

ROSE-HULMAN'S  
TITLE IX POLICY AND PROCEDURES

**ROSE-HULMAN**  
INSTITUTE OF TECHNOLOGY

## **EQUITY COMPLAINT PROCESS FOR RESOLVING COMPLAINTS OF SEXUAL HARASSMENT**

Federal law mandates that Rose-Hulman apply specific procedures to claims of Sexual Harassment. In compliance with these laws, the following procedures apply to all forms of sexual harassment, as defined in this policy. The procedures for all other types of discrimination and conduct issues will be handled by the Non-Academic Misconduct Policy in the Student Handbook for students and by Human Resources for employees.

### **I. SCOPE OF POLICY**

#### **A. Definition of Sexual Harassment (as provided by 34 CFR §106.30)**

1. Sexual harassment means conducts on the basis of sex that satisfies one or more of the following:
  - a. An employee conditioning the provision of an aid, benefit, or service of Rose-Hulman on an individual's participation in unwelcome sexual conduct;
  - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to an education program or activity;
  - c. Sexual assault: Sexual assault includes (A) rape, defined as 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, including attempts or assaults to commit rape; (B) fondling, defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where that person is incapable of giving consent because of the individual's age or because of the individual's temporary or permanent mental incapacity; (C) incest, defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and (D) statutory rape, defined as sexual intercourse with a person who is under the statutory age of consent.
  - d. Dating violence: Violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, (iii) the frequency of interaction between the persons involved in the relationship.
  - e. Domestic violence: Felony or misdemeanor crimes 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, 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.
  - f. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others, or (B) suffer substantial emotional distress.

#### **B. Jurisdiction**

1. Rose-Hulman has jurisdiction over allegations of sexual harassment, as defined above, that occur in Rose-Hulman's programs or activities.
2. Federal law requires Rose-Hulman to dismiss all complaints filed under Title IX if:
  - a. The conduct alleged in the Formal Complaint, even if proven, does not meet the definition of sexual harassment;
  - b. The conduct did not occur in Rose-Hulman's education program or activity; or
  - c. The conduct did not occur against a person in the United States.
3. Federal law also requires that the Complainant must be participating in or attempting to participate in Rose-Hulman's education program or activities at the time the Formal Complaint is filed.
4. Dismissal under Section I(b)(ii) or (iii) above does not prohibit Rose-Hulman from addressing the alleged conduct through the Non-Academic Misconduct Policy in the Student Handbook for students and by Human Resources for employees.
5. The Title IX Coordinator has discretion to dismiss Formal Complaints if the Respondent is no longer enrolled or employed by Rose-Hulman. If a Respondent withdraws from enrollment or voluntarily resigns employment before the completion of the process described in this policy, the Title IX Coordinator has discretion to determine whether to dismiss the Complaint or complete the process. If the Title IX Coordinator dismisses the Complaint, the Respondent may not subsequently reapply for admission or employment, absent express written permission by the Vice President of Student Affairs and Dean of Students or the Vice President of Human and Environmental Services.

### **C. Definition of Consent**

1. Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. 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.
2. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.
3. It is not an excuse that the Respondent was intoxicated and, therefore, did not realize the incapacity of the other.
4. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.
5. 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 dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.
6. In Indiana, 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 may be a crime, as well as a violation of this policy, even if the minor wanted to engage in the act.

## **II. TITLE IX COORDINATOR**

- A. Rose-Hulman has designated Kristen Loyd as Title IX Coordinator to coordinate Rose-Hulman’s efforts to comply with its responsibilities under federal law.
- B. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of the alleged conduct), in person, by mail, by telephone, or by electronic mail, using the following contact information, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time, including during non-business hours.
- C. Contact information:
  1. Kristen Bardou Loyd  
Director of the Union and Student Activities Office  
Title IX Coordinator  
Mussallem Union 236  
(812) 877-8484  
loyd1@rose-hulman.edu
- D. If the Title IX Coordinator has a conflict of interest or bias related to a particular Complaint, Complainant, or Respondent, the Vice President for Student Affairs shall appoint another employee to act in the place of the Title IX Coordinator for that Complaint.

