Lenoir-Rhyne University

POLICY TITLE[1]

Non-Discrimination, Harassment and Anti-Retaliation Policy (the "Policy")

DIVISION/DEPARTMENT: University-Wide

PRIMARY RESPONSIBILITY

Division of Academic Affairs

CREATION/REVISION/EFFECTIVE DATES

August 1, 2024, replacing all other non-discrimination policies

PURPOSE

Lenoir-Rhyne University ("LR" or "University") is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination, harassment, and retaliation. LR is also committed to creating a safe campus environment for all members of the LR community, including, but not limited to, those who identify as transgender and gender non-conforming. To that end, LR does not discriminate on the basis of race, religion, color, sex (including sex stereotypes and sex characteristics), ethnicity, national origin, physical or mental disability, age, marital status, pregnancy or related conditions, sexual orientation, gender identity, gender expression, veteran or military status, or any other characteristic or status protected by applicable law. To ensure compliance with federal and state civil rights laws and regulations and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program, activity, and employment, LR has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment, and for allegations of retaliation. LR values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

The core purpose of this Policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual or sex-based harassment, sexual assault, stalking, sexual exploitation, dating violence, or domestic violence. When an alleged violation of this Policy is reported, the allegations will be addressed pursuant to this Policy, as detailed below. When the Respondent at issue in the report is a member of the LR community, the grievance process set forth in this Policy will be available regardless of whether the Complainant is also a member of the LR community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties associated with the University, such as guests, visitors, volunteers, invitees, and campers. The grievance procedures set forth below may be applied to

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allegations involving single incidents, patterns of alleged behavior, and/or the broader campus climate.

This Policy also sets forth guidelines to address the needs of transgender and gender non-conforming students, in addition to establishing guidelines for ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy-related conditions, and new parents through the application of Title IX of the Education Amendments of 1972.

When the Respondent is a member of the LR community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the LR community.

ORGANIZATIONAL SCOPE OR AUDIENCE

Students, Faculty, Staff, Applicants, Administrators

TITLE IX COORDINATOR

The Title IX Coordinator oversees the implementation of this Policy and has the primary responsibility for coordinating LR's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent all forms of harassment, discrimination, and/or retaliation prohibited by this policy.

The University Title IX Coordinator:

Leah Reynolds, Ed.D
Division of Academic Affairs
Director of Compliance and Title IX Coordinator
625 7th Ave, NE, Hickory, NC 28601
Email: leah.reynolds@lr.edu
Phone: 828-328-7040
Website: www.lr.edu/title-ix

INDEPENDENCE AND CONFLICT-OF-INTERESTS

The Title IX Coordinator, with supervision from the Provost and Vice President for Academic Affairs ("Provost"), oversees all investigations, processes and resolutions under this Policy.

The Title IX Coordinator manages the Title IX Team (Title IX Coordinator, Deputy Title IX Coordinators, Investigators, and Decision-makers), and acts free from bias and conflicts of interest in addressing information and Formal Complaints submitted in connection with this Policy. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case or for or against Complainants and/or Respondents generally.

To raise any concern involving potential bias or conflict of interest or to report alleged misconduct by the Title IX Coordinator, contact the Provost at 828-328-7981 or jennifer.burris@lr.edu. Concerns involving bias, a potential conflict of interest, or reports of misconduct by any other Title IX Team member should be raised with the Title IX Coordinator at 828-328-7040 or leah.reynolds@lr.edu.

ADMINISTRATIVE CONTACT INFORMATION

Formal Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

The Title IX Coordinator:

Leah Reynolds, Ed.D
Division of Academic Affairs
Director of Compliance and Title IX Coordinator
625 7th Ave, NE, Hickory, NC 28601
Email: leah.reynolds@lr.edu
Phone: 828-328-7040
Website: www.lr.edu/title-ix

Inquiries may be made externally to:
Office of Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue
SW Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012 TDD#: (877) 521-2172
Email: OCR@ed.gov
Website: http://www.ed.gov/ocr

LR has also classified all employees, except those designated in this Policy, as confidential, as Mandatory Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandatory Reporters details which employees have this responsibility and their duties.

NOTICE/FORMAL COMPLAINTS OF DISCRIMINATION, HARASSMENT, AND/OR RETALIATION

Notice or Formal Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1) File a Formal Complaint with or give verbal notice to the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address or by mail to the office address listed for the Title IX Coordinator.
2) File a report or Formal Complaint online using the reporting form posted at www.lr.edu/Title IX. Anonymous reports are accepted but can give rise to additional complications. For example, the University tries to provide supportive measures to all complainants, which is impossible with an anonymous report. Because reporting carries no obligation to submit a formal Formal Complaint or proceed with the formal grievance process, and because the University respects complainants' requests to dismiss Formal Complaints unless the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or any other person, or that the conduct as

alleged prevents the recipient from ensuring equal access to its programs or activities, the complainant is largely in control and should not fear a loss of privacy by making a report that allows the University to discuss and/or provide supportive measures directly with the complainant. Additionally, the University cannot guarantee that individuals who submit information or Formal Complaints anonymously will remain anonymous to the University in all circumstances.

3) Report to a Mandatory Reporter

A Formal Formal Complaint means an oral or written request by the complainant, a parent, guardian, or other authorized legal representative with the legal right to act on behalf of the complainant or the Title IX Coordinator that objectively can be understood as a request for LR to investigate and make a determination about alleged discrimination under Title IX or this policy. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail by using the contact information in the section above or as described in this section.

SUPPORTIVE MEASURES

LR will offer and implement appropriate and reasonable supportive measures to the parties upon receiving notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are individualized measures offered as appropriate, as reasonably available, for non-punitive and non-disciplinary reasons, and without fee or charge to restore or preserve access to the University's education programs or activities, including the employment environment, and/or deter harassment, discrimination, and/or retaliation. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or LR's educational environment or to provide support during LR's grievance procedures outlined below.

Upon receiving notice of or a Formal Complaint regarding discrimination under this Policy, the Title IX Coordinator or designee will promptly make supportive measures available to the Complainant and, if known, the Respondent. At the time supportive measures are offered, the University will inform the Complainant, in writing, that they may file a formal Formal Complaint with the University either at that time or in the future if they have not done so already.

The Title IX Coordinator may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance process or at the conclusion of the informal resolution process, or the Title IX Coordinator may continue the supportive measures beyond these points. The Title IX Coordinator will provide the complainant or respondent with a timely opportunity to seek modifications or reversal of LR's decision to provide, deny, modify, or terminate supportive measures applicable to them from an appropriate and impartial member of the Title IX Team. The impartial member will be someone other than the LR employee who made the decision regarding the supportive measures in the first instance. Complainants and Respondents also have the opportunity to seek modification or termination of supportive measures applicable to them if circumstances change materially.

The University will maintain the confidentiality of the supportive measures provided and will not disclose information about supportive measures to persons other than the person to whom they apply, unless disclosure is necessary to provide the supportive measure or to restore or preserve a party's access to the education program or activity at issue. LR may also disclose information about supportive measures provided when it has prior written consent from the affected party; when the disclosure is made to a parent, guardian, or other authorized legal representative with the legal right to receive the disclosure; when necessary to carry out the purposes of Title IX and its regulations, including to address potential discrimination; and to the extent required by applicable law.

LR will endeavor to ensure that supportive measures have as minimal an academic or employment impact on the parties as possible. Supportive measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Visa and immigration assistance
- Referral to community-based service providers
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG)
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator or designee

Violations of no-contact orders or other restrictions imposed as supportive measures will be referred to the appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to any ongoing investigation or formal Formal Complaint under this Policy.

EMERGENCY REMOVAL

The University can act to remove a student Respondent entirely or partially from its education programs or activities on an emergency basis when an individualized risk assessment has determined that an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individuals arising from the allegations of discrimination justifies removal.

The Title IX Coordinator initiates the individualized risk assessment process by recommending that the Behavioral Intervention Team ("BIT") perform a risk assessment of the applicable situation using its standard objective violence risk assessment procedures. The members of the BIT include:

- Dean of Student Life (if student is involved)
- University Counselor (appointed by Dean of Student Life)
- Director of Residential Life (if a residential student is involved)
- Director of Public Safety
- Hickory Police Department officer assigned to LR (and appointed as needed by the Director of Public Safety in the Director's discretion)
- Assistant Provost and Dean of the Graduate School (if a graduate student is involved)
- Assistant Provost of Academic Operations (if a faculty member is involved)
- Assistant Vice President for Human Resources (if a non-faculty employee is involved)
- Vice President of Athletics or designee (if a student-athlete is involved)
- Director of Disability Services (as needed)

The BIT will inform the Title IX Coordinator of the results of its individualized risk assessment, and the Title IX Coordinator will provide notice of the decision to the Respondent in writing. Where removal is imposed, the Title IX Coordinator will provide instructions to the Respondent about the process and deadlines for challenging the decision. In all cases, the Respondent will have two (2) business days to challenge the BIT's decision by requesting a meeting with the applicable University Official listed below. If a Respondent needs an extension of time to find an Advisor and/or prepare the challenge, they may submit a request for extension in writing to the Title IX Coordinator who will either grant or deny the request. If the Respondent does not request a meeting with the University Official or an extension of time within two (2) business days after receiving notice of the removal decision from the Title IX Coordinator, his or her challenge to the removal decision is waived and the removal decision will be final.

If the Respondent challenges the removal decision, the Respondent will meet with the applicable University Official as follows:

- If the Respondent is a student, the Assistant Vice President/Dean of Students
- If the Respondent is a faculty, the Provost
- If the Respondent is a non-faculty employee, the Vice President for Business and Finance

The University can remove a student Respondent immediately following the BIT's determination, provided that the student Respondent will have the opportunity to challenge the decision immediately following removal. This meeting is not a hearing on the merits of the allegation(s) but rather an administrative process intended to determine solely whether the emergency removal is appropriate.

The Respondent will be given the option to access the BIT's written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. The Respondent may also, if they wish, submit a written summary of their objections to the emergency removal prior to the meeting with the applicable University Official. A Respondent may be accompanied by an

Advisor of their choice when meeting with the applicable University Official. The applicable University Official may change or modify the BIT's decision, in his or her sole discretion.

There is no appeal process for emergency removal decisions by the University Official. Violations of an emergency removal under this policy will be grounds for discipline.

The University will implement the least restrictive emergency actions possible based on the circumstances and safety concerns as identified in BIT's individualized risk assessment. As determined by the BIT, these actions could include but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, implementing no-contact orders, alternative coursework options, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending or restricting a student's participation in extracurricular activities, student employment, student organizational leadership or intercollegiate or intramural athletics.

ADMINISTRATIVE LEAVE

Where the Respondent is a faculty or staff member (including student employees), LR can place the employee on administrative leave during the pendency of a Resolution Process.

The Title IX Coordinator will refer decisions about administrative leave to the University Officials listed below. Decisions about administrative leave regarding a Respondent, including the conditions of the leave (such as whether the leave will be with or without pay for standard scheduled hours), will be made by the applicable University Official as follows:

- If the Respondent is a student, the Assistant Vice President/Dean of Students
- If the Respondent is faculty, the Provost
- If the Respondent is a non-faculty employee, the Vice President for Business and Finance

The Respondent may request a meeting to challenge the administrative leave decision if the request is made within two (2) business days of receiving written notice of the administrative leave. After the meeting, the applicable University Official will inform the Respondent in writing of their final decision and will inform the Title IX Coordinator. There is no appeal for administrative leave decisions. Violations of administrative leave under this policy may be grounds for discipline.

PROMPTNESS

LR acts promptly upon all allegations once it receives notice of the allegations and/or a formal Formal Complaint. Formal Complaints typically take 60-120 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will endeavor to avoid all undue delays within its control.

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

PRIVACY/CONFIDENTIALITY

Every effort is made by the University to preserve the confidentiality of reports, formal Formal Complaints, investigations, informal resolutions, grievance processes, and outcomes under this Policy. LR will not share the identity of any individual who has made a report or Formal Complaint of harassment, discrimination, or retaliation, any complainant, any individual who has been reported to be the respondent of sex or other discrimination, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purpose of Title IX or 34 CFR Part 106, including conducting any investigation, hearing, or grievance proceeding arising under this Policy.

The University reserves the right to designate which LR officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to FERPA.

Only a small group of officials who need to know will typically be told about reports or formal Formal Complaints, including, but not limited to, Deputy Title IX Coordinators and senior University administrators. Information will be shared as necessary with the Investigators, the Decision-maker, any Appeal Decision-maker, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The University may contact parents/guardians/emergency contacts or others with a legal right to receive the information to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the affected party first before doing so. Note, however, that the affected party's consent is not required.

The University's efforts to protect the privacy of parties and witnesses will not restrict the ability of the parties to obtain and present evidence; consult with their family members, Confidential Resources, or Advisors; or otherwise prepare for and participate in the processes and procedures outlined in this Policy.

JURISDICTION

This Policy applies to all discrimination occurring under LR's education programs and activities, to conduct that takes place on LR's campus or on property owned or controlled by the University, at University-sponsored events, and to all sex-based hostile environments under LR's education programs or activities, even when some conduct alleged to be contributing to the hostile environment occurred outside of LR's education programs or activities or outside the United States. The Respondent must be a member of the LR community in order for this Policy to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprives someone of access to LR's educational programs, activities or employment. The University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects substantial LR interests.

Regardless of where the conduct occurred, LR will address all reports and/or Formal Complaints of discrimination to determine whether the conduct occurred in the context of the University's employment or educational programs or activities and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial University interest includes:

a. Any action that constitutes a criminal offense as defined by law. This includes but is not limited to, single or repeat violations of any local, state, or Federal law;
b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
d. Any situation that is detrimental to the educational interests or mission of LR

If the Respondent is unknown based on the notice or Formal Complaint, or is not a member of the LR community, the Title IX Coordinator or designee will assist the complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

When the Respondent is not a member of the LR community and, thus, this Policy does not apply, the Title IX Coordinator will still assist the Complainant by offering and/or identifying supportive measures, remedies, and resources. In addition, the University may take other appropriate actions to protect the Complainant against third parties not subject to the procedures outlined in this Policy, such as barring individuals from LR's property and/or events.

All vendors serving LR through third-party contracts are subject to the policies and procedures of their employers or to the policies and procedures to which their employer has agreed to be bound by their contracts, which may or may not include this Policy.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator or designee can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to seek relief through that institution's policies.

Similarly, the Title IX Coordinator or designee may be able to advocate for a student Complainant who experiences discrimination in an externship, study abroad program, or other environments external to LR where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the complainant.

TIME LIMITS ON REPORTING

There is no time limitation on providing reports or formal Formal Complaints to the Title IX Coordinator or designee. However, if the Respondent is no longer subject to LR's jurisdiction and/or significant time has passed since the alleged events giving rise to the report or Formal Complaint occurred, LR's ability to investigate, respond, and provide remedies may be more limited or impossible.

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

When notice/Formal Complaint is affected by significant time delay, the University will typically apply the policy in place at the time of the alleged misconduct.

ONLINE HARASSMENT AND MISCONDUCT

LR's policies are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below when those behaviors occur in or affect the University's education programs and activities or use LR's networks, technology, or equipment.

While LR may not control websites, social media, and other venues where harassing communications are made, when such communications are reported to LR, LR, through the Title IX Coordinator and consistent with this Policy, will engage in available, appropriate means to address and mitigate the effects.

Members of the LR community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the internet or other technology to harm another member of the LR community.

Any online postings or other electronic communication by members of the LR community, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the University's control (e.g., not on the University's networks, websites, or between University email accounts) will only be subject to this Policy when such online conduct can be shown to cause a substantial in-program, or in-employment effect. While the University is committed to principles of academic freedom and freedom of expression, discriminatory and/or harassing speech by members of the LR community that occurs off-campus, whether online or in person, may be regulated to ensure compliance with applicable laws and regulations.

POLICY ON PARENTAL, FAMILY, OR MARITAL STATUS; PREGNANCY OR RELATED CONDITIONS

LR does not discriminate in its employment or its education programs or activities against any student or employee based on the employee's or student's current, potential, or past pregnancy or related conditions. LR also does not discriminate based on the employee's or student's current, potential, or past parental, family, or marital status. LR is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972 (Title IX). Sex discrimination, which includes discrimination based on pregnancy, marital status, parental status, or pregnancy-related conditions, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage.

When a student, employee, or a person who has a legal right to act on behalf of the student, informs any LR employee of the student's pregnancy or related conditions, the employee must promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the person's equal access to LR's admissions, educational programs and activities, employment opportunities and benefits.

LR will make reasonable modifications to its policies, practices, or procedures as necessary for employees and students who are pregnant, parenting, or experiencing pregnancy-related conditions to prevent sex discrimination and ensure equal access to its admissions, educational programs and activities, and employment opportunities and benefits.

Reasonable modifications may include, but are not limited to:

- Providing accommodations requested by a pregnant student or employee to protect the health and safety of the student or employee and/or the pregnancy;
- Breaks during work/class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
- Intermittent absences to attend medical appointments;
- Access to online or homebound education, if available
- Changes in schedule or course sequence, if available
- Extensions of time for coursework and rescheduling of tests and examinations;
- Allowing a student to sit or stand or carry or keep water nearby;
- Counseling;
- Changes in physical space or supplies (for example, access to a larger desk or a footrest);
- Elevator access

Individuals can accept or decline the offered reasonable modifications in their sole discretion.

LR will ensure that students and employees with a need to do so have access to a lactation space, which will be a space (other than a bathroom) that is clean, shielded from view, free from intrusion from others, and may be used to express breast milk or for breastfeeding as needed.

POLICY ON NONDISCRIMINATION

Discrimination is defined as treating an individual or group of individuals differently with regard to participation in LR's education programs and activities or employment because of the individual's or group's actual or perceived protected characteristic. LR does not discriminate on the basis of:

- Race
- Religion
- Color
- Sex (including sex stereotypes and sex characteristics)
- Ethnicity
- National origin
- Physical or mental disability
- Age
- Marital status
- Pregnancy or related conditions
- Sexual orientation

- Gender identity
- Gender expression
- Veteran or military status
- Any other characteristic or status protected by applicable law

Discrimination can take the following forms:

1. Disparate Treatment Discrimination is defined as any intentional differential treatment of a person or persons that is based on an individual's actual or perceived protected characteristic and that excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual's participation in LR's program, activity, or employment.
2. Disparate Impact Discrimination is defined as policies or practices that appear to be neutral but unintentionally result in a negative impact on a protected group or person that excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual or group's participation in LR's program, activity, or employment.

This policy on non-discrimination extends to all aspects of employment, including, but not limited to, recruitment, hiring, training, promotion, transfer, reassignment, demotion, discipline, discharge, performance evaluations, compensation, and benefits. This non-discrimination policy also extends to admissions, educational programs and activities, and all other aspects of student life. LR is committed to providing an environment that promotes non-discrimination, equal opportunity, and inclusion for faculty, staff, students, applicants, contractors, volunteers, and visitors.

POLICY ON DISABILITY DISCRIMINATION AND ACCOMMODATION

LR is committed to full compliance with the Americans with Disability Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other Federal and State laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. Under Title IX a student with a disability means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, or a child with a disability as defined in the Individuals with Disability Education Act, 20 U.S.C. § 1401(3).

The ADA protects individuals who have a record of substantially limiting impairment or who are regarded as disabled by the University, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Director of Disability Services has been designated as the University's ADA/504 Coordinator. This person is responsible for overseeing efforts to comply with these disability laws.

Grievances related to disability status and/or accommodations will be addressed using the procedures outlined below.

Students with Disabilities

LR is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the University.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Disability Services Office, which coordinates services for students with disabilities.

The Disability Services Office reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s).

POLICY ON DISCRIMINATORY HARASSMENT

Students, staff, administrators, and faculty are entitled to an employment and educational environment free of discriminatory harassment. LR's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under this Policy. This Policy exists in tandem with the University's commitment to academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern. The University will use its best efforts to balance the enforcement of this Policy with its commitment to academic freedom.

a. **Discriminatory Harassment**

Discriminatory harassment is a form of discrimination prohibited by this Policy. It is defined as harassment on the basis of a characteristic or status protected by applicable law, such as race or sex. Discriminatory harassment includes both quid pro quo harassment and hostile environment harassment, as defined in this Policy.

LR does not tolerate discriminatory harassment of any employee, student, visitor, or guest. LR will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment" within the legal meaning of the term.

The University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment or 2) is of a generic nature and not based on a protected status or characteristic. Addressing such conduct may not result in the imposition of discipline under University policy but will at minimum be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution (as defined in this Policy), and/or other informal resolution mechanisms.

b. **Sex-based Harassment (Title IX Offenses)**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of North Carolina regard sexual harassment or sex-based harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

LR has adopted the following definition of sex-based harassment and sexual harassment in order to address the unique environment of an academic community, which consists not only of employers and employees but students as well.

Sex-based harassment, as an umbrella category, includes offenses of sex-based harassment, sexual assault, domestic violence, dating violence, and stalking and is defined as:

A form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including:

1) **Quid Pro Quo Harassment**, which is defined as an employee, agent, or other person authorized by LR to provide an aid, benefit, or service under LR's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

2) **Hostile Environment Harassment**, which is defined as unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from LR's program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
   - **i.** The degree to which the conduct affected the complainant's ability to access LR's education program or activity;
   - **ii.** The type, frequency, and duration of the conduct;
   - **iii.** The parties' ages, roles within LR's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
   - **iv.** The location of the conduct and the context in which the conduct occurred; and
   - **v.** Other sex-based harassment in LR's education program or activity

3) **Sexual Assault**, which is defined as an offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation and includes:
    - **a.** Sex Offenses, defined to include any sexual act directed against another person, without the consent of the complainant, including instances in which the complainant is incapable of giving consent.
    - **b.** Rape, defined as (i) penetration, no matter how slight, of the vagina or anus with any body part or object or (ii) oral penetration by a sex organ of another person, without the consent of the complainant.
    - **c.** Sodomy, defined as oral or anal penetration of the Complainant by the Respondent, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of temporary or permanent mental or physical incapacity.
    - **d.** Sexual Assault with an Object, defined as Respondent's use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of the Complainant, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical capacity.
    - **e.** Fondling, defined as the touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
    - **f.** Incest, defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by North Carolina law.
    - **g.** Statutory Rape, defined as non-forcible sexual intercourse with a person who is under the statutory age of consent of 16.
4) Dating Violence, which is defined as
    a. Violence committed by a person;
    b. Who is or has been in a social relationship of a romantic nature or intimate nature with the victim; and
    c. 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; and
        iii. The frequency of interaction between the persons involved in the relationship.
5) Domestic Violence, which is defined as
    a. Felony or misdemeanor crimes committed by a person who:
        i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of North Carolina, or a person similarly situated to a spouse of the victim;

ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
iii. Shares a child in common with the victim; or
iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of North Carolina.

6) Stalking, which is defined as
   a. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
      i. Fear for the person's safety or the safety of others; or
      ii. Suffer substantial emotional distress.

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

c. **Force, Coercion, Consent, and Incapacitation**

As used in the offenses defined above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

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

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

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

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

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

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

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

Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying "no" may be part of the kink and thus consensual, so LR's evaluation of communication in kink situations should be guided by reasonableness rather than strict adherence to policy that assumes non-kink relationships as a default.

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

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

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

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

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

d. **Other Civil Rights Offenses**

In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, LR additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant's actual or perceived membership in a protected class.

Sexual Exploitation is defined as taking non-consensual or abusive sexual advantage of another for the alleged perpetrator's own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts without the consent of the person being observed)
- Invasion of sexual privacy.
- Taking pictures, video, or audio recording of another in a sexual act or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Creation, possession, or dissemination or child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person

Intimidation is defined as implied threats or acts that cause an unreasonable fear of harm in another;

Hazing is defined as acts likely to cause physical or psychological harm or social ostracism to any person within the LR community when related to the admission, initiation, pledging, joining, or any other group-affiliation activity

Bullying, is defined as:

- Repeated and/or severe
- Aggressive behavior
- That is likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally.

Violation of any other University policies may constitute a Civil Rights Offense when it is motivated by actual or perceived membership in a protected class and results in a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand to expulsion/termination.

RETALIATION

Retaliation means intimidation, threats, coercion, or discrimination against any person by LR, a student, or an employee or other person authorized by LR to provide aid, benefit, or service under LR's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or any other civil rights law, or because the person has reported information, made a Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including an informal resolution process under this Policy, or under Title IX, Title IX regulations, or other civil rights laws or regulations.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or designee and will be promptly investigated. LR is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation. This policy prohibits all forms of retaliation, including peer retaliation.

Allegations of discrimination, harassment, sex-based discrimination, sexual harassment, and code of conduct violations that do not involve discrimination or harassment reported or included in a Formal Complaint for the purpose of interfering with any rights or privileges secured by this Policy, Title IX, or any other civil rights law constitute retaliation and are strictly prohibited.

TITLE VII/FEDERAL HOUSING ADMINISTRATION ("FHA") SEXUAL HARASSMENT

Sexual harassment under Title VII and the FHA is defined as:

- Unwelcome verbal, written, graphic, and/or physical conduct;
- That is severe or pervasive and objectively offensive;
- On the basis of sex/gender; and that

- Unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

When Title VII/FHA sexual harassment is reported or alleged through a formal Formal Complaint, LR may sanction the Respondent through the grievance process outlined below.

MANDATORY REPORTING

With limited exceptions set forth herein, all LR employees (faculty, staff, and administrators) are required to report actual or suspected discrimination or harassment to appropriate officials immediately.

It is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some employees ("Confidential Resources") may maintain confidentiality, meaning that they are not required to report actual or suspected discrimination or harassment. They may instead offer options and resources to address the actual or suspected discrimination or harassment without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared. Confidential Resources are required to explain to any person who provides information of conduct that may reasonably constitute a Policy violation of the employee's status as a Confidential Resource, the fact that the Confidential Resource is not required to notify the Title IX Coordinator of conduct that may reasonably constitute a Policy violation, the contact information for the Title IX Coordinator and information about how to lodge a Formal Complaint under this Policy, and that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate informal resolution or an investigation and formal grievance procedures.

If a Complainant reports information giving rise to actual or suspected discrimination or harassment to a Mandatory Reporter (any LR employee not listed in this Policy as a Confidential Resource), the Mandatory Reporter must connect them with resources to report crimes and/or policy violations. Mandatory Reporters also must immediately pass reports to the Title IX Coordinator (and/or police if desired by the Complainant), who will take further action. If a Complainant expects formal action in response to allegations of actual or suspected discrimination or harassment, the Complainant should make his or her report to a Mandatory Reporter or should specifically request that the Confidential Resource to whom the report is made share the information reported with the Title IX Coordinator.

The following sections describe the reporting options at LR for a Complainant or third party (including parents/guardians when appropriate):

a. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with an on-campus licensed professional counselor and staff member. A listing of on-campus Confidential Resources is available at Title IX Resources | Lenoir-Rhyne University (lr.edu). Please note that on-campus Confidential Resources must submit anonymous statistical information to the University for Clery Act purposes.

Off-campus Confidential Resources (non-employees)

- Licensed professional counselors and other medical providers
- Local rape and crisis counselors
- Domestic violence resources
- Local state assistance agencies
- Clergy/Chaplains
- Attorneys

On-campus Confidential Resources

- University Counselor
- University Pastor
- Physician Assistant

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of the immediacy of threat, danger, or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order or requested to disclose by the Complainant.

b. Mandatory Reporters and Formal Notice/Formal Complaints

All LR employees, except for those designated as Confidential Resources, are Mandatory Reporters and must promptly share with the Title IX Coordinator all known details of a report or Formal Complaint giving rise to actual or suspected discrimination or harassment made to them in the course of their employment. Employees must also promptly share all details of behaviors that constitute actual or suspected violations of this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third party.

Complainants may want to carefully consider whether they share personally identifiable details concerning themselves or the alleged Respondent with Mandatory Reporters, as those details must be shared with the Title IX Coordinator (absent a request for anonymity of the Complainant, addressed in greater detail below).

Failure of a Mandatory Reporter, as described above in this section, to report an incident of actual or suspected harassment or discrimination of which they become aware is a violation of University policy and can be subject to disciplinary action for failure to comply.

c. Anonymous Notice to Mandatory Reporters

At the request of a Complainant, a Mandatory Reporter may give notice to the Title IX Coordinator of the reported information without identifying the Complainant, allowing the Complainant to remain anonymous. However, the Mandatory Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandatory Reporter maintain the Complainant's anonymity, the Mandatory Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandatory Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

The University will investigate anonymous reports and Formal Complaints to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. However, depending on the information shared, anonymous notice typically limits the University's ability to investigate, respond, and provide remedies. Anonymity throughout the duration of the University's investigation and response is not guaranteed. When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandatory Reporter, but all other details of the reported information must be shared with the Title IX Coordinator. Mandatory Reporters are not able to maintain requests for anonymity for Complainants who are minors.

WHEN A COMPLAINANT DOES NOT WISH TO PROCEED

If a Complainant does not wish for their name to be shared with the Title IX Coordinator, does not wish for an investigation to take place, or does not want a formal Formal Complaint to be pursued, the Complainant may make such a request to the Title IX Coordinator, who will evaluate that request in light of the Title IX Coordinator's duty to ensure the safety of the campus and to comply with state or federal law. The goal is to provide the Complainant with as much control over the process as possible while balancing LR's obligation to protect its community.

The Title IX Coordinator has ultimate discretion over whether the University proceeds with a formal Formal Complaint when the Complainant does not wish to do so. The Title IX Coordinator may sign a formal Formal Complaint to initiate a grievance process upon completion of an appropriate assessment. The Title IX Coordinator's decision will be based on a fact-specific assessment that considers the following factors: the Complainant's request not to proceed with a formal Formal Complaint; the Complainant's reasonable safety concerns regarding initiation of a formal Formal Complaint; the risk that additional acts of discrimination or harassment would occur if a formal Formal Complaint is not initiated; the severity of the alleged discrimination, including whether, if the discrimination is established, it would require the removal of a Respondent from campus or the imposition of another disciplinary sanction to end the discrimination and prevent its recurrence; the age and relationship of the parties, including whether the Respondent is a LR employee; the scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple people; the availability of evidence; and whether LR could end the alleged discrimination and prevent its recurrence without initiating grievance procedures. If, after considering these and any other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health and/or safety of the Complainant or any other person, or that the conduct as alleged prevents LR from ensuring equal access to its education programs and activities, the Title IX Coordinator may initiate a formal Formal Complaint without the Complainant's cooperation or consent.

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

When the Title IX Coordinator executes a formal Formal Complaint, they do not become the Complainant. The Complainant remains the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When the University proceeds based on a formal Formal Complaint executed by the Title IX Coordinator, the Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the an may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the University's ability to remedy and respond to notice of allegations of actual or suspected discrimination or harassment may be limited if the Complainant does not want the University to proceed with an investigation, formal Formal Complaint and/or grievance process.

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

A Complainant who elects to take no action can change that decision by deciding to pursue a formal Formal Complaint at a later date. Upon making a formal Formal Complaint, a Complainant has the right to and can expect to have allegations taken seriously by LR and to have the incidents investigated and properly resolved under this Policy, regardless of past decisions to take no action on the same or other allegations reported to the University.

FEDERAL TIMELY WARNING OBLIGATIONS

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, LR must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The University will ensure that a Complainant's name and other identifying information is not disclosed while still providing enough information for community members to make safety decisions in light of the potential danger, as required by the Clery Act.

FALSE ALLEGATIONS AND EVIDENCE

Deliberately false and/or malicious accusations under this Policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties who knowingly provide false evidence, tamper with or destroy evidence after being directed to preserve such evidence, or deliberately mislead an official conducting an investigation under this Policy will be subject to discipline under University policy.

Parties, witnesses, and other who participate in the procedures outlined in this Policy will not be disciplined for making a false statement or for engaging in conduct that violates this Policy solely based on the determination of whether a violation of this Policy occurred.

AMNESTY FOR COMPLAINANTS AND WITNESSES

The LR community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident at issue. Respondents may hesitate to be forthcoming during the process for the same reasons. It is in the best interests of the LR community that Complainants choose to report misconduct to University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, LR maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident. Amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is not based on sex, gender, or any other protected status or characteristic but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system. Sometimes, students are hesitant to assist others in the grievance process for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual misconduct to Campus Security. The University maintains a policy of amnesty for students who offer help to others in need.

Sometimes, employees are hesitant to report harassment or discrimination they have experienced for fear of getting in trouble themselves. The University may, at its discretion, offer employee Complainants amnesty from such policy violations (typically minor policy violations) related to the incident, consistent with the general parameters outlined above. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis and in the University's discretion.

FEDERAL STATISTICAL REPORTING OBLIGATIONS

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

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

All personally identifiable information related to these incidents is kept private, but statistical information regarding the type of incident and its general location (on or off-campus or in the

surrounding area) must be passed along to Public Safety for publication in the Annual Security Report and daily campus crime log, as required by the Clery Act.

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON NON-DISCRIMINATION AND ANTI-RETALIATION

1. Overview

LR will apply these procedures to any formal or informal notice or Formal Complaint of violation of this Policy on Non-Discrimination and Anti-Retaliation received by the Title IX Coordinator or any other Mandatory Reporter.

The procedures below apply to all allegations of retaliation, harassment, or discrimination on the basis of actual or perceived protected class status.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through the appropriate University policy(ies).

2. Notice and Formal Complaints

Upon the Title IX Coordinator's receipt from a Mandatory Reporter, Complainant, or other person of a Formal Complaint or notice of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment, as set forth below, to determine the next steps the University needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Formal Complaint.

The University may consolidate Formal Complaints against more than one Respondent, or by more than one Complainant against a Respondent, or by one party against another party, when the allegations arise out of the same facts or circumstances.

3. Initial Assessment

Following receipt of notice or a Formal Complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, which is typically five (5) business days in duration. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal Formal Complaint, and will assist them to do so, if desired.
    - If they do not wish to do so, the Title IX Coordinator will determine whether to independently initiate a Formal Complaint using the assessment outlined in this Policy.
- If the Complainant pursues a formal Formal Complaint, the Title IX Coordinator will assess its sufficiency and work with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator will consider whether the Formal Complaint (and any counterclaim filed in response to the Formal Complaint) is made in good faith.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.

- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
    - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
    - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the Formal Complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.
    - If a Formal Grievance Process is preferred, the Title IX Coordinator will determine if all or any portion the misconduct alleged falls within the scope of this Policy:
        - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address, based on the nature of the Formal Complaint:
            - an incident, and/or
            - a pattern of alleged misconduct, and/or
            - a culture/climate issue.
        - If it does not, the Title IX Coordinator will dismiss all or the relevant portion(s) of the Formal Complaint, assess which alternative policies may apply to the dismissed Formal Complaint or portions thereof, and refer the dismissed Formal Complaint or portions thereof to other University officials as appropriate. Dismissing all or any portion of a Formal Complaint under this Policy is procedural and does not limit the University's authority to address a Formal Complaint with an appropriate process and remedies. Dismissing all or any portion of a Formal Complaint under this policy also does not prohibit the Complainant from providing future notice or reports or pursuing future Formal Complaints concerning alleged misconduct that falls within the scope of this Policy.

a. Violence Risk Assessment

In some cases, the Title IX Coordinator may determine that a Risk Assessment should be conducted by BIT. This assessment can aid in critical and/or required determinations, including:

- Whether to require emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal Formal Complaint absent a willing/able Complainant;
- Whether the investigation should focus on one or more isolated incidents, a pattern of alleged misconduct, and/or a broader on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a Formal Complaint through informal resolution, and what modality (informal resolution or formal grievance proceedings) may be most successful;

- Whether to permit a voluntary withdrawal from enrollment or employment by the Respondent;
- Whether to impose transcript notation or communicate with a transfer College about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-decision); and/or
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

b. Dismissal

LR may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1. LR is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating in LR's education programs or activities and/or is not employed by LR;
3. A Complainant voluntarily withdraws any or all of the allegations in the Formal Complaint, the Title IX Coordinator declines to initiate a Formal Complaint, and the conduct that remains alleged in the Formal Complaint (if any) would not fall within the scope of this Policy; or
4. LR determines the conduct alleged in the Formal Complaint, even if proven, would not constitute a Policy violation. Note that if dismissal is pursued on this basis, LR must make reasonable efforts to clarify the allegations in the Formal Complaint with the Complainant before dismissing the Formal Complaint.

If dismissal is based on the Complainant's voluntary withdrawal of the Formal Complaint or any allegations therein, the Title IX Coordinator will obtain confirmation of the Complainant's voluntary withdrawal in writing.

Upon any dismissal, the University will promptly send the Complainant written notification of the dismissal and the rationale for the dismissal, as well as notice that the dismissal may be appealed. If the dismissal occurs after the Respondent has been made aware of the allegations, LR will also notify the Respondent of the dismissal, the rationale for the dismissal, and the opportunity to appeal the dismissal.

The dismissal decision is appealable by any party on the basis of appeals outlined below.

4. Counterclaims

The University is obligated to ensure that the grievance process is not abused for retaliatory purposes. LR permits the filing of counterclaims in response to a Formal Complaint but uses the initial assessment described above to assess whether the allegations in the counterclaim are made in good faith. Counterclaims made with retaliatory intent are a violation of this Policy and will not be permitted.

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

Counterclaims may also be resolved through the same investigation as the underlying allegation at the discretion of the Title IX Coordinator.

5. Right to an Advisor

The parties may each have one (1) Advisor of their choice present with them for all meetings and interviews within the resolution process if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available. Before Advisors can receive personally identifying or other confidential information in connection with the grievance proceedings, LR must receive a release permitting the disclosure of personally identifying and other confidential information to the Advisor from the party at issue. This is addressed in greater detail below.

Choosing an Advisor who is also a witness in the process creates the potential for bias and conflict of interest. A party that chooses an Advisor who is also a witness can anticipate that the decision-maker will explore issues of potential bias.

LR may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

a. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the LR community.

LR cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, LR is not obligated to provide an attorney to advise that party.

If the parties choose an Advisor from outside the LR community, the Advisor may not have been trained by LR and may not be familiar with University policies and procedures.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

Parties also have the right to choose not to have an Advisor in the stages of the resolution process.

b. Advisors' Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors who are not witnesses may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf through the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview.

Advisors must copy their Party in all communications with LR's Title IX Team, including the Title IX Coordinator. LR's Title IX Team will not communicate with Advisors who fail to do so. Parties must be present with their Advisors for any and all meetings with LR's Title IX Team. Advisors are prohibited from meeting with LR Title IX Team members without their party present.

c. Advisor Violations of University Policy

All Advisors, whether attorneys or not, are subject to the same University policies and procedures. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address LR officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee.

The parties are expected to ask and respond to questions on their own behalf throughout all phases of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will require the party to select another Advisor of the party's choice.

d. Sharing Information with the Advisor

LR expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

LR also provides a consent form that authorizes the University to share such information directly with the Advisor. Before LR can share records with an advisor, the parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor. If a party requests that all communications be made through their attorney advisor, the University will comply with that request but will also include the party as a recipient on all communications.

e. Privacy of Records Shared with Advisor

Advisors are expected to maintain the confidentiality of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by LR. LR may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's confidentiality expectations.

f. Expectations of an Advisor

LR generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned. LR may change scheduled meetings only once to accommodate an Advisor's inability to attend if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

6. Informal Resolution Process

At any time before a determination about whether a violation of this Policy has occurred, LR may offer to Complainant and Respondent, or a party may request, an information resolution process. Informal resolution processes are confidential. All persons present at any time during the informal resolution process are expected to maintain the confidentiality of the process in accordance with University policy.

To initiate informal resolution, a party may request the informal resolution process in writing, to the Title IX Coordinator at any time before a final determination of whether a violation of this Policy has occurred. It is not necessary to pursue Informal Resolution first before pursuing a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

The Title IX Coordinator has discretion to determine whether it is appropriate to offer or grant a party's request for informal resolution. The Title IX Coordinator may choose to decline to offer or grant a party's request for informal resolution, even if that decision is at odds with one or more of the parties' wishes. For example, the Title IX Coordinator could decline to allow informal resolution when the alleged conduct would present a future risk of harm to others.

The Title IX Coordinator cannot require informal resolution of pressure the parties to consent to informal resolution. The Title IX Coordinator must obtain the parties' voluntary consent to the informal resolution process.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the alleged misconduct, the requirements of the informal resolution process, the right for any party can withdraw from the informal resolution process at any time before agreeing to a resolution, the fact that a party can initiate or resume formal grievance proceedings even after consenting to informal resolution, and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

LR will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

Resolution proceedings are confidential. All persons present at any time during the resolution process are expected to maintain the confidentiality of the proceedings. The Title IX Coordinator may look to the following factors to assess whether Informal Resolution is appropriate or which form of Informal Resolution may be most successful for the parties:

- The parties' amenability to Informal Resolution
- Likelihood of potential resolution, taking into account any power dynamics between the parties
- The parties' motivation to participate
- Civility of the parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history
- Whether an emergency removal is needed
- Formal Complaint complexity
- Emotional investment/capabilities of the parties
- Rationality of the parties
- Goals of the parties
- Adequate resources to invest in Informal Resolution (time, staff, etc.)
- Whether the alleged misconduct presents a future risk of harm to others

Informal Resolution can include the approaches below.

a. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal grievance procedures will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in the section above.

If the Title IX Coordinator determines that Informal Resolution is appropriate, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator will implement the accepted finding that the Respondent is in violation of University policy and implement agreed-upon sanctions and/or remedies in coordination with other appropriate administrators (s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed-upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct on the Complainant and the community.

b. Title IX Coordinator-Facilitated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. Final Negotiated Resolutions to which the parties agree are not appealable.

c. Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism. The most common mechanism is mediation, conducted by a trained mediator or other individual.

The Title IX Coordinator will ultimately determine whether an Alternate Resolution is available or successful. The Title IX Coordinator maintains records of any resolution reached, and failure to abide by the final resolution agreement may result in appropriate responsive/disciplinary actions. The results of Formal Complaints finally resolved by Informal Resolution or Alternate Resolution are not appealable.

7. Formal Grievance Proceedings – Pool Members and Roles

If an informal resolution is not appropriate or is not pursued, the Formal Complaint will be resolved through the University's Formal Grievance Proceedings.

Formal Grievance Proceedings rely on Pool Members to carry out the process.

a. Pool Member Roles

Members of the Pool are trained annually on this Policy and related issues (including, but not limited to, discrimination, harassment, Title IX and its regulations, and other civil rights laws) and can serve in the following roles at the direction of the Title IX Coordinator:

- Investigator
- Facilitator in Informal Resolution
- Single Decision-maker
- Single Appeal Decision-maker

b. Pool Member Appointment

The President, in consultation with the Provost and the Title IX Coordinator, appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, LR can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

c. Pool Member Training

All Pool members receive annual training. The materials used to train all members of the Pool are publicly posted here: Title IX Team Training | Lenoir-Rhyne University (lr.edu).

All Pool members are required to attend training annually. Specific training is also provided for Appeal Decision-makers.

8. Formal Grievance Proceedings - Notice of Investigation and Allegations

Upon commencement of the Formal Grievance Process, the Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the parties. This facilitates the parties' ability to prepare for the investigation and hearing and to identify and choose an Advisor to accompany them throughout the proceedings. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges. The Title IX Coordinator may delay providing the NOIA if it has reasonable concerns for the safety of any person as a result of providing the NIOA. These reasonable concerns will be based on individualized safety and risk analysis.

The NOIA will include:

- A meaningful summary of all of the allegations known at the time, sufficient to allow the parties to respond to the allegations
- The identity of the involved parties (if known)
- The precise misconduct being alleged
- The date, location, and time of the alleged incident(s) (if known)
- The specific policies implicated
- A description of the applicable procedures, including the availability of informal resolution and the formal grievance proceedings
- A statement that the parties are entitled to equal opportunity to access the relevant (not impermissible evidence) or an accurate description of the evidence, as applicable
- A statement of the potential sanctions/responsive actions that could result
- A statement that LR presumes the Respondent is not responsible for the reported conduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all evidence obtained
- A statement about LR's policy prohibiting retaliation
- Information about the confidentiality of the process

- Information on the ability of each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the parties that LR's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process
- Detail on how the party may request disability accommodations during the interview process
- A link to LR's VAWA Brochure/Resource Guide
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available. If, during the course of the investigation, additional allegations become subject to investigation or are added to the Formal Complaint, LR will provide notice of those changes to all parties whose identities are then known. If allegations are dismissed from the Formal Complaint, LR will also notify the parties of those dismissals, as detailed above.

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

9. Resolution Timeline

LR will make a good faith effort to complete the resolution process, including any appeals, within a sixty-to-ninety (60-120) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. Assignment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator will begin an investigation. If the Title IX Coordinator is unavailable to conduct the investigation or has a conflict of interest, the Provost and/or the Title IX Coordinator will appoint a Deputy Title IX Coordinator or trained individual from the Pool who will conduct the investigation.

11. Ensuring Impartiality

Any individual materially involved in the administration of any investigation, informal resolution, or formal grievance process under this Policy, including the Title IX Coordinator, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for Complainants or Respondents generally or for a specific Complainant or Respondent.

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest regarding any member of the Title IX Team. If the concern involves a member of the Title IX Team other than the Title IX Coordinator, the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, the allegedly biased or conflicted team member will be removed from the matter and another Deputy Title IX Coordinator or Pool member will be assigned to the matter, so that the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Provost. If the Provost determines that the Title IX Coordinator has a conflict of interest or bias, the Provost will appoint a trained designee to carry out the Title IX Coordinator's responsibilities as to the matter in question.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained during the course of an Investigation, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. Complainants and Respondents will be treated equitably throughout the process.

LR presumes that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof, which is the preponderance of the evidence, at the conclusion of the formal grievance process.

12. Investigation Timeline

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

13. Delays in the Investigation Process and Interactions with Law Enforcement

The University may temporarily delay its investigation if circumstances require. Such circumstances include, but are not limited to, a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The University will communicate in writing the anticipated duration of and reason for the delay to the parties and provide the parties with status updates if necessary. LR will promptly resume its investigation and resolution process as soon as feasible. During such a delay, LR will implement supportive measures as deemed appropriate.

LR action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Steps in the Investigation Process

All investigations under this Policy are thorough, reliable, impartial, prompt, and fair. They involve interviews with relevant parties and witnesses, obtaining available relevant evidence, and identifying sources of expert information as necessary. At LR, the Title IX Coordinator is the primary investigator of alleged violations of this Policy. However, other trained individuals may be appointed to investigate at the discretion of the Title IX Coordinator in consultation with the Provost.

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

The Coordinator/Investigator typically takes the following steps during the investigation (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners, initiate or assist with any necessary supportive measures
- Conduct a prompt initial assessment to determine if the allegations indicate a potential violation of this Policy.
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
    - Notice should inform the parties of their right to have the assistance of an Advisor present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the transcript of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants in and purpose for the meeting
- Interview available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses during their various interviews, and

document in the report which questions were asked, with a rationale for any changes to or omissions of proposed questions submitted by the parties.

- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices, including relevant physical or documentary evidence, will be included
- Gather, assess, and synthesize evidence but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation, including the evidence upon which the University does not intend to rely in reaching a determination, for a five (5) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full five-day review period. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- The Investigator will ask the parties to provide a proposed list of questions to ask the other Parties and any witnesses
- The Investigator(s) will incorporate all relevant elements of the parties' written responses to the draft investigation report and the evidence gathered during the investigation into the final investigation report, include any additional relevant evidence, make any necessary revisions based on the questions posed by the Parties, and finalize the report. The Investigator(s) should document all rationales for any changes made to the report after the conclusion of the review and comment period
- The Investigator/Coordinator shares the report with the Provost
- The Investigator will incorporate any relevant feedback from the Provost, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy.
- A Review Meeting will be scheduled with the Single Decision-maker

15. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of LR are expected to cooperate with and participate in the University's investigation and resolution process.

Investigation interviews are conducted remotely through Zoom. Interviews are recorded and later transcribed. Witnesses are provided with their interview transcript to verify accuracy before the transcript becomes permanent in the file.

Witnesses may provide written statements or respond to written questions in lieu of interviews if deemed appropriate by the Investigator(s). In all instances an interview via Zoom is preferred and is the default interview method.

16. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation interviews or meetings. All interviews are recorded, and the Title IX Coordinator maintains the recording of each interview in the investigation file for a minimum of seven (7) years. Parties and witnesses will be provided with a transcript of their interview to verify its accuracy before the transcripts become part of the file.

17. Evidentiary Considerations in the Investigation

The following types of evidence are not considered during the investigation or formal grievance process:

- Evidence about incidents other than those raised in the Formal Complaint, unless those incidents are used as evidence of a pattern relevant to resolution of the Formal Complaint;
- Evidence about the general character of the parties;
- Evidence about the Complainant's sexual interests or prior sexual conduct, unless that evidence is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged conduct at issue in the Formal Complaint;
- Evidence that is protected under any privilege recognized by applicable law, unless the privilege is waived;
- Evidence that is provided to a Confidential Resource, unless the person who provided the information waives confidentiality; and
- Records made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment, unless the person who received the treatment provides voluntary, written consent.

18. Decision-making and Standard of Proof

The single-member Decision-maker determines whether the Respondent is responsible or not responsible for the policy violation(s) in question during a Review Meeting.

Review Meeting Protocol

- A single Decision-maker is identified from the Pool, and a Notice of the Review Meeting is provided to the parties.
- The University will create a single audiovisual recording of the live, virtual Review Meeting and make it available to the parties for inspection and review upon written request to the Title IX Coordinator. The recording will be the property of the University and will be maintained in the investigation file for a period of at least seven years.

- The Investigator will present the final investigation report to the Decision-maker for no longer than fifteen (15) minutes. The Decision-maker may, but is not required to, ask the Investigator questions following the Investigator's presentation.
- The Complainant has an opportunity to provide a summary of his or her case no longer than fifteen (15) minutes. The Decision-maker may but is not required to ask the Complainant questions.
- The Respondent has an opportunity to provide a summary of his or her response no longer than fifteen (15) minutes. The Decision-maker may but is not required to as the Respondent questions.
- Neither parties nor their Advisors are permitted to ask questions of the parties during the Review Meeting. The parties may, however, propose questions that they would like the Decision-maker to ask during the Review Meeting, including questions challenging credibility. The Decision-maker must determine whether a proposed question is relevant and not impermissible and must explain any decision to exclude a question. If the Decision-maker determines that a question is relevant and not impermissible, the question must be asked unless it is unclear or harassing. The Decision-maker must give a party the opportunity to clarify or revise a question deemed unclear or harassing and, if it is sufficiently clarified or revised, the question must be asked by the Decision-maker.

The Decision-maker will provide a written decision on each allegation within the investigation report. This written decision must include a description of the alleged Policy violation, information about the policies and procedures used to evaluate the allegations, the Decision-maker's evaluation of the evidence, the Decision-maker's determination about whether a Policy violation occurred, and any sanctions or other remedies imposed, other students identified to be experiencing the effects of the Policy violation (if applicable), and a summary of LR's appeal procedures. The written decision must be provided to the parties within ten (10) business days from the Review Meeting.

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

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

19. Statement of the Rights of the Parties

LR will provide both parties access to the University's Statement of the Rights of the Parties, which is located here: sexual-misconduct-book-2023_0.pdf (lr.edu)

20. Sanctions

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

• The nature, severity of, and circumstances surrounding the violation(s)
• The Respondent's disciplinary history
• Previous allegations or allegations involving similar conduct against the Respondent
• The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
• The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
• The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the LR community
• The impact of the conduct on the parties
• Any other information deemed relevant by the Single Decision-maker.

The sanctions will be implemented as soon as feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of and may be in addition to, other actions taken or sanctions imposed by external authorities.

a. Student Sanctions

The following are the common sanctions that may be imposed upon students or organizations singly or in combination:

- Warning
- Required Counseling
- Probation
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Organizational Sanctions (loss of student organization status, suspension, etc.)
- Other Actions as deemed appropriate

b. Employee Sanctions

Sanctions and responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observations, or Reviews
- Required Counseling
- Required Training or Education
- