

Procedures for Addressing Title IX Sexual Harassment Complaints

Owner: Dean of Students, Human Resources, Title IX Coordinator

Pertains to: Faculty, Staff, Students, and Visitors

Related policies/documents: [Conduct Code: All Students; Non-Discrimination, Harassment, Retaliation Based on Protected Class Status, and Intimate Relationships Between Employees and Students](#); [Title IX Sexual Harassment Policy](#)

Short Description: This process document sets forth the procedures for addressing Sexual Harassment complaints under Hamline University's Title IX Sexual Harassment policy. This procedure applies to all Hamline faculty, staff, students, and visitors in connection with a Hamline education program or activity in the United States.

Details:

These procedures are for addressing Title IX Sexual Harassment complaints in a Hamline University education program or activity in the United States. Hamline University's procedures, as set forth below, provide for the equitable treatment of Complainants and Respondents and provides a process to ensure that the Title IX Coordinator, Designated Official, Investigator, Hearing Committee, appeal committee, and any facilitator of an Informal Resolution are free from bias or a conflicts of interest.

These individuals will receive training, including, but not limited to, the scope of Hamline's education programs and activities, the scope of Title IX, the definition of Sexual Harassment, and how to serve impartially including, but not limited to, avoiding prejudgment of the facts at issue, bias, and conflicts of interest. These individuals will also receive training regarding their specific roles in the process.

Hamline University will strive to complete these procedures in a timely manner of the filing of a Formal Complaint. These procedures provide for the modification of deadlines and timelines as provided herein. The Title IX Coordinator will provide written notice to the Parties of such modifications.

1. Definitions

1.1 "Advisor" means a person chosen to represent a Complainant or Respondent (each individually, a "Party") in connection with and on the terms set forth in these procedures. The Advisor may be a person voluntarily chosen by a Party. The Advisor may be a person internal or external to the University. The Advisor is permitted

to be, but is not required to be, an attorney. In the absence of a Party choosing an Advisor, an Advisor may be designated by Hamline University.

1.2 “Complainant” means a person (or persons) who filed a complaint that they have experienced conduct that could constitute sexual harassment under this policy. A Complainant must be participating or attempting to participate in a Hamline University employment or educational activity within the United States at the time of the filing of a Complaint.

1.3 “Days” means business days (Monday through Friday) unless expressly stated as calendar days.

1.4 “Designated Official” means the Title IX Coordinator or individual assigned by the Title IX Coordinator.

1.5 “Facilitator” means the individual selected by the Designated Official who seeks a mutually agreeable voluntary resolution to the formal complaint, as defined below, through a facilitated conversation that leads to an agreement of the arrangements made for resolution. The Title IX Coordinator and Designated Official may act as the Facilitator.

1.6 “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that Hamline University investigate the allegation(s). In order to constitute a Formal Complaint, at the time of filing the Formal Complaint, a Complainant must be participating in or attempting to participate in a U.S. based Hamline education program or activity.

1.7 “Investigator” means the individual selected by the Designated Official to conduct an investigation of the Formal Complaint and provide an investigation report.

1.8 “Party” or “Parties” means the Complainant(s) and/or the Respondent(s).

1.9 “Report” means any verbal or written statement alleging sexual harassment made, at any time, including non-business hours, in person, by mail, electronic mail, or other means that results in the information being provided to the Title IX Coordinator.

1.10 “Respondent” means a person (or persons) against whom a policy violation is alleged.

1.11 “Sexual Harassment” is defined as set forth in the Hamline University [Title IX Sexual Harassment policy](#).

1.12 “Support Person” means a person who serves to support a Complainant or Respondent in connection with and on the terms set forth in these procedures. The Support Person is a person chosen by a Complainant or Respondent and may be someone internal or external to the University. A Support Person may accompany such Complainant or Respondent to interviews, meetings, and hearing; however, the Support Person is not allowed to participate in any way other than providing support. A Support Person is not required under these procedures and may not be allowed to be present at any or all aspects of the process in the University’s discretion.

