Policy Chapter:	**Chapter 16 Equal Opportunity**
Policy Number and Title:	**16.005 Prohibition Against Sexual Misconduct and Retaliation**

I. Policy Statement

It is the policy of the University of North Texas to maintain a safe and respectful work and educational environment that is free from sex discrimination and allows all individuals to fully participate in the benefits and privileges the University has to offer. The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved. Therefore, in accordance with Title IX and state law, the University prohibits sexual misconduct at its educational programs and activities. Sexual harassment, sexual misconduct, retaliation, and other conduct prohibited under this Policy will be subject to disciplinary action.

II. Application of Policy

This policy applies to all students, faculty, and staff. It applies to conduct that occurs on University owned or controlled premises; in an education program or activity, including University sponsored events; in buildings owned or controlled by student organizations officially recognized by the University; off campus under circumstances when the University exercises substantial control over both the Respondent and the context in which the conduct occurs; or off campus when the conduct potentially affects a person's education or employment with the University or potentially poses a risk of harm to members of the University community. The University may act under this policy when sexual misconduct that occurs off campus adversely affects or is reasonably likely to adversely affect the academic or work environment. When the Respondent is a member of the University community, a complaint of sexual misconduct may be filed and a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the UNT community.

III. Policy Definitions

A. Advisor

"Advisor" means 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 to conduct cross-examination for the party at the hearing, if any.

B. Appellate Officer

"Appellate Officer" means the University administrator designated to hear and render a decision on appeals filed under this policy.

C. Complainant

"Complainant" means an individual who is alleged to have been the subject of conduct prohibited under this policy regardless of whether the individual reports the conduct.

D. Confidential Employee

"Confidential employee" means a University employee who is designated by the University

as a person with whom students may speak confidentially concerning sexual misconduct or who receives information regarding alleged sexual misconduct under circumstances that render the employee's communications confidential or privileged under other law. A confidential employee is obligated to disclose reports of sexual harassment, sexual assault, dating violence, and stalking as required under this policy based on the requirement of the employee's professional licensure and the nature of their official responsibilities with the University. Confidential Employee, as defined in this policy, includes but is not limited to: licensed professional mental health counselors and health care professionals working in those capacities for the University and the employees they supervise and attorneys and other employees in the UNT Student Legal Services office and UNT System Office of General Counsel. Faculty and staff employees who are licensed mental health workers, licensed medical workers, or licensed attorneys but who are not employed in that capacity by the University, such as faculty members in psychology, social work, nursing, etc., are not Confidential Employees under this policy. Staff members who are employed as Confidential Employees but become aware of alleged sexual misconduct while operating outside the confidential aspect of their work (*e.g.*, a physician in the Student Health and Wellness Center who witnesses sexual harassment between two colleagues who are not patients) are not Confidential Employees under this policy with respect to that particular incident.

E. Consent

"Consent" means words or actions that show an active, knowing, and voluntary agreement to engage in each instance of sexual activity. Consent cannot be obtained by force; coercion; manipulation; threats; or when an individual administers any substance to another person, without the person's knowledge, that intentionally impairs the ability of the person to voluntarily consent. Consent is absent when the sexual activity in question exceeds the scope of previously given consent. Consent may be revoked at any time.

F. Dating Violence

"Dating Violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence incudes but is not limited to: sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

G. Day

"Day" means Monday through Friday during regular University business hours (8:00 a.m. to 5:00 p.m.).

H. Domestic Violence

"Domestic Violence" means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the

victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

I. Education Program or Activity

"Education program or activity" refers to locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the sexual harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the Recipient.

J. Employee

"Employee" means an individual who is employed part-time, full-time, or in a temporary capacity as faculty or staff, or who is required to be a student as a condition of employment.

K. Good Faith

"Good Faith" means a reasonable belief that the reported conduct was prohibited under this policy. Good faith is based on the reporting individual's education, training, and experience.

L. Hearing Officer

"Hearing Officer" means one of three decision-makers in a live hearing. The Hearing Officer will manage the questioning of parties and witnesses in the hearing, and will issue the written determination of responsibility.

M. Hearing Panel

"Hearing Panel" means a group of three individuals, including a Hearing Officer, convened for the purpose of a live hearing after an investigation of sexual harassment.

N. Hearing Panelist

"Hearing Panelist" means a member of a hearing panel.

O. Incapacitation

"Incapacitation" means that a person lacks the ability to voluntarily agree to sexual activity because the person is asleep, unconscious, under the influence of an anesthetizing or intoxicating substance such that the person does not have control over their body, or is otherwise unaware that sexual activity is occurring. Incapacitation is not the same as intoxication. When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug. Alcohol and other drugs impact each individual

differently, and determining whether an individual is incapacitated requires an individualized determination. A party who engages in sexual conduct with a person who is incapacitated under circumstances in which a reasonable sober person in similar circumstances would have known the person to be incapacitated is responsible for sexual misconduct.

P. Live Hearing

"Live Hearing" (or "Hearing") means a proceeding where the Complainant, Respondent, and all participants are physically present in the same geographic location, or, at the University's discretion, where the Complainant, Respondent, witnesses, and other participants may appear virtually with technology that allows participants simultaneously to see and hear the proceeding.

Q. Preponderance of the Evidence

"Preponderance of the Evidence" means the amount of information necessary to establish whether an alleged policy violation occurred (*i.e.*, more likely true than not true). Preponderance of the evidence is also referred to as the greater weight of the evidence. The burden of proof always rests with the University.

R. Respondent

"Respondent" means an individual identified as allegedly having engaged in conduct prohibited under this policy regardless of whether a formal complaint is made.

S. Retaliation

"Retaliation" means taking or attempting to take 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, in any manner, an investigation, proceeding, or hearing under this policy and procedure. Retaliation also includes filing a complaint or other action against an individual for alleged violation of University policy unrelated to sexual harassment but arising out of the same facts or circumstances as a report of sex discrimination or sexual harassment, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy.

T. Sanctioning Official

"Sanctioning Official" refers to the University official who assigns sanctions to individuals who are found responsible by a Hearing Panel for violating certain portions of this Policy.

U. Sexual Assault

"Sexual Assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape.

1. Rape

   The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

2. Fondling

   The intentional touching of the clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or the forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

3. Incest

   Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

4. Statutory Rape

   Sexual intercourse with a person who is under the statutory age of consent.

V. Sexual Coercion

"Sexual Coercion" means the use of manipulation or threat to force someone to engage in a sexual act.

W. Sexual Exploitation

"Sexual Exploitation" means taking non-consensual or abusive sexual advantage of an individual for the benefit or advantage of anyone other than the person being exploited. Examples of sexual exploitation include but are not limited to: non-consensual video or audio-taping of sexual activity, undetected viewing of another's sexual activity or other types of sex-based voyeurism, or the intentional removal of a condom or other prophylactic barrier during sexual activity without the consent of a sexual partner.

