

TITLE IX POLICY DAVENPORT UNIVERSITY

POLICY STATEMENT

Davenport University is committed to maintaining an education and work environment that is free from sexual harassment*. The University does not discriminate on the basis of sex in its education programs or activities. Pursuant to its obligations under Title IX of the Education Amendments Act of 1972, and its implementing regulations, the University is committed to eliminating sexual

Formal Complaint: 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 the University investigate the allegation of sexual harassment. At the time of filing a formal complaint with the University, a complainant must be participating in or attempting to participate in the University's education program or activity. "Document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the University provides for this purpose) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to the formal complaint, and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Actual Knowledge: Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator, or any University official who has authority to institute corrective measures on behalf of the University. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University. "Notice" includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator. This standard is not met when the only University official with actual knowledge is the respondent.

Supportive Measures: Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions of contact between the parties, chang(di)-2(s)2(r11.5BT e4C>20055003(m)7(e)-t(t)-2(b)10(e3()

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Report of Sexual Harassment

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. A report may be made in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's contact information listed above, 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), by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

University employees are required within two days, and students, parents, community members, and third parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the Title IX Coordinator or any University employee. Reports can be made orally or in

- c. Inform the parties that the university will assign them an adviser, or they may have an adviser of their choice, who may be, but is not required to be, an attorney;
- d. Inform the parties that they may inspect and review evidence; and
- e. Inform the parties of any provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- f.

The University must provide a minimum of ten (10) calendar days' notice with respect to hearings and three (3) days' notice with respect to investigative interviews and other meetings.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a 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.

Prior to completion of the investigative report, the Title IX Coordinator or their designee must send to each party and the party's adviser, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. The University will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's adviser, if any, for their review and written response. The investigator must send the investigative report in an electronic format or a hard copy, at least ten (10) days prior to the hearing.

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and prior to the decision-maker(s) issuing a determination of responsibility, the decision-maker(s) will conduct a hearing. It may also be determined through the investigation that the implementation of an informal resolution process is appropriate. An informal resolution will not occur based on the following parameters:

- 1) Employees alleged to have been engaged in sexual-harassment or sex-based discrimination would be considered ineligible to participate in an informal resolution process. This includes but is not limited to part-time employees, student employees and any situation in which it is determined that the respondent maintains a position of power over the complainant.
- 2) Informal resolution will not be offered in the case that such a process would conflict with Federal, State, or local law.

Hearing Process

Civility is expected. Any participant, including an adviser, who is behaving in an abusive, threatening or otherwise disruptive manner can be removed from the hearing. If an adviser refuses to cooperate with the university expectations of decorum, the university may require the party to use a different adviser.

The decision-maker will control all aspects of the hearing in addition to and consistent with the guidance included in this section of the policy.

An opportunity to provide a brief opening and closing statements will be offered to each party. Absent unusual circumstances, the parties will present these statements on their own behalf.

Live hearings pursuant to this section may be conducted with all parties physically present in the same geographic location or, at the Title IX Coordinators discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

Identification of the allegations potentially constituting sexual harassment pursuant to this policy;

A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

The determination regarding responsibility becomes final either on the date that the Title IX Coordinator provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility, and from the University/Title IX Coordinators dismissal of a formal complaint or any allegations therein, on the following bases:

