan University -issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Chowan University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the Recipient is permitted to share such information under state or federal law; any sanctions issued which Chowan University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to Chowan University's educational or employment program or activity, to the extent Chowan University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by Chowan University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 5 days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

A three-member appeal panel will be designated by the Title IX Coordinator OR a single Appeal Decision-maker will Chair the appeal. No appeal panelists will have been involved in the process

previously, including any dismissal appeal that may have been heard earlier in the process. A voting Chair of the Appeal panel will be designated.

a. Grounds for Appeal

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, and the Chair/ Panel will render a decision in no more than 5 business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence OR clear and convincing evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding

on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which Chowan University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Chowan University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Chowan University issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

b. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

c. Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing). Option: When appeals results in no change to the finding or sanction, the decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.
- In rare cases where a procedural or substantive error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the Recipient or resumption of privileges, all

reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access.

The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University's ability to provide these services.

Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Chowan University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

PROCESS “B”

I. CHOWAN UNIVERSITY SEXUAL HARASSMENT AND SEXUAL MISCONDUCT GRIEVANCE PROCESS

Except in complaints of sexual harassment as defined by the 2020 Title IX Regulations, 34 CFR Part 106.45 and described under Process “A” of this policy, and meeting the Title IX Regulatory standards, the following general principles and procedures will govern this process consistent with the University’s legal obligations for all allegations of sex-based harassment, sexual misconduct and sexual exploitation that are exempted from the Title IX Regulatory Standards. Cases involving a student respondent will be referred to the Vice President of Student Affairs who will apply the Code of Student Conduct for proceedings consistent with that policy and cases involving employees (faculty or staff) will be referred to the Office of Human Resources for resolution consistent with the employee process.

APPENDIX A

STANDARDS APPLIED TO ALL GRIEVANCE PROCESSES

All hearings will apply the following protocol

A. Sanctions (Applies to Process “A” or “B”)

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

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent’s disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the sexual harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the appropriate process(s)

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.

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.

Student Sanctions. The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any Chowan policy, procedure or directive will result in more severe sanctions/responsive actions.
- **Probation:** A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any Chowan policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Chowan.

- **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend Chowan-sponsored events.
- **Withholding Diploma:** Chowan may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a grievance pending, or as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** Chowan reserves the right to revoke a degree awarded from Chowan for fraud, misrepresentation or other violation of Chowan policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions:** Deactivation, de-recognition, loss of privileges for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, Chowan may assign any other sanctions as deemed appropriate.

Employee Sanctions – Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include warning, required counseling, demotion, suspension with pay, suspension without pay and termination.

Failure to Complete Sanctions/Comply with Responsive Actions – All Respondents are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the Title IX Coordinator. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from Chowan and may be noted on a student’s official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

B. Appeals

Both the complainant and the respondent have the right to appeal through either Process ‘A’ or Process ‘B’. An appeal must be submitted in writing to the Title IX Coordinator within 5 calendar days after receiving notification of the outcome of the hearing. Appeals are limited to the following grounds:

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter.
 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 3. The Title IX Coordinator, Investigator(s), or Community Standards Board had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.
- Failure to appeal within the allotted time will render the original decision final and conclusive.
 - The appeal will be reviewed by a trained administrator appointed by the Title IX Coordinator.
 - Appeals will be decided upon the record of the original proceeding and upon written materials

- submitted by the parties.

The appeal officer reviewing an appeal may:

- Affirm the finding and the sanction imposed by the original board.
- Affirm the finding and modify, but not eliminate, the sanction if it is found to be disproportionate to the offense.
- Assign the case to a new hearing board to resolve procedural errors, or errors in interpretation of University regulations were so substantial as to effectively deny the participant a fair hearing, or if new and significant evidence became available which could not have been discovered by proper diligence before or during the original hearing. The board will be directed not to repeat the specified errors that caused the case to be reheard.

Deference shall be given to the determinations of the hearing board.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

C. Recording

Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

D. Records

In implementing this policy, records of all grievances, resolutions, and hearings will be kept by Chowan for a period of 7 years.

Revisions

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator and Deputy Coordinators. The Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. However, the Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified)

upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties' consent to be bound by the current policy.⁷

⁷ Date of last review: January 12, 2022

THIS POLICY IS BASED ON THE ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL
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APPENDIX B

DEFINITIONS

- **Actual Knowledge:** Notice of sexual harassment or misconduct allegations to the College's Title IX Coordinator or any other College official who has authority to institute corrective measures on behalf of the college.
- **Advisor:** A person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and, in Title IX Regulatory Grievance cases (Process "A"), to conduct cross-examination for the party at the hearing, if any. In cases involving sexual harassment, sexual assault, dating or domestic violence or stalking, by law, the advisor of choice may be anyone the party chooses to serve in this capacity. In all other cases, the individual must be a current student or employee of Chowan University.
- **Community Standards Board:** Refers to those who have decision-making and sanctioning authority.
- **Complainant:** The person who experienced behavior alleged to constitute discrimination, discriminatory harassment, sexual harassment, or any other form of misconduct based on a protected class and defined in this policy; or retaliation for engaging in a protected activity.
- **Confidential Resource** - An employee, or community resource, who is not required to report notice of harassment, discrimination, and/or retaliation to the Title IX Coordinator and/or Deputies.
- **Day:** A business day when the College is in normal operation.
- **Education program or activity:** Locations, events, or circumstances where the college exercises substantial control over both the Respondent and the context in which the harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.
- **Final Determination:** A conclusion by a preponderance of the evidence that the alleged conduct did or did not violate policy.
- **Finding:** A conclusion by preponderance of the evidence that the conduct did or did not occur as alleged (as in a "finding of fact").
- **Formal Complaint:** A document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or retaliation for engaging in a protected activity against a Respondent and requesting that the college investigate the allegation.
- **Harassment: For purposes of this policy harassment is defined as:** Unwelcome conduct directed toward an individual or group of individuals that is based on that individual's or group's membership (or perceived membership) in a particular demographic group, including race, color, religion, age, gender, gender identity, gender expression, national origin or ethnicity, mental or physical disability, or sexual orientation, that is offensive or disrespectful but does not rise to the level of creating a hostile environment. Reports of harassing conduct will be addressed through the Bias Response Protocol.

- ***Hostile Environment:*** Conduct that a reasonable person would consider to be severe, pervasive, and objectively offensive sufficient to limit or deny educational or employment benefits or opportunities. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets, or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with a person’s residence or on-campus environment, or work or school performance, regardless of medium (e.g., in person, telephone, text message, electronic mail, social media or any other method).
- ***Incest:*** A type of sexual assault defined as non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Pennsylvania law.
- ***Intimate Partner Violence:*** Any intentional act, or threat, of physical, sexual, or psychological violence or abuse, including acts of intimidation and coercion, by a current or former partner in an intimate relationship upon the other partner. Intimate Partner Violence may include a pattern of abusive behavior by one partner to consistently maintain power and control over the other partner. This type of violence can occur regardless of the sex, gender, gender identity, gender expression or sexual orientation of the other person.
 - The existence of an intimate relationship will be evaluated considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - Dating and domestic violence are forms of Intimate Partner Violence and all are prohibited by this policy.
- ***Investigator:*** The person or persons charged by the college with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence
- ***Mandated Reporter:*** For purposes of this policy includes all Chowan University employees, including student employees in the scope and course of their job, except the professional counselors, professional staff in the Health Center, or any other individual employed by the college with an assigned ministerial role, in performance of that role. Mandated Reporters must promptly report incidents of discriminatory harassment, sexual harassment or other types of misconduct prohibited by this policy to the Title IX Coordinator or one of the Deputy Title IX Coordinators.
- ***Notice:*** An employee, student, or third-party who informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- ***Official with Authority (OWA):*** An employee of the college explicitly vested with the responsibility to implement corrective measures for harassment discrimination and/or retaliation on behalf of the college. At Chowan University this includes members of the Board of Trustees, the President’s Cabinet and the Title IX Team.
- ***Preponderance of the Evidence:*** The standard of evidence applied in determining a violation of this policy. Generally considered to be “more likely than not” or “the greater weight of the evidence”.

- **Remedies:** Post-finding actions following a determination of a violation of this policy, provided to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's educational program.
- **Respondent:** The person whose conduct is alleged to constitute discrimination, discriminatory harassment, sexual harassment, other forms of misconduct or retaliation described in this policy.
- **Resolution:** The result of an Informal or Formal Grievance Process.
- **Sanction:** A consequence imposed by the college on a Respondent who is found to have violated this policy.
- **Sexual Harassment:** The umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence as set forth in Title IX regulations (34 CFR §106.30) and identified in detail in this policy.
- **Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter harassment, discrimination, and/or retaliation.
- **Title IX Coordinator:** The official designated by the College to ensure compliance with Title IX and the College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- **Title IX Team:** The Title IX Coordinator, any Deputy Coordinators, and Investigators responsible for overseeing designated elements of Title IX compliance.

Statement of the Rights of Both Parties Involved in a Grievance

- To be treated with respect by Chowan officials.
- To take advantage of campus support resources (such as counseling services, campus ministry, and Chowan's health service, or EAP services for employees).
- To experience a safe living, educational and work environment.
- To have an advocate during this process.
- To refuse to have an allegation resolved through informal resolution procedures.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation.
- To have grievances heard in substantial accordance with these procedures.
- To full participation of the injured party in any process whether the injured party is serving as the party bringing a grievance or Chowan is serving as party bringing a grievance.
- To be informed in writing of the outcome/resolution of the grievance, sanctions where permissible and the rationale for the outcome where permissible.
- Refer to law enforcement and have assistance.
- Housing and living accommodations.
- No contact directives provided at the request of either party.
- All persons concerned are to be treated with respect and impartiality.
- Procedures are to be fair and equitable for both parties.
- The University operates with the presumption that the respondent is not responsible for the reported misconduct unless and until the respondent is determined to be responsible for a policy violation by the applicable standard of proof.