X. Sexual Harassment – State

"Sexual Harassment – State" or "State Sexual Harassment" means unwelcome, sex-based verbal or physical conduct that:

1. In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or

2. in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.

Y. Sexual Harassment – Title IX

"Sexual Harassment – Title IX" or "Title IX Sexual Harassment" means Conduct on the basis of sex that satisfies one or more of the following:

1. Quid pro quo: An employee of the institution conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or

3. "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined in this Policy.

Subsections (a) and (c) in this definition are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such conduct is sufficiently serious to deprive a person of equal access. Therefore, any instance of quid pro quo sexual harassment and any instance of sexual assault, dating violence, domestic violence, and stalking are considered sexual harassment under this Policy.

Z. Sexual Harassment

"Sexual Harassment" without the qualifier "State" or "Title IX" refers to both State Sexual Harassment and Title IX Sexual Harassment.

1. Sexual Misconduct

   "Sexual Misconduct" refers to sexual harassment, sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence, and stalking.

2. Stalking

   "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress. "Course of conduct" means two or more acts, including but not limited to: acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

AA. Student

"Student" means an individual who is registered or enrolled in one or more courses for credit at the University.

BB. Survivor Advocate

"Survivor Advocate" means an individual employed by the University to provide advocacy services to survivors of sexual misconduct, relationship violence and stalking, including information about on and off campus resources, counseling services, health and safety programs, academic and on- campus housing options, protective orders, crime victim compensation, and other resources. The Survivor Advocate is not a confidential employee.

CC. Title IX Coordinator

"Title IX Coordinator" means a University of North Texas employee designated by the President to implement, monitor, and enforce the University's Title IX program. In this policy, reference to the Title IX Coordinator also means a Deputy Title IX Coordinator or the Coordinator's designee. The Title IX Coordinator is located in the Office of Equal Opportunity.

IV. Policy Responsibilities

A. Procedures for reporting and responding to alleged sexual misconduct

1. Reporting Sexual Harassment and Other Sexual Misconduct

    a. Call 911 to report imminent danger of harm or to report criminal activity. It is important that victims of sexual harassment, sexual assault, dating violence, domestic violence, or stalking go to a hospital for treatment and preservation of evidence, if applicable, immediately after the incident.

    b. Sexual harassment and other forms of sexual misconduct may be reported to the University via the University website Report Suspected Wrongdoing, including anonymously, or to a Confidential Employee. A student who wishes to report sexual harassment and other sexual misconduct may report to the Dean of Students, the Title IX Coordinator, or a Deputy Title IX Coordinator.

    c. An individual who believes they have been subjected to sexual harassment or other sexual misconduct, should immediately report the conduct to the Title IX Coordinator.

    d. Employees must report sexual harassment and other sexual misconduct as set out below.

2. Duty to Report

    a. Employees who, in the course of performing their authorized duties, witness or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment or other sexual misconduct and is alleged to have been committed by or against a person who was a student enrolled at or an employee of UNT at the time of the incident shall promptly report the incident to the Title IX Coordinator or a Deputy Title IX Coordinator. The report must include all information concerning the

incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident. Students and other individuals, including visitors, are strongly encouraged to report sexual harassment and other sexual misconduct to the Title IX Coordinator in the Office of Equal Opportunity or a Deputy Title IX Coordinator.

b. Exceptions to Duty to Report

i. Confidential Employees, as defined in this policy, are obligated to report sexual harassment and other sexual misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator. When reporting, these individuals shall state only the type of incident reported and shall not include other information that would violate a student's expectation of privacy.

ii. A person is not required to make a report under this section concerning an incident in which the person was a victim of sexual harassment and other sexual misconduct.

iii. A person is not required to make a report pursuant to this policy concerning an incident of which the person received information due to a disclosure made at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by the University or by a student organization affiliated with the University.

c. Ramifications of failure to report

i. The University will terminate the employment of an employee whom the institution determines in accordance with University policy to have knowingly failed to report certain types of sexual misconduct as required in this policy (*i.e.*, the employee is required to make a report of sexual assault, sexual harassment, dating violence, or stalking and knowingly fails to do so).

ii. The University may discipline an employee who fails to report other forms of sexual misconduct (*i.e.*, sexual coercion, sexual exploitation, and domestic violence).

3. False or Bad Faith Reports

a. Any individual who makes a false report under this policy is subject to disciplinary action. A report is not false or made in bad faith simply because an investigation did not find sufficient evidence to substantiate the alleged violation. The University will terminate the employment of an employee whom the institution determines in accordance with University policy to have knowingly made a report of sexual harassment or other sexual misconduct that is false, with the intent to harm or deceive.

4. Protection Against Retaliation

    a. Retaliation is prohibited against any person who reports or encourages another to report any behavior prohibited by this policy, who participates in an investigation conducted under this policy, or who seeks assistance or guidance from any University department or external official or organization authorized to remediate conduct prohibited under this policy. This protection against retaliation does not apply to a student or employee who:

        i. Reports an incident of sexual misconduct under this policy that was perpetrated by that person or the person assisted in the sexual misconduct; or

        ii. Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that person perpetrated an incident prohibited under this policy.

5. Confidentiality

    a. Protection of Non-Confidential Information. Information may be protected from disclosure as permitted by section 51.971 of the Texas Education Code when it is collected or produced as part of an investigation conducted under this policy and disclosing the information would interfere with an ongoing investigation, or it is collected or produced by a University official for the purpose of reviewing a compliance process.

    b. Authorized Disclosure of Alleged Victim's Identity. The identity of an alleged victim of sexual harassment or other sexual misconduct, may be disclosed with the written and signed consent of the alleged victim or when the information is released to the following:

        i. persons employed by or under contract with the university when necessary to conduct an investigation of the report or any related hearings;

        ii. a law enforcement officer as necessary to conduct a criminal investigation of the report;

        iii. a health care provider in an emergency situation, as determined necessary by the institution;

        iv. the person or persons alleged to have perpetrated the incident, to the extent required by other law; or potential witnesses to the incident as necessary to conduct an investigation of the report.

    c. Authorized Disclosure of the Identity of Other Individuals Involved in Reports of Sexual Harassment or Other Sexual Misconduct. The identity of an individual who reports sexual harassment or other sexual misconduct under

this policy, who sought guidance from the University concerning such alleged conduct, or who participated in the University's investigation of alleged conduct prohibited under this policy; or the identity of a person who is alleged in a report made to the University to have engaged in conduct or assisted in the commission of conduct prohibited under this policy but found not responsible for such conduct after a University investigation, is confidential and not subject to disclosure under the Texas Public Information Act, and may be disclosed only to:

i. University officials as necessary to conduct an investigation of the report;

ii. a law enforcement officer as necessary to conduct a criminal investigation of the report, or

iii. a health care provider in an emergency situation, as determined necessary by relevant University officials.

6. Rights of Victims of Alleged Sexual Harassment and Other Sexual Misconduct

   a. The right to report the incident to the University and to receive a prompt and equitable resolution of the report;

   b. The right to report or not report the alleged conduct to law enforcement if it constitutes a crime; and

   c. The right to be assisted by the University in reporting the alleged conduct to law enforcement if it constitutes a crime.

7. Protocol for Responding to Reports of Sexual Harassment, Including Interim Measures

   a. Applicability of the Grievance Process

   The Grievance Process in this Policy applies to the following situations:

   i. Students. The Grievance Process in Sections 7.d. through 7.o. of this Policy applies in the instances where the conduct alleged includes Title IX Sexual Harassment, as defined above.

   ii. Employees. For faculty and staff, the Grievance Process in sections 7.d. through 7.o. applies where each of the following conditions is met:

   (a.) The Respondent is an employee at the University at the time of the alleged conduct;

   (b.) The conduct alleged is Title IX Sexual Harassment under this Policy;

   (c.) The alleged conduct occurred against a person in the United States; and

(d.) The Complainant was participating or attempting to participate in an education program or activity at the University at the time of the alleged conduct. This element is met if the conduct occurred in any of the following: on any University property, during any University activity, in a building owned or controlled by a student organization that is officially recognized by the University, or in instances where the University exercised substantial control over the Respondent and the context in which the alleged conduct occurred.

iii. In all other instances, allegations of Sexual Misconduct that do not include Title IX Sexual Harassment will be handled in accordance with the procedures of Section 7.p. when the Respondent is a Student at the time of the alleged conduct and Section 7.q. when the Respondent is an employee at the time of the alleged conduct.

b. Reviewing Allegations

The Title IX Coordinator will review all allegations of sexual misconduct. The Title IX Coordinator or a designee shall consult the Complainant, if the individual's identity is known, before recommending interim measures or before initiating an investigation. This consultation must include informing the Complainant that:

i. the Complainant may file a criminal complaint with law enforcement officials at any time;

ii. the University has an obligation to remediate sexual harassment and other sexual misconduct, and that an investigation may be conducted whether or not a criminal complaint is filed;

iii. the University can take measures to protect against continued sexual harassment or other sexual misconduct and retaliation;

iv. voluntary withdrawal of an allegation will not necessarily result in termination of an investigation; and

v. the Complainant should contact the Title IX Coordinator if retaliation is suspected.

c. Interim or Supportive Measures

i. The University shall provide the following interim or supportive measures to student Complainants and student Respondents:

(a.) counseling from a counselor that does not provide counseling to another person involved in the incident; and

(b.) permission to drop a course in which both the Complainant and the Respondent are enrolled without any academic penalty.

ii. The University may take other administrative action to protect or support the Complainant, the Respondent, and any other individual against prohibited conduct including retaliation, or to ensure the prompt and efficient completion of an investigation. Interim measures are not disciplinary in nature and must be consistent with other University policies. Interim measures may include but are not limited to: administrative directives for no contact, housing reassignments, leaves of absence, modified schedules, campus security escorts, altered academic arrangements, and increased security.

d. Formal Complaints

i. To begin the Grievance Process, the Complainant must sign a Formal Complaint requesting an investigation and submit it to the Title IX Coordinator. The complaint must include a written statement setting out the known details of the alleged sexual harassment, including the following:

(a.) Complainant's name and contact information;

(b.) Respondent's name, if known;

(c.) Description of the alleged occurrence(s);

(d.) Date(s) and location(s) of the alleged occurrence(s);

(e.) Names of any witnesses to the alleged occurrence(s); and

(f.) The resolution sought.

ii. The Complainant may submit documents or any other information that is related to the Formal Complaint.

iii. The Title IX Coordinator may sign a Formal Complaint against a Respondent and initiate an investigation when in the best interest of the University community.

e. Formal Complaint Dismissals

i. Mandatory Dismissal of Complaint. The University, as required by Title IX, *must* dismiss a Formal Complaint or an allegation in the complaint, when the alleged conduct:

(a.) Does not meet the definition of Title IX Sexual Harassment as defined in this policy;

(b.) Did not occur in a UNT educational program or activity; or

(c.) Did not occur against a person in the United States.

ii. Discretionary Dismissal of Complaint. The University *may* dismiss a Formal Complaint or allegation made under this Policy:

(a.) upon the Complainant's written request and delivery of the request to the Title IX Coordinator;

(b.) when the Respondent was an employee and is no longer employed by the University at the time the Formal Complaint is filed; or

(c.) when specific circumstances prevent the University from gathering evidence sufficient to reach a determination concerning the complaint or an allegation in the complaint.

iii. Other Investigation. When the Respondent is a student who withdraws or graduates prior to resolution of an allegation of sexual misconduct in accordance with University policy, the University shall resolve an allegation of sexual harassment dismissed under Section 7.e. of this policy or other allegations of sexual harassment, sexual assault, dating violence, or stalking in accordance with the process set out in Section 7.p. of this policy until there is a final determination of responsibility. The University shall not issue a transcript to the Respondent until a final determination of responsibility is made. For all other allegations of sexual misconduct that are dismissed under Section 7.e., the University may resolve an allegation under other University policies, including but not limited to: the Code of Student Conduct (07.012) or with the process set out in Section 7.p. or 7.q. of this policy.

iv. Notice of Dismissal. If the University dismisses a Formal Complaint, the University will notify the Complainant and Respondent in writing, including the reason(s) for the dismissal.

v. Concurrent Criminal or Civil Proceedings. The University, at its discretion, may proceed with or delay the investigation or Grievance Process temporarily due to concurrent criminal or civil proceedings on a case-by-case basis.

f. Written Notice of the Formal Complaint, and Notification of University Offices Offering Assistance

i. After receiving a Formal Complaint, the Title IX Coordinator will provide the Complainant and Respondent written notice of the Formal Complaint and available University resources and assistance. The written notice will include the following:

(a.) A description of the Grievance Process, as outlined in this Policy;

(b.) Details about the alleged conduct, including the nature of the conduct, identity of the parties, and the date(s), time(s), and location(s) of alleged conduct as known by the University at the time of the Formal Complaint;

(c.) The potential policy violations being investigated;

(d.) A statement that the Respondent is presumed not responsible for the alleged conduct and that the determination regarding responsibility will be made at the conclusion of the Grievance Process;

(e.) A statement that both individuals may have an advisor of their choice, who may be, but is not required to be, an attorney;

(f.) A statement that both individuals may inspect and review all evidence gathered as part of any investigation;

(g.) A statement that knowingly making false statements or knowingly submitting false information during the Grievance Process is prohibited and subject to disciplinary action; and

(h.) Any other information the Title IX Coordinator believes is necessary for equitable resolution of the Formal Complaint.

g. Informal Resolution of Complaints

i. After the Respondent and Complainant have been provided a copy of the written notice of a Formal Complaint, both individuals may, in writing, voluntarily agree to resolve the complaint using the Informal Resolution process set out in this policy. Individuals may use the informal process at any point prior to the University reaching a determination regarding responsibility. The Informal Resolution entails the parties forgoing the Grievance Process (including the investigation and hearing, depending on when the parties agree to engage in an Informal Resolution). The Informal Resolution may include a mediation process, for example, and agreements reached by the individuals are binding and will result in permanent dismissal of the Formal Complaint. The University may enforce the agreement to the extent allowed by law.

ii. At any point prior to agreeing to an Informal Resolution, each party has a right to withdraw from the Informal Resolution process and resume the Grievance Process with respect to the Formal Complaint.

iii. The Informal Resolution process is not permitted in cases where:

(a.) The Formal Complaint alleges sexual assault;

(b.) The Formal Complaint contains an allegation of physical

violence;

(c.) The Formal Complaint alleges an employee sexually harassed a student; or

(d.) When the individuals previously participated in the Informal Resolution process and reached a mutual agreement that resolved the allegations in the Formal Complaint.

iv. Informal Resolutions of a Formal Complaint will be concluded within 45 days of written notice to the University that both parties wish to proceed with the informal process. Notice that the parties wish to proceed with an Informal Resolution process will "pause" the counting of the timeframe to conclude the formal Grievance Process. Should theInformal Resolution process fail, the University will proceed with the formal process.

v. No recording of the Informal Resolution process will be made and statements made during this process may not be used or considered in any way in the formal Grievance Process, including by the hearing and appellate officers.

vi. Informal Resolution Documentation. Any final resolution reached pursuant to the Informal Resolution process will be documented and maintained for seven years. (See Section 7.n. below for additional information on Grievance Process documentation).

h. Investigating Formal Complaints

i. Collection of Evidence

(a.) The investigator will provide written notice to the Complainant, Respondent, or other individuals who may have information about an allegation in the Formal Complaint when the person is invited or expected to participate in the process. The notice must inform the individual of the date, time, location, participants, and purpose of the meeting or other proceedings.

(b.) After the University provides written notice of a Formal Complaint, the Respondent will have 10 days to respond in writing and schedule an interview with the investigator.

(c.) The Respondent and Complainant may present any information and evidence that is relevant to the Formal Complaint, and may have an Advisor of their choice attend any related interview, meeting, or proceeding in the Grievance Process. The individuals must inform the investigator, in writing, of the name of their Advisor and whether the University may release information concerning the Formal

Grievance process. Advisors are not permitted to actively participate in meetings or proceedings in the Grievance Process, unless explicitly outlined in this Policy. The individuals may provide the names of any fact or expert witnesses who may provide information related to the allegation(s), including a description of the information the witnesses may have, and provide the investigator any questions they would like asked of any potential witnesses or the other party.

(d.) The investigator is responsible for gathering evidence sufficient to reach a determination regarding responsibility, including interviewing available witnesses.

(e.) The investigator cannot access, consider, disclose, or otherwise use a Respondent's, Complainant's, or witness's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University receives that individual's voluntary, written consent to consider the information.

ii. Access to Evidence. Prior to the completion of the investigation report, the investigator must send the Respondent and Complainant, and their advisor as designated, access to the evidence obtained that is directly related to the allegations in the Formal Complaint, including inculpatory and exculpatory information and other evidence upon which the investigator does not intend to rely in reaching a determination regarding responsibility. The individuals will have 10 days to inspect, review, and respond to the evidence. Response to the evidence may be submitted verbally or in writing. The investigator will consider all timely responses.

iii. Completed Investigation Report. The completed investigation report will outline each of the allegations that if true would constitute prohibited conduct under this Policy, provide the timeline (*i.e.*, procedural steps) of the investigation, and fairly summarize relevant evidence, participant statements, and responses to questions. The investigator will provide a completed investigation report concurrently to the individuals and their advisors at least 10 days prior to the date of the scheduled hearing for review and a written response. A copy of the completed investigation report will be issued to the Title IX Coordinator, and to the Hearing Panel.

i. Standard of Evidence and Presumption of Non-Responsibility

The Respondent is presumed not to be responsible for the conduct alleged in the Formal Complaint and will not be determined to be responsible unless the preponderance of the evidence establishes the individual engaged in the conduct at the conclusion of the Grievance Process. The preponderance standard shall be used during all stages of the formal resolution process.

j. Live Hearing – Determination of Responsibility

i. Absent a dismissal of a Formal Complaint, the University will provide a Live Hearing, as outlined in this Policy, to resolve the allegations.

ii. Notice of the Hearing. The University will provide at least 10 days' written notice to all participants of the hearing, including the date, time, location, names of all participants, purpose of the hearing, a statement of the allegation(s), and a summary of the evidence gathered.

iii. Advisor. Each party may have an advisor of their choice at the hearing. If a party does not have an advisor, the University will provide one at no cost to the party. Advisors are not permitted to actively participate in the hearing, except for asking relevant questions of the other party and any other witnesses.

iv. Access to Evidence. The Respondent and Complainant will be provided all evidence from the investigation and a copy of the completed investigation report at least 10 days prior to the hearing.

v. Separate Rooms and Virtual Participation. The Complainant or Respondent may request a separate room during the hearing. The University will provide technology enabling the individuals to simultaneously see and hear the other participants throughout the proceeding.

vi. The hearing will be conducted by a panel consisting of three members: a Hearing Officer and two Hearing Panelists, selected by the Title IX Coordinator or a designee. Individuals with a general or specific conflict of interest or bias toward or against the Complainant, Respondent, or witnesses will be disqualified from participating in the Hearing Panel. The Hearing Panel will objectively evaluate all evidence, both inculpatory and exculpatory, and determine the credibility of witnesses and evidence without bias toward the Complainant, Respondent, or any witness. The determination of responsibility or non-responsibility must be by majority vote of the members of the panel.

vii. Challenges to the Hearing Panelists. The Respondent and Complainant may challenge the fairness, impartiality or objectivity of any member assigned to serve on the panel. The challenge must be submitted to the Title IX Coordinator, in writing, within five days from the date of the

hearing notice and state the reason(s) for the challenge. The Title IX Coordinator will decide whether to grant or deny the challenge and assign another panelist if the challenge is granted.

viii. Hearing Officer Duties at the Hearing. The Hearing Officer will decide all questions and objections concerning procedural matters and evidence, including the relevance of exhibits and testimony. The Hearing Officer may call and question participants who testify at the hearing. The Hearing Officer may consult the UNT System Office of General Counsel concerning the hearing.

ix. Each party may make an opening and a closing statement.

x. Questioning of the participants in the hearing. The Hearing Panelists may ask questions during the hearing of any party or witness and may ask questions of any party or witness before advisors. The Respondent and Complainant are not permitted to ask questions directly of the other party or any witnesses during the hearing. Each party's advisor will have an opportunity to ask relevant questions and follow-up questions of the other party and of any witnesses, including questions challenging credibility. Each advisor may question witnesses directly and orally at the hearing. The advisors may ask questions under the following procedure:

(a.) At least five days prior to the hearing the advisors must submit a list of initial questions to the Hearing Officer. The Hearing Officer will determine whether the questions are relevant, and will inform each advisor of the relevancy determinations at least two days prior to the hearing.

(b.) The advisor may ask the applicable participant the questions approved by the Hearing Officer and relevant follow-up questions.

(c.) Before the participant may answer a follow-up question, the Hearing Officer will determine whether the question is relevant to the alleged conduct.

(d.) The Hearing Officer must explain any decision to exclude a question as not relevant.

xi. Information that is Not Relevant.

(a.) Privileged Information. Information that is confidential under a legally recognized privilege, including attorney-client and medical information, is not relevant and will not be permitted at the Hearing or considered in making a determination of responsibility. The parties and witnesses are not required to disclose information protected under a legally recognized privilege and the parties may

not ask any participant questions related to privileged information, unless the person waives the privilege in writing. Any waivers of a privilege must be submitted to the Hearing Officer before a party asks the witness questions related to the information.

(b.) Prior Sexual History. A Complainant's sexual predisposition or prior sexual behavior is not relevant except where questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove consent.

xii. Not submitting to cross-examination. If a party or witness refuses to submit to any cross-examination questions, the Hearing Panel may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions at the hearing.

xiii. Determination of Responsibility. The Hearing Panel will make a determination of responsibility on all allegations in the Formal Complaint. The Hearing Officer is responsible for preparing a written determination, which must include the following:

(a.) The allegations that potentially constitute sexual harassment;

(b.) A description of all of the procedural steps from receipt of the Formal Complaint through the determination regarding responsibility, including any notifications of the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

(c.) The findings of fact supporting the determination of responsibility;

(d.) The conclusion(s) regarding the application of the applicable University code of conduct or policy to the facts;

(e.) A statement of and rationale as to whether the Respondent is responsible for each allegation;

(f.) The disciplinary sanctions, if applicable, to be determined by appropriate University officials;

(g.) The remedies, if applicable, designed to restore the Complainant's access to the education program or activity; and

(h.) The University's procedures and permissible grounds for the

parties to appeal, when applicable.

(i.) The Hearing Officer will send a copy of the written determination concurrently to the parties and their advisors, in addition to the Dean of Students (for student Respondents), Provost (for faculty Respondents), divisional Vice President and Director of Human Resources (for staff Respondents), and Title IX Coordinator (for all Respondents).

(j.) The hearing will be recorded in audio or audiovisual format and may be transcribed at the discretion of the University. The recording or transcript will be available for the parties to inspect and review, upon request.

k. Obligation to Participate in Investigations under this Policy

i. Individuals are expected to be cooperative in investigations conducted under this policy, and any person who knowingly interferes with an investigation is subject to disciplinary sanctions. Interference with an investigation includes but is not limited to:

(a.) attempting to coerce, compel, or prevent an individual from providing information related to the investigation;

(b.) removing, destroying, or altering information that relates to the investigation;

(c.) failing to produce University records that relate to the investigation; or

(d.) providing false or misleading information in the course of an investigation or encouraging others to do so.

ii. Employees are required to participate in investigations and hearings conducted under this policy unless the employee is the alleged victim.

l. Sanctions and Remedies

i. When a Respondent is found responsible for committing Title IX Sexual Harassment, the Hearing Officer will transmit a copy of the written determination of responsibility, within one day of its completion, to the Sanctioning Official, for determination of sanctions.

(a.) The Dean of Students or a designee is the Sanctioning Official for students.

(b.) The Provost is the Sanctioning Official for faculty.

(c.) The Director of Human Resources is the Sanctioning Official for staff.

ii. Except under extenuating circumstances, within 14 days of receiving the above-described documentation from the Hearing Officer, the Sanctioning Official will assign a sanction to the Respondent that is consistent with the sanctioning guidelines in this policy and will notify the Hearing Officer of that sanction in writing. The Sanctioning Official may consult with other appropriate University officials in determining the sanction, including the Hearing Panelists and the Office of General Counsel, but the Sanctioning Official may use their discretion in reaching the determination.

iii. The Sanctioning Official will electronically transmit a copy of the complete written determination of responsibility, including the sanction, to the Complainant and Respondent.

iv. Possible Sanctions and Remedies for Student Respondents:

(a.) Educational training;

(b.) No shared classes or extra-curricular activities;

(c.) Disciplinary probation;

(d.) Withholding of grades, official transcript, and/or degree;

(e.) Bar against readmission, bar against enrollment, drop from one or more classes, and/or withdrawal from the University;

(f.) Suspension of rights and privileges, including but not limited to: participation in extracurricular activities, including intercollegiate athletics;

(g.) Denial of degree;

(h.) Suspension from the University for a specific period of time. Suspension is noted on the academic transcript with the term "Disciplinary Suspension." The notation can be removed upon the request of the student in accordance with the University's procedures when all conditions of the suspension are met;

(i.) Expulsion (permanent separation from the University). Expulsion creates a permanent notation on the student's academic transcript;

(j.) Revocation of degree and withdrawal of diploma; and

(k.) Other sanction(s) or remedies as deemed appropriate under the circumstances.

v. Possible Sanctions and Remedies for Staff Respondents:

(a.) Written warning;

(b.) Written reprimand;

(c.) Job demotion or reassignment;

(d.) Suspension with or without pay for a specific period of time;

(e.) Termination;

(f.) Ineligible for rehire; and

(g.) Other sanction(s) or remedies as deemed appropriate under the circumstances

vi. Possible Sanctions and Remedies for Faculty Respondents:

(a.) Written warning;

(b.) Written reprimand;

(c.) Loss of rank;

(d.) Reassignment;

(e.) Suspension with or without pay for a specific period of time;

(f.) Termination;

(g.) Revocation of tenure;

(h.) Ineligible for rehire; and

(i.) Other sanction(s) or remedies as deemed appropriate under the circumstances

m. Appeals and Additional Processes Provided to Students and Employees

i. Appeals. Either party may appeal the determination of responsibility or the decision to dismiss a Formal Complaint or any allegations in the Formal Complaint. The appeal must be submitted in writing within 10 days of notice of the written determination. An appeal may be based only on the following grounds:

(a.) A procedural irregularity occurred that affected the outcome of the matter;

(b.) New evidence that could affect the determination regarding responsibility was not available at the time the determination was made;