1.13 “Title IX Coordinator” means the individual or office designated to oversee the University’s review, investigation, and resolution process for Reports of sexual harassment, including designees. The Title IX Coordinator also coordinates all training, education, and prevention efforts related to sexual harassment. The Title IX Coordinator will be trained in facilitation and have an understanding of the definition of sexual harassment, the scope of Hamline’s education program and activities, and these procedures, including hearings, appeals, informal resolution processes, the obligation to provide an objective evaluation of all relevant inculpatory and exculpatory evidence, and how to serve impartially. The Title IX Coordinator will be free from any bias or conflict of interest regarding the Parties. In the event the Title IX Coordinator is unable to serve on a particular matter due to a bias or conflict of interest, the Director of Human Resources or designee will perform the Title IX Coordinator responsibilities. The Title IX Coordinator is Patti Kersten who can be reached at 651-523-2948, or pkersten01@hamline.edu.

2. Process Initiation

- a. The Title IX Coordinator will initiate this process upon receiving notice of a Report of sexual harassment through the various complaint submission options that meets the specifications of the Title IX Sexual Harassment Policy.
- b. The Title IX Coordinator or designee will meet with the Complainant to review the Report and provide information about the resolution process including voluntary resolution, investigation, and any request from the Complainant for confidentiality.
- c. The Title IX Coordinator may, in their discretion, dismiss a Formal Complaint or allegations therein, if the Complainant informs the Title IX Coordinator, in writing, that the Complainant desires to withdraw the Formal Complaint or allegations therein; the Respondent is no longer enrolled or employed by Hamline; or specific circumstances prevent Hamline from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. Upon a dismissal permitted under these procedures, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the Parties. A dismissal under this Section has no impact on the potential applicability of the Conduct Code: All Students, the

Non-Discrimination, Harassment, and Retaliation Based on Protected Class Status, and Intimate Relationships Between Students and Employees, or other applicable policies or laws.

- d. These procedures presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the process set forth under these procedures. These procedures require an objective evaluation of all relevant inculpatory and exculpatory evidence. In addition, credibility determinations cannot be based on a person's status as a Complainant, Respondent, or witness.
- e. The Title IX Coordinator may consolidate Formal Complaints where the allegations of sexual harassment arise out of the same facts or circumstances; including reports from multiple complainants.

3. Supportive Measures and Reasonable Accommodations

Upon receipt of a Report, the Designated Official will coordinate reasonable supportive measures for the Party(s), in an effort to prevent any further acts of sexual harassment. Hamline University will determine the necessity and scope of any supportive measures. Even when an individual does not specifically request that supportive measures be implemented, Hamline University may provide or choose to impose supportive measures at its discretion to ensure the safety of any individual, the broader Hamline community, or the integrity of the process. Hamline University may impose any reasonably available remedy, without fee or charge to the Parties. Supportive measures are not intended to be punitive.

Interim measures may include, but are not limited to, referring a Party to appropriate resources for developing a safety plan, seeking medical attention or counseling, or seeking legal assistance; providing alternative on-campus housing, academic (class accommodations), or workplace arrangements; providing safety escorts to and from campus; modifying on-campus workplace or academic schedules or responsibilities; assisting with a leave of absence from work or school; transferring harassing calls to Public Safety and removing a Party's name from all directories; and imposing an interim administrative leave or suspension upon the Respondent. A Party may address any concerns regarding supportive measures with the Designated Official.

4. Cooperation with Law Enforcement

4.1 Reporting encouraged: Hamline University encourages individuals to pursue criminal action for incidents of sexual harassment that also may be crimes under Minnesota law. Hamline University, upon request to Public Safety or the Designated Official, will assist an individual in making a criminal report and in all instances will cooperate with law enforcement agencies if the individual decides to pursue the criminal process to the extent permitted by law. Criminal charges may result in jail or prison

time, parole, restitution, or treatment for those who plead or are found guilty through the criminal justice process. Both the crime victim and the alleged perpetrator of the crime have rights in the criminal process.

4.2 Effect of police investigation or criminal proceeding: The filing and processing of a Formal Complaint of sexual harassment under Hamline policy is independent of any criminal investigation or proceedings. Hamline University will cooperate with police investigations and criminal proceedings. However, Hamline will not wait for the conclusion of any criminal investigation or proceedings to commence its own proceedings outlined herein, unless specifically required by the applicable authority to do so. Neither law enforcement's determination whether to prosecute, nor the outcome of any criminal prosecution, are determinative of whether sexual harassment occurred under the Title IX Sexual Harassment policy.

5. Signed Formal Complaint

A signed Formal Complaint of the reported incident is required, and the reported incident must have occurred in a Hamline education program or activity in the United States to move forward in this process.

6. Notification of Signed Formal Complaint

Parties will receive written notification from the Title IX Coordinator of the Formal Complaint and be provided a copy of the Formal Complaint. This notification will include sufficient details, such as the identities of the Parties involved, and the date and location of the alleged incident, if known, and with sufficient time to prepare a response before any initial interview. The written notification will include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will not be made until the conclusion of these procedures. The written notification will inform the Parties that they may have an Advisor of their choice, who may be, but is not required to be, an attorney. The written notification will also inform any Parties that are students that knowingly making false statements or knowingly submitting false information to the University is a violation of the Code of Conduct: All Students policy. The notification will provide links to this Title IX Sexual Harassment policy and these procedures. The notification will also provide information about the ability to select a Support Person and the on-going ability to meet with the Title IX Coordinator.

7. Voluntary Resolution

7.1 Availability: The Parties may request a voluntary resolution of the Formal Complaint. Voluntary resolution may only proceed with the mutual written consent of both Parties. The Designated Official, however, may decide to forgo pursuing a voluntary resolution, even when it is requested by the Parties, and proceed with an Investigation.

7.2 Limitations: Voluntary resolution may only be pursued after Hamline has provided the Parties with written notice disclosing: the allegations; the requirements of the voluntary resolution process; the circumstances under which Hamline precludes the Parties from resuming a Formal Complaint arising from the same allegations; any consequences resulting from participating in the voluntary resolution process, including the records that will be maintained or could be shared; provided, however, that at any time prior to agreeing to a voluntary resolution, any Party has the right to withdraw from the voluntary resolution process. Voluntary resolution is not available in matters involving allegations that a Hamline employee sexually harassed a Hamline student. Moreover, there is no requirement under any circumstances that the Parties resolve the matter by voluntary resolution. The Parties must voluntarily consent, in writing, to engage in the voluntary resolution process. The voluntary resolution process will not exceed more than thirty (30) calendar days, except as extended at Hamline's sole discretion. Either Party or the Designated Official may end the voluntary resolution process at any time prior to agreeing to a voluntary resolution and resume the processing of the Formal Complaint under these procedures.

7.3 Structure: In the event that the Parties pursue voluntary resolution, the Designated Official will appoint a Facilitator. The Facilitator appointed will be free from any bias or conflict of interest regarding the Parties. The Facilitator will be trained in facilitation and have an understanding of the definition of sexual harassment, the scope of Hamline's education program and activities, and these procedures, including hearings, appeals, informal resolution processes, the obligation to provide an objective evaluation of all relevant inculpatory and exculpatory evidence, and how to serve impartially. The Designated Official in specific cases may remove and replace a Facilitator if bias, a conflict of interest, or change in availability develops. The appointed Facilitator will be responsible for establishing the methods and structure for conducting the voluntary resolution. The Title IX Coordinator can serve in this role with the written consent of both parties.

7.4 Completed Voluntary Resolution: If the Parties agree upon a voluntary resolution, the Facilitator will memorialize the voluntary resolution in writing. Once the written voluntary resolution is signed and dated by the Parties and signed and dated by the Facilitator, the Voluntary Resolution process and these procedures will be deemed completed, as to all matters covered by the written voluntary resolution. The voluntary resolution as signed and dated by the Parties and the Facilitator, will be final and binding as to all matters covered by the written voluntary resolution and no additional process will be available regarding such matters. In addition, no subsequent complaint regarding the same Parties and matters covered by the written voluntary resolution will be sustained. The Facilitator will submit the voluntary resolution signed by the Parties and the Facilitator to the Title IX Coordinator.

8. Investigation

8.1 Initiation: Upon receipt of a signed Formal Complaint of sexual harassment that meets all requirements for use of this process and where voluntary resolution was not requested, not successful, or not appropriate, the Designated Official will promptly appoint a neutral Investigator. The Investigator may be an internal Hamline University employee or an external investigator. The Investigator will be trained regarding the definition of sexual harassment, the scope of Hamline's education program and activities, how to conduct an investigation, issues of relevance, how to create an investigative report that fairly summarizes relevant evidence, these procedures, the obligation to provide an objective evaluation of all relevant inculpatory and exculpatory evidence, and how to serve impartially. The Designated Official may not serve as the Investigator. Similarly, neither the Designated Official nor the Investigator may serve on the Hearing Committee.

8.2 Notice: The Designated Official will provide the Parties with written notice of the appointment of the Investigator and the initiation of the investigation process.

8.3 Scope: The Investigator will investigate the allegations. The investigation may involve interviews of the Parties and relevant witnesses and the review of documentation and related evidence. The Investigator will provide to a Party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the Party to prepare to participate. The Investigator may provide the Parties with an opportunity to provide information regarding the allegations raised in the Formal Complaint. Parties should be prepared to provide the Investigator with any relevant evidence, including, but not limited to, documentation, the names of witnesses that the Party believes should be interviewed, and any questions the Party believes should be asked of another Party or witness.

8.4 Advisor: Each Party has the right to an Advisor. The Advisor is not a Party. The Advisor may not direct communications to the University or another Party, except as provided under these procedures. The Advisor may accompany a Party to any interview of the represented Party, and any meeting or investigation follow up with the represented Party. Prior to the hearing, if any, the Advisor may not direct the answers of the Party they represent and may not interfere with the investigation process. During the hearing, if any, the Advisor may ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility, on behalf of the Party they represent.

8.5 Support Person: Each Party has the ability to have a Support Person of their choice with them through all aspects of the process. The Support Person is not a Party to the proceedings and cannot be a witness. The Support Person may accompany the Party for which they have been appointed to any interview, meeting, or investigation follow up interview or meeting involving such Party. The Support Person may also accompany the Party for which they have been appointed to the hearing, if any, provided the Support Person does not interfere with the process by addressing the

Hearing Committee, the other Party, or witnesses, and other limitations as determined by the Hearing Committee.

8.6 Confidentiality: The Investigator will use reasonable means to preserve confidentiality, but confidentiality cannot be guaranteed. Before any disclosure of information, the Investigator must assess the situation and determine that disclosure is necessary to the pursuit of the investigation.

8.7 Timing: The process of investigation and decision generally will be timely. However, deadlines established under these procedures may need to be extended by the University, at its sole discretion, to take into account the academic calendar and the availability of the University officials assigned to administer these procedures. Deadlines established under these procedures will not be extended based on the unavailability of a Party or their Advisor, except for good cause shown, as provided by such Party, in writing, and approved, in writing, by the Designated Official.

8.8 Notice and opportunity to inspect and review evidence: Prior to creating an investigation report, the Investigator will provide the Parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to conclusion of the investigation. An electronic format or a hard copy of the evidence subject to inspection will be provided to the Parties and designated Advisors. The Parties will have ten (10) calendar days to submit a written response to the evidence, which the Investigator will consider prior to completion of the investigation report. The close of the ten (10) calendar day period for Parties to submit written responses will also serve as the deadline for Parties to submit any additional evidence to the Investigator.

8.9 Investigation Report: The Investigator will review each Parties' timely submitted written responses, if any, to the evidence produced for inspection and review. After considering the Parties' written responses, the Investigator has the authority to complete the investigation, as needed, and submit an investigation report to the Title IX Coordinator. The investigation report will fairly summarize the relevant evidence. The completed investigation report will be made available in an electronic format or a hard copy to the Parties and their Advisors at least ten (10) calendar days prior to the hearing, if any.

8.10 Jurisdiction Review: If, at any time during the investigation, the Investigator determines that the conduct alleged in the Formal Complaint would not constitute sexual harassment, as defined under this policy, even if proved, or did not occur in a Hamline education program or activity in the United States, or did not occur against a person in the United States, then the Investigator must notify the Title IX

Coordinator and the Title IX Coordinator will dismiss the Formal Complaint with regard to that conduct. In addition, the Investigator may recommend and the Title IX Coordinator may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation: A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled or employed by Hamline; or specific circumstances prevent Hamline from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. Upon a dismissal required or permitted under these procedures, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the Parties. A dismissal under this Section has no impact on the potential applicability of the Conduct Code: All Students; the Non-Discrimination, Harassment, and Retaliation Based on Protected Class Status, and Intimate Relationships Between Students and Employees; or other applicable policies or laws.

9. Hearing Procedures

The purpose of the hearing is to provide the opportunity for the Hearing Committee to objectively receive and evaluate relevant evidence, including from, but not limited to, the investigation report, the Parties, and witnesses, and to develop the relevant evidence with regard to the alleged violations of the Title IX Sexual Harassment Policy. The hearing will be conducted live, including virtually, in real-time, and permit the cross-examination of the parties and witnesses by the respective adviser. The Hearing Committee will provide the Parties written notice of the hearing date, time, location, and participants. The goal of the hearing is to determine whether the facts, as alleged, are true and whether the facts found to be true constitute a violation under the Title IX Sexual Harassment policy. A preponderance of the evidence standard of proof will govern all matters under these procedures.

Upon initiation of the hearing procedures, the Designated Official will appoint and convene a Hearing Committee. The Hearing Committee will be promptly convened but no sooner than ten (10) days after the investigation report is provided to Parties.

The Hearing Committee will consist of three (3) individuals (internal and/or external to Hamline University) appointed by the Designated Official. The Designated Official will provide written notice to the Parties identifying the appointed Hearing Committee members. The Hearing Committee appointed will be free from any bias or conflict of interest regarding the Parties. Each Hearing Committee member will be trained regarding the definition of sexual harassment, the scope of Hamline's education program and activities, and these procedures, including hearings, appeals, the obligation to provide an objective evaluation of all relevant inculpatory and exculpatory evidence, and how to serve impartially. The Hearing Committee will also receive training to ensure that the Complainant Party's sexual predisposition or prior sexual behavior will not be considered relevant and to appropriately protect each Party's privileged information (unless the person holding the privilege has waived the privilege).

The Hearing Committee will also be trained on the technology to be used for the hearing, if any. The Designated Official in specific cases may remove and replace Hearing Committee members if bias, a conflict of interest, or change in availability develops. Similarly, each Party may object to any Hearing Committee member's appointment, due to bias or conflict of interest, by submitting a detailed explanation of the Party's objection(s), in writing, to the Designated Official within five (5) days of receiving written notice from the Designated Official of the appointed Hearing Committee members.