## **III. SUPPORTIVE MEASURES**

- A. Rose-Hulman offers non-disciplinary, non-punitive individualized services to the Complainant and Respondent before, during, and after a Formal Complaint of Sexual Harassment is filed. Supportive measures are also provided even when no Formal Complaint is filed.
- B. Supportive measures are intended to restore or preserve equal access to Rose-Hulman’s education program or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the campus community and to deter sexual harassment.
- C. Complainants and Respondents may request supportive measures by contacting the Title IX Coordinator at any time.

## **IV. FORMAL COMPLAINT PROCESS**

### **A. Parties to a Complaint**

1. Complainant – An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

2. Respondent – An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

## **B. Reporting Sexual Harassment**

1. Mandatory Reporters – Federal guidelines encourage Rose-Hulman to respect the autonomy of Complainants and to allow Complainants to exercise some control over when and if alleged sexual harassment is reported and investigated. As a result, Rose-Hulman has designated certain individuals as mandatory reporters. If students or employees choose to inform any of the following mandatory reporters of allegations of sexual harassment, the mandatory reporters must report the allegations to the Title IX Coordinator. The mandatory reporters include:
  - a. The Title IX Coordinator
  - b. Vice President for Student Affairs and Dean of Students
  - c. Vice President for Human and Environmental Services
  - d. The Ombudsman Committee
  - e. All employees in a supervisory role are mandatory reporters of complaints made by employees under their supervision.
2. Resident Assistants and Sophomore Advisors are *not* mandatory reporters. While they are encouraged to report incidents to the Title IX Coordinator, they are permitted to maintain a student's privacy and not report incidents that were shared in confidence.
3. If a complaint is made to a mandatory reporter, Rose-Hulman will be considered to have knowledge of the allegations, and Rose-Hulman will address the complaint as stated in this policy. Simply confiding in a professor, colleague, or friend does not trigger Rose-Hulman's response under this policy.
4. All members of the campus community, including employees and students, should understand this reporting process. If a Complainant discloses allegations of sexual harassment to a member of the campus community, that member is encouraged to remind the complaining party of the reporting process and, if appropriate, encourage the complaining party to make a report to a mandatory reporter. Members of the campus community may, in their individual discretion, also make a report to a mandatory reporter, which will trigger the processes under this policy.
5. See Section IV(c) below for mandatory reporting requirements for all employees relating to minors.

## **C. Complaints Regarding Minors**

1. In compliance with state and federal laws, Rose-Hulman strictly prohibits child abuse, neglect, and sexual abuse of minors by faculty, staff, students, independent contractors, or volunteers. If any member of the campus community suspects abuse of a minor by faculty, staff, students, independent contractors, or volunteers, the individual suspecting abuse shall immediately report the suspected abuse to the Title IX Coordinator. Employees may face discipline, up to and including termination, for failing to report suspected abuse as mandated by this section.
2. Indiana law also requires mandatory reporting for suspected child abuse or neglect to the authorities. Indiana Code § 31-33-5-1. Indiana defines a minor as an individual less than 18 years old. The failure to report suspected child abuse or neglect is a Class B misdemeanor. I.C. § 31-33-22-1.
3. Rose-Hulman will immediately investigate all reports of abuse of minors, and Rose-Hulman will inform law enforcement and/or the Indiana Department of Child Services of all reports of child abuse or neglect, including sexual abuse. Rose-Hulman will also report all reported incidents to United Educators. Any questions regarding whether an incident has been reported to United Educators may be directed to Matt Davis, Vice President for Finance.

## **D. Initial Response**

1. Upon receiving notice of alleged sexual harassment, the Title IX Coordinator will: (1) contact the Complainant to discuss the availability of supportive measures; (2) consider the Complainant's wishes with respect to supportive measures; (3) inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint; and (4) explain to the Complainant the process of filing a Formal Complaint.

## **E. Filing A Formal Complaint**

1. A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting a formal investigation, hearing, and determination by Rose-Hulman.
2. A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by mail, by email, or by completing Rose-Hulman's complaint form located at <https://www.rose-hulman.edu/about-us/human-resources/incident-report-form.pdf>. If filed by a Complainant, the Formal Complaint must include the

- Complainant's physical or digital signature or otherwise indicate that the Complainant is the person filing the Formal Complaint.
3. While any person may report sexual harassment to the Title IX Coordinator, only a Complainant or the Title IX Coordinator may sign a Formal Complaint.
  4. Only the filing of a Formal Complaint signed by a Complainant or the Title IX Coordinator will initiate the Formal Grievance Process described in Section V.

#### **F. Dismissal of Formal Complaint**

1. Upon receiving or signing a Formal Complaint, the Title IX Coordinator shall determine whether the jurisdictional requirements of Section I(b) are met. If the jurisdictional requirements of Section I(b) are not met, federal law mandates that the Title IX Coordinator *must* dismiss the Formal Complaint.
2. The Title IX Coordinator *may* dismiss the Formal Complaint or any allegations in the Formal Complaint, if at any time during the investigation or hearing:
  - a. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like the withdraw the Formal Complaint or any allegations in the Formal Complaint;
  - b. The Respondent is no longer an enrolled student or employed by Rose-Hulman; or
  - c. Specific circumstances prevent Rose-Hulman from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations.
3. Dismissal of the Formal Complaint does not prohibit Rose-Hulman from addressing the allegations through Rose-Hulman's process for Non-Academic Misconduct for students or for Human Resources to address issues involving employees.
4. If the Title IX Coordinator dismisses a Formal Complaint, the Coordinator shall provide written notice of the dismissal and the reason(s) for the dismissal simultaneously to both parties.

#### **G. Notice**

1. Upon receiving or signing a Formal Complaint, the Title IX Coordinator shall provide written notice to the Complainant and Respondent of the allegations of sexual harassment and provide sufficient details of the allegations. The notice will explain that the Respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the grievance process.
2. The notice will inform the parties of their right to have an advisor of their choice, who may be, but is not required to be, an attorney, and that the parties may inspect and review evidence.
3. The notice will remind the parties of the Student Handbook's requirement for students to "be responsible adults and to behave at all times with honor and integrity," and it will inform the parties of the policy against making false statements or submitting false information in the investigation.

### **V. FORMAL GRIEVANCE PROCESS**

#### **A. Advisors**

1. Each party may select an advisor of their choice to be present during investigation meetings, informal resolution meetings, and the formal hearing. The parties may have an attorney serve as their advisor. If a party does not have an advisor, Rose-Hulman will provide an advisor and shall have complete discretion in selecting the advisor. Rose-Hulman may appoint an employee or independent legal counsel to serve as the advisor. Rose-Hulman's decision to appoint legal counsel for a party in one case does not require Rose-Hulman to appoint legal counsel in all cases. If one party has hired private legal counsel to serve as the advisor and Rose-Hulman decides to appoint legal counsel to serve as the advisor for the other party, Rose-Hulman is not required to pay the legal fees for the party who hired private legal counsel.
2. Each party can determine whether to have an advisor participate in investigation meetings and informal resolution meetings. However, both parties are required to have an advisor participate in the formal hearing to perform the cross-examination function described in Section V(c) discussed below. Rose-Hulman will not allow a party to participate in a formal hearing without an advisor present.

#### **B. Investigation**

1. The Title IX Coordinator will assign an investigation team to investigate the allegations in the Formal Complaint. The Title IX Coordinator may serve as an investigator on the team. The team shall have discretion in conducting the investigation. It may meet with and interview the parties and other witnesses and may gather any evidence available related to the allegations.
2. The investigation team will promptly initiate the investigation following the assignment from the Title IX Coordinator, and the team will attempt to complete the investigation within thirty (30) days. If the team is unable to complete the investigation in that time, the team will provide written notice to both parties explaining

- the delay and the expected time to complete the investigation. Examples of expected delays include the unavailability of witnesses, multiple witnesses, breaks in the academic calendar, or the time required to obtain medical records. Rose-Hulman may undertake a short delay if there is a criminal investigation of the same incident. Rose-Hulman's actions will not be altered or precluded on the grounds that civil litigation or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.
3. The investigation team shall be responsible for completing the investigation. The parties may suggest witnesses and provide evidence to the investigation team.
  4. The parties may have their advisor present during interviews with the investigation team. However, the advisor may not make statements on behalf of the party during the interview. The investigation team may allow time for the party to consult with the advisor in private during the meeting, if requested.
  5. At the conclusion of the investigation, the investigation team will provide the parties and the advisors, if any, with the opportunity to inspect and review all evidence obtained as part of the investigation. The parties shall have 10 days to submit a written response to the evidence.
  6. At the conclusion of the 10 days or upon receiving the written response from both parties, the investigation team shall create an investigative report that fairly summarizes the relevant evidence. The investigation team will provide a copy of the report to the parties and the advisors.
  7. After receiving the investigative report, the parties shall have 10 days to provide a written response. The hearing described below may occur at the conclusion of the 10-day period for responding to the investigative report or upon receiving the written response from both parties.
  8. Although an advisor may assist a party in preparing a written response, it shall be the responsibility of the party to prepare the written responses described in this section.

### **C. Hearing**

1. Both parties are entitled to a live hearing to determine responsibility for the allegations in the Formal Complaint.
2. The hearing will be conducted by a decision-maker appointed to the case. The Vice President of Student Affairs and Dean of Students will serve as or appoint a decision-maker for cases involving Student-Respondents. The Vice President for Human and Environmental Services will serve as or appoint a decision-maker for cases involving Employee-Respondents. The Title IX Coordinator may not serve as the decision-maker.
3. At the request of either party or the Title IX Coordinator, Rose-Hulman shall provide for the live hearing to occur with the parties located in separate rooms with technology allowing the decision-maker and the parties to simultaneously see and hear the party or the witness answering questions.
4. Prior to the hearing, the decision-maker will be provided with the investigative report, the parties' written responses to the evidence and report, and copies of all evidence referred to in the investigative report.
5. The decision-maker shall be responsible for conducting the hearing proceeding, including calling witnesses and the parties to testify. The testimony of each witness will begin with the decision-maker asking questions of the witness, followed by each party having the opportunity to question the witness.
6. The decision-maker may be assisted by Institute legal counsel or another individual designated by the decision-maker to assist with conducting the hearing, questioning witnesses, and providing counsel on evidentiary determinations.
7. Each party must have an advisor present at the hearing. If a party appears for the hearing without an advisor, the decision-maker may postpone the hearing or appoint an advisor to serve at the hearing without advance notice. Therefore, it is very important for parties to notify the Title IX Coordinator immediately if they are unable to identify an advisor for the hearing or if the party is informed that the advisor is unable to attend the hearing.
8. The decision-maker may allow the parties to make opening or closing statements, as the decision-maker deems appropriate. The decision-maker may also impose reasonable time limits on the parties to make such statements and to cross-examine witnesses.
9. The parties are not permitted to cross-examine witnesses or the other party directly. The party's advisor must ask all cross-examination questions on behalf of the party. Only relevant cross-examination questions may be asked of a party or witness. Before a party or witness answers a cross-examination question, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
10. The decision-maker may request written questions for witnesses in advance of the hearing to allow the decision-maker to review the questions for relevance. This will not limit the advisors from asking additional questions not included on the initial list.
11. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that

- someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
12. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination on responsibility.
  13. Rose-Hulman will create an audio recording of the live hearing.

**D. Determination Regarding Responsibility**

1. The Formal Grievance Process shall operate with the presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
2. The decision-maker will make an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as complainant, respondent, or witness.
3. Rose-Hulman applies a preponderance of the evidence standard to allegations of Sexual Harassment. The preponderance of the evidence standard considers the greater weight of the evidence. It is evidence that convinces the decision-maker that something is more probably true than not true. A greater number of witnesses testifying to a fact on one side or a greater quantity of evidence introduced on one side does not necessarily amount to the greater weight of the evidence.
4. If a Vice President appoints a decision-maker, the decision-maker will conduct the hearing and make the determination on responsibility.
5. Following the hearing, the appointed decision-maker will privately meet with the Vice President to inform the Vice President of the decision-maker's determination regarding responsibility and the reasons for the decision. The Vice President will determine the sanctions, if any, based on the decision-maker's determination of responsibility. The decision-maker will issue a written determination regarding responsibility in compliance with 34 CFR § 106(b)(7), including the sanctions determined by the Vice President, within 14 business days of the hearing. The written report will be provided to the parties simultaneously.
6. If the Vice President serves as the decision-maker at the hearing, the Vice President will issue a written determination on responsibility and sanctions within 14 business days of the hearing and will provide the report to the parties simultaneously.
7. If the decision-maker or Vice President is unable to complete the written reports within the time stated in this section, the decision-maker or Vice President will provide written notice to the parties, explaining the delay.

**E. Appeal**

1. Within five (5) days of receiving the written determination of responsibility described in Section V(d) or a dismissal of a Formal Complaint described in Section IV(e), either party may appeal the decision by providing a written statement of appeal to the Title IX Coordinator.
2. Appeals may be based only on the following:
  - a. 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. A summary of the new evidence and its impact must be included.
  - 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 individual Complainant or Respondent that affected the outcome of the matter. Specific facts supporting the allegation of bias must be included.
3. Appeals will be considered and decided by the Vice President of Student Affairs and Dean of Students (for employees) and the Vice President for Human and Environmental Services (for students). If the designated Vice President is not available or has a conflict with the appeal, the Vice President shall appoint an alternative appeals officer to decide the appeal. The appointed appeals officer may not be the Title IX Coordinator or any individual who was otherwise involved in the investigation or hearing.
4. The Title IX Coordinator will provide a copy of the appeal to the appropriate Vice President and to the other party.
5. Each party will be allowed seven (7) days to provide a written statement in support of or challenging the outcome.
6. Appeals are not intended to be full re-hearings of the Formal Complaint. The appellate decision-maker will not reweigh the evidence or make new credibility determinations. The appellate decision-maker is to be deferential to the original decision and may only base the appellate decision on the three reasons for an appeal listed above.
7. In deciding the appeal, the appellate decision-maker may:

- a. Deny the appeal with a written explanation for the decision, or
- b. Grant a new hearing or supplementary hearing if the appellate-decision maker determines there is a valid basis for the appeal. In granting a new hearing or a supplementary hearing, the appellate-decision maker shall remand the case back to the original decision-maker further proceedings. In the event the original decision-maker was found to have a conflict of interest or bias, the appellate decision-maker shall appoint a new decision-maker for further proceedings.

**F. Consolidating Formal Complaints**

1. Rose-Hulman may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, where the allegations arise out of the same facts or circumstances.

**G. Conflicts of Interest and Bias**

1. The Title IX Coordinator, investigators, decision-makers, and any person facilitating informal resolution shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. If a party believes that any individual involved in the process has a conflict of interest or bias, the party should report the alleged conflict or bias, in writing, to the Title IX Coordinator and the Vice President of Student Affairs and Dean of Students (for student complaints) and the Vice President for Human and Environmental Services (for employee complaints).

**VI. INFORMAL RESOLUTION**

- A. After a Formal Complaint is filed, the Title IX Coordinator may inform the parties of the option to proceed with Informal Resolution.
- B. The Informal Resolution process is voluntary. To proceed with Informal Resolution, both parties must sign a written consent disclosing that they understand the allegations and the requirements for the Informal Resolution process, and that they voluntarily choose to proceed with Informal Resolution. At any time prior to agreeing to a resolution, which may include sanctions, any party has the right to withdraw from the Informal Resolution process and resume the Formal Grievance Process.
- C. There are two options for Informal Resolution:
  1. Mediation:
    - a. The Title IX Coordinator may appoint a neutral individual to meet with the parties individually or together, as deemed appropriate, and attempt to mediate the issues between the parties. If the parties agree to and sign a written mediated agreement, the Title IX Coordinator will close the Formal Complaint and enforce the terms of the mediated agreement.
  2. Resolution Without a Hearing:
    - a. Resolution Without a Hearing is ideal for individuals who want a full investigation and fair and impartial decision of their case, but do not want a full hearing with witness testimony.
    - b. The Title IX Coordinator will appoint an investigation team, and an investigation will be completed as described in Section V(b). The parties will have the right to receive the evidence and the investigative report and provide written responses.
    - c. The decision-maker will receive copies of all evidence, the investigative report, and the written responses of the parties. The decision-maker may also meet with each party individually or with any witnesses, as the decision-maker deems necessary.
    - d. After evaluating the evidence, the decision-maker will make a decision on responsibility and appropriate sanctions. If both parties accept the decision and sign an agreement, the Title IX Coordinator shall close the Formal Complaint and enforce the terms of the agreement.
    - e. If the Respondent admits to the allegations or the parties agree to proceed without a full investigation, the decision-maker may make a decision on responsibility and sanctions without a complete investigation and report.
    - f. If an individual other than the appropriate Vice President is serving as decision-maker for Informal Resolution, the decision-maker will determine responsibility, and the appropriate Vice President will determine sanctions.
- D. If informal resolution is not successful and the case proceeds to a Formal Hearing, any evidence gathered or statements made by the parties or witnesses may be considered at the Formal Hearing. The decision-maker will also not be disqualified from the Formal Hearing due to the decision-maker's participation informal resolution.
- E. Informal Resolution is not permitted in cases that involve allegations that an employee sexually harassed a student.

## VII. INTERIM SUSPENSION AND ADMINISTRATIVE LEAVE

- A. Rose-Hulman may place a student or employee on interim suspension pending the completion of the Formal Grievance Process if, after an individualized safety and risk analysis, the Title IX Coordinator, the Vice President of Student Affairs and Dean of Students, and/or the Vice President of Human and Environmental Services determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.
- B. In all cases in which an interim suspension is imposed, the removed student or employee will be given the opportunity to meet with the Title IX Coordinator and/or Vice President prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. Violation of an interim suspension under this policy will be grounds for permanent suspension or termination.
- C. Rose-Hulman may place a non-student employee Respondent on administrative leave pending the Formal Grievance Process.
- D. During an interim suspension or administrative leave, a student or employee may be denied access to Rose-Hulman housing and/or Rose-Hulman campus/facilities/events. This restriction may include classes and/or all other Rose-Hulman activities or privileges for which the student or employee might otherwise be eligible. If feasible and reasonable under the circumstances, alternative coursework options may be pursued to ensure as minimal an impact as possible on a Respondent student.

## VIII. SANCTIONS

- A. If the decision-maker issues a finding of responsibility, sanctions shall be determined by the Vice President for Student Affairs and Dean of Students if the Respondent is a student, and by the Vice President for Human and Environmental Services if the Respondent is an employee. Factors considered when determining a sanction or responsive action may include:
  1. The nature, severity of, and circumstances surrounding the violation.
  2. An individual's disciplinary history.
  3. Previous complaints or allegations involving similar conduct.
  4. Any other information deemed relevant.
  5. The need for sanctions or responsive actions to bring an end to the harassment.
  6. The need for sanctions/responsive actions to prevent the future recurrence of the harassment.
  7. The need to remedy the effects of the harassment and/or retaliation on the victim and the community.
- B. **Student Sanctions.** The following are sanctions that may be imposed upon students:
  1. *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any Rose-Hulman policy, procedure, or directive will result in more severe sanctions/responsive actions.
  2. *Probation:* A written reprimand for the conduct, providing for more severe disciplinary sanctions in the event that the student is found in violation of any Rose-Hulman 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 activities, non-contact orders, and/or other measures deemed appropriate.
  3. *Suspension:* Termination of student status for a definite period of time and/or until specific criteria are met. This sanction may be noted on the student's official transcript.
  4. *Permanent Suspension:* Permanent suspension of student status, revocation of rights to be on campus for any reason or attend Rose-Hulman-sponsored events. This sanction will be noted on the student's official transcript.
  5. *Withholding Diploma.* Rose-Hulman may withhold a student's diploma for a specified period of time and/or deny student participation in commencement activities if the student has a complaint pending, or as a sanction if the student is found responsible for an alleged violation.
  6. *Revocation of Degree.* Rose-Hulman reserves the right to revoke a degree awarded from Rose-Hulman for fraud, misrepresentation or other violation of Rose-Hulman policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  7. *Other Actions:* In addition to or in place of the above sanctions, Rose-Hulman may assign any other sanctions as deemed appropriate.
- C. **Employee Sanctions.** Responsive actions for an employee who has engaged in sexual harassment may include warning, required counseling, demotion, suspension with or without pay, and/or termination. For tenured faculty, violations of this policy may be considered acts involving moral turpitude for purposes of tenure revocation or termination.

**IX. RETALIATION**

- A. Rose-Hulman strictly prohibits any person from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or this 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.
- B. Complaints for retaliation may be filed under the procedures of this policy.

**X. RECORDKEEPING.** Rose-Hulman will comply with the recordkeeping requirements of 34 CFR §106.45(b)(10).

**XI. POLICY AMENDMENTS.** Rose-Hulman reserves the right to amend this policy, retroactively, if necessary to comply with federal and state laws.