(c.) New evidence that could affect the outcome of a decision to dismiss the Formal Complaint or an allegation in the complaint was not available at the time the decision was made; or

(d.) The Title IX Coordinator, investigator(s), or Hearing Panelist had a conflict of interest or bias for or against the parties (general or specific) that affected the outcome of the matter.

ii. The Appellate Officer must not be the same person as the Title IX Coordinator, investigator(s), or Hearing Officer in the Grievance Process. Both parties will be notified in writing when an appeal is filed and the appeal procedures will apply equally for both parties.

iii. Appellate Officer will provide the parties a written decision within 28 days from the date of the appeal.

n. Grievance Process Documentation

The University (through the appropriate office) will retain all documentation related to the Grievance Process (outlined in Section 7 of this Policy) for seven years, in accordance with state and federal records retention laws and University policy. All records related to the Grievance Process are confidential to the extent allowed by law.

o. Grievance Process Timeframe

The entire Grievance Process, including any appeal, will be completed in a reasonably prompt manner, determined by balancing principles of thoroughness and fundamental fairness with promptness. The University may extend the time to complete an investigation for good cause, including the absence of a party, the unavailability of a party's advisor or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. In such an instance, the University will provide written notice to the parties of the delay or extension and the reason(s) for the action. The time to complete the Formal Grievance Process will be extended by the length of time parties engage in the Informal Resolution process.

p. Grievance Process for Non-Title IX Sexual Harassment and Other Sexual Misconduct Complaints – Students

Where the Respondent is a student at the time of the alleged conduct (including student-employees), and the alleged conduct does not include Title IX Sexual Harassment, the Grievance Process in Sections 7.b., 7.c., 7.g. 7.h., and 7.i. of this Policy applies, along with the following procedures:

i. Investigation Report and Determination Regarding Responsibility. In cases where one or more of the allegations includes sexual assault, or when the allegations do not include sexual assault but the Title IX Coordinator determines that there is a probability the Respondent will face expulsion (See Section 7.r. below), the completed investigation report will be referred to a Hearing Panel for determination of

responsibility; if the Title IX Coordinator determines that there is not a probability that the Respondent will face expulsion, the completed investigation report will be referred to an adjudicator in the appropriate University office for a determination regarding responsibility.

ii. When the determination is made that a hearing is required and the matter is referred to a Hearing Panel, the hearing will proceed pursuant to the guidelines set forth in Sections 7.s. through 7.x. of this policy below. For matters in which a hearing is not required, an adjudicator will conduct an independent review of the investigation report, and will reach a determination as to whether, based on a preponderance of the evidence, the Respondent violated University policy. If Respondent is found not responsible, both Complainant and Respondent will be notified of such in writing. If Respondent is found responsible, the matter will be referred to the Dean of Students who will assign an appropriate sanction consistent with the Code of Student Conduct (UNT Policy 07.012).

iii. When the Respondent is both a student and an employee and is found responsible for violating this policy through work-related conduct, the assigned adjudicator and/or the Dean of Students will consult with the student-employee's supervisor to determine the employment sanction, if any.

iv. The Complainant and Respondent may request a review of the findings and/or sanctions pursuant to the guidelines set forth in the Code of Student Conduct.

q. Grievance Process for Non-Title IX Sexual Harassment and Other Sexual Misconduct Complaints – Employees

Where the Respondent is an employee at the time of the alleged conduct, and the alleged conduct does not include Title IX Sexual Harassment, the Grievance Process in Sections 7.b., 7.c., 7.g., 7.h., 7.i. of this Policy applies, along with the following procedures:

i. Investigation Report and Determination Regarding Responsibility. In cases where one or more of the allegations includes sexual assault, or when the allegations do not include sexual assault but the Respondent is a faculty member and the Title IX Coordinator determines that there is a probability the Respondent will face termination of employment (See Section 7.r. below), the completed investigation report will be referred to a hearing panel for determination of responsibility; if the Title IX Coordinator determines that there is not a probability that a faculty Respondent will face termination, the completed investigation report will be referred to an adjudicator in the appropriate University

office for a determination regarding responsibility.

ii. When the determination is made that a hearing is required and the matter is referred to a hearing panel, the hearing will proceed pursuant to the guidelines set forth in Sections 7.s through 7.x. of this policy below. For matters that are referred to an adjudicator, the adjudicator will conduct an independent review of the investigation report, and will reach a determination as to whether, based on a preponderance of the evidence, the Respondent violated University policy. If Respondent is found not responsible, both Complainant and Respondent will be notified of such in writing. If Respondent is found responsible, the matter will be referred to the Provost or the Director of Human Resources, as applicable, who will assign an appropriate sanction consistent with this policy.

iii. The Complainant and Respondent may request a review of the findings and/or sanctions pursuant to the guidelines set forth in the Office of Equal Opportunity's Investigative Procedures.

r. Title IX Coordinator Determination of Probable Cause

i. All investigation reports will be routed to the Title IX Coordinator for review upon completion. After reviewing the investigation report, the Title IX Coordinator will determine whether there is probable cause to believe the Respondent committed a violation of this policy and will determine whether a potential sanction includes expulsion or termination.

ii. If the Title IX Coordinator concludes there is no probable cause to believe a violation of this policy occurred that would result in expulsion or termination, the Title IX Coordinator will refer the matter to an adjudicator as outlined in Sections 7.p. and 7.q. above.

iii. Alternatively, if the Title IX Coordinator concludes there is probable cause, then the Title IX Coordinator will assign a Hearing Officer and refer the matter to a Hearing Panel for a hearing as outlined in Sections 7.s. through 7.x.

s. Hearing Procedures for Non-Title IX Sexual Harassment and Other Sexual Misconduct.

i. The Title IX Coordinator or a designee will prepare a written notice of required hearing and transmit this written notice to both the Complainant and the Respondent. The notice will include a copy of the investigation report, the policy provision(s) alleged to have been violated, the opportunity to schedule a pre-hearing meeting with at least five days' advance notice, and the names and titles of the Hearing Officer

and selected Hearing Panelists. The notice will also inform the Complainant and Respondent that: they are required to have an advisor for the hearing; they must inform the Title IX Coordinator no later than 10 days after receiving the notice who the party's advisor will be, and whether that person is an attorney; and, if they do not have an advisor for the hearing, the Title IX Coordinator will appoint an advisor who may or may not be an attorney, at no cost to the party, to assist the party during the hearing.

t. Notice of Hearing and Administrative Measures

i. Notices will be sent to the Respondent's and Complainant's official University email addresses no fewer than five days before a pre- hearing meeting. Failure to read and comply with the Notice is not suitable grounds for an appeal.

ii. In scheduling a pre-hearing meeting or hearing, the University considers the availability of the Respondent, the Complainant, their respective advisors, the Hearing Officer, the Title IX Coordinator, and the University Counsel. The University will notify the Complainant, the Respondent, and the Hearing Officer of the date and time of the hearing in writing at least 10 days before the hearing.

u. Pre-Hearing Meetings

The Title IX Coordinator and/or their designee will meet with the Respondent and their advisor, the Complainant and their advisor, and the Hearing Officer to review the investigation report, discuss the hearing process and answer any questions the parties have about the procedures. The Complainant's and Respondent's meetings will occur separately. With the exception of one support person per party and one advisor per party, pre- hearing meetings are closed meetings. These meetings will occur at least 10 days before the hearing.

v. Formal Hearing Procedures

i. Sexual Misconduct Hearing Panel. Once a case is referred to the Hearing Officer for a formal hearing, the Hearing Officer will select two members from the Sexual Misconduct Hearing Panel Pool to serve as Hearing Panelists.

ii. Conflicts of Interest. Any member of the Sexual Misconduct Hearing Panel who has a conflict of interest shall immediately recuse themselves. Conflicts of interest include but are not limited to: personal knowledge of the facts and circumstances of the allegations or having a family, personal, faculty/student, or professional relationship with either the Complainant or the Respondent.

iii. Challenge to Sexual Misconduct Hearing Panel Members. The Complainant or the Respondent may challenge any Sexual Misconduct Hearing Panelist for cause if there is a belief that a member of the Sexual Misconduct Hearing Panel cannot render a fair and impartial result. Challenges to any Sexual Misconduct Hearing Panelist must be made in writing and delivered to the Title IX Coordinator no later than 10 days before the hearing. The Title IX Coordinator will determine if cause exists and will excuse any Panelist where cause exists. Under no circumstance will a Sexual Misconduct Hearing Panelist be excluded for a reason that would violate the University's Nondiscrimination policy.

iv. Selection of Replacement Members. If a Sexual Misconduct Hearing Panel Member recuses themselves or if the Title IX Coordinator excuses a Panelist for Cause, then the Title IX Coordinator will select replacement members from the Sexual Misconduct Hearing Panel Pool.

v. Advisors. While each party's advisor will be present at the hearing and related meetings, the advisor may not participate in the hearing. Other than to request a break or to present a closing statement on the party's behalf, the advisor may not address the Hearing Panel and must comport themselves in a manner that is not disruptive to the hearing or meetings. The Hearing Officer has complete discretion to determine whether conduct is disruptive.

vi. Access to Evidence. The Complainant and advisor, the Respondent and advisor, and the Hearing Panelists will have access to all relevant evidence collected by and relied upon by the investigator in making their recommendation. Such access to evidence will be granted by the investigator at least 10 days before the formal hearing.

vii. Hearings. Formal hearings will be conducted by the Hearing Officer using a virtual platform such as Zoom or Microsoft Teams, and will proceed according to the following guidelines:

(a.) No fewer than five days before the hearing, the Complainant and Respondent must submit to the Hearing Officer a preliminary list of questions they would like the Hearing Officer to ask of the opposing party at the hearing. If the Respondent or Complainant does not wish to question the other party, they are not required to submit questions. Upon the receipt of questions from both parties, the Hearing Officer will review and inform the parties, at least two days before the hearing whether any questions were eliminated as redundant, irrelevant, or prejudicial.

(b.) The Complainant and the Respondent will be assisted in the hearing by one advisor. If parties do not have an advisor, the

University will provide one for them at no cost. Attorneys who are representing a Complainant or a Respondent may not actively participate in the hearing other than to present a closing statement on the party's behalf. Attorneys and non-attorney advisor(s) may communicate privately with the person they support during the hearing and may request breaks in the hearing to conduct those communications but are not permitted to participate directly in any hearing except as set forth in these procedures.

w. Hearing Format

i. The Hearing Officer has wide discretion to designate the hearing format. Generally, a hearing normally will take no more than two hours, though the length of time required will vary depending on the specific circumstances. The Hearing Officer has the option to set time limits for portions of the hearing, provided each party is required to abide by the same time limits. Subject to the discretion of the Hearing Officer, hearings will ordinarily begin with introductory remarks by the Hearing Officer and/or Title IX Coordinator, followed by the preliminary questions of the parties as deemed appropriate by the Hearing Officer.

ii. At the Hearing Officer's discretion, the investigator(s) may be asked to present their factual findings to the Hearing Panel and respond to any initial questions they may have about the information contained in the investigation report. If the investigator is not available to present the findings in the investigation report, the Hearing Officer will read the findings into the record.

iii. The Hearing Officer will first ask the Complainant the preliminary questions. These questions may be provided by Respondent or Hearing Panelists. After completion of these questions, the Hearing Panel will meet privately with the Respondent and Respondent's advisor to determine whether follow-up questions are necessary. If the Hearing Officer determines that requested follow-up questions will lead to the discovery of information not previously discussed, the Hearing Officer will reconvene the hearing and ask Complainant the remaining questions.

iv. Next, the Hearing Officer will ask the Respondent the preliminary questions. These questions may be provided by Complainant or Hearing Panelists. After completion of these questions, the Hearing Panel will meet privately with the Complainant and Complainant's advisor to determine whether follow-up questions are necessary. If the Hearing Officer determines that requested follow-up questions will lead to the discovery of information not previously discussed, the Hearing Officer will reconvene the hearing and ask Respondent the remaining questions.

v. The Hearing Panelists may ask additional questions.

vi. Either party or their advisor may request breaks during the questioning to confer privately with each other. The frequency and duration of these breaks are within the discretion of the Hearing Officer.

vii. The Respondent or the Respondent's advisor will not be allowed to directly question the Complainant, and the Complainant or Complainant's advisor will not be allowed to directly question the Respondent.

viii. The hearing will be restricted to the Hearing Officer, Hearing Panelists, Complainant, Respondent, advisor(s), the Title IX Coordinator or designee, and University Counsel. The hearing will be closed to the public.

ix. The Hearing Officer may direct any person who fails to comply with procedures during the hearing or who disrupts or obstructs the hearing to leave the hearing. All questions, whether substantive, evidentiary, or procedural, will be addressed to and ruled upon by the Hearing Officer.

x. If, despite being notified of the date, time, and location of the hearing, a Respondent fails to appear before the Hearing Panel without good cause, the Hearing Panel will make a determination of responsibility in the Respondent's absence based upon available evidence. In the absence of clear evidence that emergency circumstances beyond the control of the Respondent prevented such person from being present, the final determination of the Hearing Panel will stand.

xi. If a Complainant does not respond to the University's attempts to schedule the prehearing meeting or the hearing, the case will be closed 20 days after the date the notice of hearing was sent to the parties, and Respondent will be found not responsible for the alleged policy violations. If, despite being notified of the date, time, and location of the hearing, a Complainant fails to appear before the Hearing Panel without good cause, Respondent will not be held responsible for the alleged policy violations. In the absence of clear evidence that emergency circumstances beyond the control of the Complainant prevented such person from being present, the determination will stand.

xii. At the end of the hearing, and before its conclusion, both the Complainant and the Respondent have an opportunity to make a closing statement either personally or through their advisor. This statement may not directly address the other party.

xiii. Upon conclusion of the hearing, and after the Complainant, the

Respondent, and their advisors have been excused, the Hearing Panel will reach a determination regarding Respondent's responsibility. The Hearing Officer will instruct the Hearing Panel on the preponderance of the evidence standard, the elements of the alleged policy violations, and any other matters that the Hearing Officer deems necessary to the Hearing Panel's determination.

xiv. After the Hearing Panel has reviewed the evidence presented at the hearing and the evidence collected during the investigation, the Panel will deliberate to determine whether there is sufficient evidence to find that Respondent violated the alleged section(s) of the applicable University policy or policies. The Hearing Panel's determination will be made based on the preponderance of the evidence standard. The findings of the Hearing Panel will be based upon a majority vote.

xv. After the hearing, the Hearing Officer, in consultation with the Hearing Panelists, will prepare a written summary of the Panel's findings of fact, determination of responsibility, and an explanation of the rationale for the decision. The written summary must be submitted to the Complainant, the Respondent, the University Counsel, the Title IX Coordinator, and the Dean of Students within 28 days following a hearing, unless circumstances exist that would delay issuance of the written outcome.

xvi. The Hearing Officer will send a copy of the written determination concurrently to the parties and their advisors, in addition to the Dean of Students (for student Respondents), Provost (for faculty Respondents), divisional Vice President and Director of Human Resources (for staff Respondents), and the Title IX Coordinator (for all Respondents). (Note: UNT Policy 07.012, the Code of Student Conduct, contains mandatory sanctions for some policy violations. In those types of cases, a finding of responsibility automatically results in a particular sanction.)

xvii. All Live Hearings, with the exception of the Hearing Panel's deliberations, and private conferences between a party and their advisor, will be recorded. The recording is the property of the University.

x. Appeals

i. The Complainant and Respondent may appeal the Hearing Panel's determination of responsibility to the Vice President for Inclusion, Diversity, Equity & Access (IDEA) or designee. Appeals must be submitted in writing to the Reviewing Official within 10 days from the date of the Panel's written summary of findings and include the reason(s) for the review and any new information the individual wants

the Reviewing Official to consider. The time for requesting review may be extended by the Title IX Coordinator in the interest of fairness. Appeals of Hearing Panel determinations are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (*e.g.*, substantiated bias, material deviation from established procedures, failure to correctly apply the evidentiary standard).

- To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the appeal.

ii. The written decision of the Vice President for IDEA regarding the finding of responsibility will be delivered to the Complainant and Respondent simultaneously; the decision is final.

When the Respondent is a student, the Complainant and Respondent may appeal the Dean of Students' sanction, if any, to the Senior Vice President for Student Affairs. The request must be submitted to the Senior Vice President in writing within 10 days from the date that the Dean of Students imposes the sanction. The time for requesting review may be extended by the Senior Vice President or a designee in the interest of fairness. The written decision of the Senior Vice President for Student Affairs regarding the sanction will be delivered to the Complainant and Respondent simultaneously; the decision is final.

8. Emergency Removal and Employee Administrative Leave

a. Emergency Removal. A student-Respondent may be removed from the University on an emergency basis when the University determines the Respondent poses an immediate threat to the physical health or safety of an individual arising from an allegation of sexual harassment. The Respondent will be notified of removal, in writing, and given five days to challenge the decision to the Title IX Coordinator. The challenge must include all reasons the Respondent believes removal is not warranted. The Title IX Coordinator or designee will provide a written response to the challenge within three days of receipt. The response will uphold or overturn the decision for emergency removal.

b. Employee Administrative Leave. An employee-Respondent may be placed on administrative leave pending resolution of a Formal Complaint, in accordance with University policy.

c. Policy Dissemination, Annual Reporting and Notice. The University's Title IX

General Policy Statement will be made available to all students, faculty, and staff employees online, in required publications, and in specified departments. This Policy will be made available to all University administrators, faculty, staff, and students online and in University student catalog(s) and in the employee policy manual. Periodic notices will be sent to University administrators, faculty, staff, and students about this policy at the beginning of each fall and spring semester. The notice will include information about sexual harassment; retaliation; the Formal Complaint procedure; the Title IX Grievance Process; and available resources, such as support services, health, and mental health services. The notice will specify the right to file a Formal Complaint under this Policy and to file a police report to law enforcement, provide the Title IX Coordinator's contact information, and refer individuals to designated offices or officials for additional information.

9. Education and Resources

    a. Training of Title IX and Deputy Title IX Coordinators, investigators, Hearing Officers and Appellate Officers. All Title IX and Deputy Title IX Coordinators, investigators, and those with authority over University Grievance Processes

    and appeals shall receive training each academic year about applicable prohibited conduct, Grievance Processes, due process, and this policy. All training materials used to train Title IX-related personnel (*e.g.*, Title IX Coordinators, deputies, investigators, Hearing Officers, and Appellate Officers) will be made available on the University's website.

    b. The University will require entering freshmen and undergraduate transfer students to attend an orientation on this policy before or during the first semester or term in which the student is enrolled. This orientation may be provided online.

    c. Resources and Services. Resources and services for those involved in sexual harassment situations can be found at the Office of Equal Opportunity and the Survivor Advocate's Office.

10. Legal Implications

    a. Any violation of this policy may result in sanctions imposed by the University or federal or state authorities, or legal action. In an effort to encourage reporting of sexual harassment and other sexual misconduct, the University will grant immunity from disciplinary action to students and employees who act in good faith in reporting a complaint or participating in an investigation or disciplinary process. This immunity does not extend to the person's own violations of this Policy.

V. Resources/Forms/Tools

Title IX Coordinator Contact Information

Survivor Advocate Contact Information

VI. References and Cross-References

UNT Policy 05.033, Staff Employee Discipline and Involuntary Termination Policy
UNT Policy 05.042, Grievance Policy
UNT Policy 06.025, Faculty Misconduct and Discipline
UNT Policy 07.012, Code of Student Conduct
UNT Policy 16.004, Prohibition of Discrimination, Harassment, and Retaliation
Title IX Regulation, 34 C.F.R. Part 106
Tex. Educ. Code Subchapter E-2, §§51.251-51.259, Reporting Incidents of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking
Tex. Educ. Code §51.282, Policy On Sexual Harassment, Sexual Assault, Dating Violence, and Stalking
Tex. Educ. Code Subchapter E-3, §§51.281-51.291, Sexual Harassment, Sexual Assault, Dating Violence, and Stalking

VII. Revision History

Policy Contact:	Asst. Vice President, Equal Opportunity & Title IX
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