The process at the hearing will be generally as follows:

- a. The Respondent and Complainant will be accompanied to the hearing by an Advisor. If a Party has not selected an Advisor, the Title IX Coordinator will appoint an Advisor for such Party. The sole function of an appointed Advisor is to ask questions at the hearing that the represented Party requests the Advisor to ask of another Party or hearing witness. The Advisor to each Party will be permitted to ask relevant questions of the other Party and witnesses, as set forth herein or determined by the Hearing Committee, on behalf of their advisee. At the University's discretion, each Party, on an equal basis, may also be permitted to be accompanied at the hearing by their Support Person, if any.
- b. The Hearing Committee will meet and select its own chair and secretary to record the proceedings.
- c. The Parties may present to the Hearing Committee no later than seven (7) days in advance of the hearing a list of witnesses whom the Parties would like called to testify at the hearing with a statement describing the testimony that each would provide at the hearing. Because the Respondent is in the position of addressing matters raised by the Complainant, it is understood that the witnesses identified by the Respondent may be supplemented as the hearing proceeds.
- d. The Hearing Committee will convene a hearing and will hear relevant testimony from the Complainant and Respondent. The Hearing Committee also will call to testify the witnesses identified by the Parties as noted above except in those cases where the Hearing Committee decides that a witness would add no relevant information to the proceedings or has been identified for reasons other than to advance the fact finding of the Hearing Committee. The Hearing Committee may, but is not required to, call other individuals before it to inquire about the allegations.
- e. Hearings are closed to everyone not directly related to the case. Witnesses will be excluded from the hearing except as necessary to secure their testimony.

- f. The Hearing Committee has full discretion to place equitable time limits on any and all testimony provided in the hearing. Members of the Committee may question the Parties and witnesses. The Parties will not themselves be permitted to question any witnesses. However, each Parties' Advisor will be allowed to ask all relevant questions of any Party or witness, including follow-up questions and including questions challenging credibility, in a fashion that is not disruptive to the orderly administration of the proceedings. The Chair determines relevancy of all questions.
- g. The University, through the Office of the General Counsel, may observe or participate in hearings at the University's sole discretion.
- h. The Hearing Committee will impose rules related to the hearing including, but not limited to, decorum, schedule, relevance, the introduction of evidence, number of witnesses, and time limits. The Hearing Committee will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding any non-compliant person.

10. Decision

The Hearing Committee will review the case to determine: (a) whether the facts, as alleged, are true; and (b) whether the facts found to be true constitute sexual harassment in violation of the Title IX Sexual Harassment policy. A preponderance of the evidence standard of proof will govern all matters under these procedures. If the Hearing Committee determines that the conduct alleged in the Formal Complaint does not constitute sexual harassment within the context of a Hamline education program or activity or that it occurred outside of the United States, the Hearing Committee is mandated to dismiss the Formal Complaint for lack for jurisdiction. In addition, the Hearing Committee may dismiss the Formal Complaint or any allegations therein, if at any time during the hearing: A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled or employed by Hamline; or specific circumstances prevent the Hamline from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. Upon a dismissal required or permitted under these procedures, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the Parties. A dismissal under this paragraph has no impact on the potential applicability of the Conduct Code: All Students; the Non-Discrimination, Harassment, and Retaliation Based on Protected Class Status, and Intimate Relationships Between Students and Employees; or other applicable Hamline policies or laws.

10.1 The Hearing Committee must be convinced of a violation of the policy based on a preponderance of the evidence standard.

10.2 The hearing and all deliberations of the Hearing Committee will be made in closed session. A record of the hearing will be created and made available to the Parties for inspection and review, if requested. The Hearing Committee will deliberate confidentially. The decision of the Hearing Committee will be made by majority vote. The decision will be in writing and will state specifically the Hearing Committee's determination, including findings of fact supporting the determination and a statement of, and rationale as to whether a violation of the Title IX Sexual Harassment policy has occurred. The decision will also include finding of fact supporting the determination and a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.

10.3 Within fourteen (14) days after the hearing has concluded, the Committee will meet with the Designated Official to review the bases for its finding as to whether a policy violation occurred. The Designated Official shall thereafter inform the Parties simultaneously and in writing of the decision of the Hearing Committee and the procedures to appeal the results.

11. Sanctions

11.1 For Students found responsible for violations of the Title IX Sexual Harassment policy.

For those circumstances where the Hearing Committee finds that a violation of policy has occurred, by a student, the Designated Official will review the finding with the Hearing Committee and they shall then assess what, if any, sanctions may be appropriate; prior student conduct records will be considered in sanctions.

The sanctions may include, but are not limited to, depending on the severity of the sexual harassment and past history, those listed below. Progressive discipline is not required. A more severe penalty may be imposed for a first offense or before any lesser penalty.

- Probation;
- University suspension;
- University expulsion;
- Eviction from campus housing, suspension of campus housing eligibility, or required relocation of on-campus housing;
- Loss of privileges;
- Loss of extracurricular and co-curricular activities including academic sponsored programs, including eligibility for intercollegiate athletics;
- Notifications to academic advisor(s), supervisor(s), coach(es), and mentor(s);
- Limitations on course enrollment(s);
- No contact directives;
- Community Service;

- Counseling;
- Requirement to complete assigned program – may included but is not limited to treatment, educational, counseling based program;
- Restriction or Termination of campus access to specific areas or entire campus;
- Termination of on-campus leadership position;
- Termination of campus employment;
- Loss of educational programming.

Any sanction may be accompanied by required corrective action, such as treatment and/or counseling. Prior disciplinary records may be used in determining sanctions.

The Designated Official will send written notice of the determination regarding remedial measures to the Party directly impacted by such measures and will send a separate written notice to the other Parties stating generally that corrective action has been identified.

11.2 For Employees found responsible for a violation of the Title IX Sexual Harassment policy.

For those circumstances where the Hearing Committee finds that a violation of policy has occurred, by an employee, the Designated Official will review the finding with the Hearing Committee, Director of Human Resources, the appropriate Dean or supervisor, and they shall then assess what, if any, sanctions may be appropriate.

The sanctions may include, but are not limited to, depending on the severity of the sexual harassment and past history, those listed below. Progressive discipline is not required. A more severe penalty may be imposed for a first offense or before any lesser penalty.

- Reprimand or warning;
- Probation;
- Suspension from attendance at the university for a specific period, or suspension of employment without compensation for a specified period;
- Termination of campus access; and
- Termination of employment.
- Community service;
- Continued employment or attendance at the university being subject to certain conditions;
- Counseling;
- Demotion or reassignment of teaching or supervisory responsibilities;
- Denial of salary increases;
- Loss of eligibility for the tuition waiver program;
- No contact directives;

- Restrictions including but not limited to programs, events, trainings, or campus locations
- Requirement to complete assigned program – may included but is not limited to treatment, educational, counseling based program.

Any sanction may be accompanied by required corrective action, such as treatment and/or counseling. Prior disciplinary records may be used in determining sanctions.

The Designated Official will send written notice of the determination regarding remedial measures to the Party directly impacted by such measures and will send a separate written notice to the other Parties stating generally that corrective action has been identified.

12. Complainant Remedies: For those circumstances where the Hearing Committee finds that a violation of the policy occurred, the Designated Official will review the finding with the Hearing Committee; and where appropriate, the Director of Human Resources, the appropriate Dean or supervisor, and they shall then assess what, if any, remedies may be appropriate. The Title IX Coordinator will be responsible for the effective implementation of any remedies.

Complainant remedies are designed to restore or preserve equal access to Hamline's education program or activity. The remedies for the Complainant may include, but are not limited to, depending on the severity of the sexual harassment and past history, the following:

- Assisting with a leave of absence from school or work;
- Modifying academic or campus workplace responsibilities or schedules;
- Providing alternative on-campus housing;
- Providing safety escorts to and from campus;
- Referring the individual to appropriate resources for developing a safety plan; or seeking medical attention, counseling, or legal assistance;
- Screening phone calls, transferring harassing calls to Public Safety; and removing a Party's name from appropriate University directories.

13. Appeal Procedures

13.1 Availability: Either Party may appeal the Hearing Committee's decision by submitting a written request to the Title IX Coordinator within five (5) days of the electronic transmission of decision. In the event of a timely appeal, the Title IX Coordinator will notify the other Parties that an appeal has been filed. Any Party appealing the decision must file a detailed explanation of the basis for their appeal, in writing, within seven (7) days of the Title IX Coordinator's notice of the appeal. The Title IX Coordinator will promptly distribute the appealing Parties' detailed explanation of the basis for the appeal to all other Parties. Any Party that wishes to respond to the appeal must submit a reply to the detailed explanation of the basis for the appeal, in writing,

within five (5) days after the Title IX Coordinator's electronic transmission of the appeal. A timely appeal will stay the imposition of any sanctions, pending the outcome of the appeal. The Title IX Coordinator may also stay the implementation of any remedies, pending the outcome of the appeal.

13.2 Grounds: Appeals are limited to the following grounds: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or, (3) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the Parties generally or an individual Party that affected the outcome of the matter.

13.3 Appeal committee composition: The appeal committee will be composed of up to three appropriately trained individuals who were not members of the Hearing Committee.

13.4 Notice of appeal decision: Within seven (7) days after the expiration of the time for all Parties to submit a written statement in support of or challenging the appeal, the appeal committee will make and issue a written decision on the appeal. The appeal committee may affirm the decision of the Hearing Committee, overturn the decision, and/or direct the Hearing Committee to conduct further proceedings to resolve a concern raised in an appeal. If the appeal committee affirms the decision of the Hearing committee, the decision will be final and binding as to all matters covered by the decision and no additional process will be available regarding such matters.

14. No Retaliation

It is a violation of the Title IX Sexual Harassment policy to retaliate against anyone who has brought forward a Formal Complaint pursuant to Hamline's Title IX Sexual Harassment policy, provided oral or written statements, or otherwise participated in an investigation conducted under these procedures. Encouraging or assisting others to engage in retaliation is also prohibited. The Title IX Sexual Harassment policy prohibits any form of intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by the policy, or because an individual has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the policy.

Retaliatory acts may include, but are not limited to, adverse changes in employment status or opportunities; adverse academic action; adverse changes to academic, educational and extra-curricular opportunities; harassment or intimidation; acts or comments intended to embarrass the individual; or seeking out or attempting to discover the Parties and witnesses involved in a report or Formal Complaint for the purpose of influencing their participation or statements, or taking adverse action against

them. Retaliation may be found even when an underlying report or Formal Complaint made in good faith was not substantiated. Retaliation is prohibited regardless of whether it occurs on or off campus, in person, or through social media, e-mail, or other forms of communication. Speech protected by the First Amendment does not constitute retaliation. Notwithstanding, disciplinary actions taken by Hamline University in response to an individual making a materially false statement does not constitute retaliation. Persons who feel that they have been retaliated against should immediately contact the Designated Official.

15. Record Keeping

The Designated Official will maintain all files and records created in connection with a sexual harassment investigation. With the exception of documented remedial measures, these files will be kept separate from regular student and employment files. Facilitators and Investigators in subsequent investigations of other cases involving any of the same Parties may obtain these records. The University affirms its right to use these records in any kind of administrative, governmental, or judicial/conduct proceedings in which they are relevant or necessary, as determined solely by the University. The University will, to the extent permitted by law, keep identifying information about a Complainant out of publicly available records.

This process is for informational purposes only. It is not a contract, and nothing in it is intended to create or imply the provision of any benefit. Hamline University reserves the right to interpret the provisions of this process and to modify any or all matters contained in this process at any time, with or without prior notice, subject to applicable law. Hamline also may choose not to apply a process in certain circumstances, if it determines a different course of action is more appropriate in that circumstance.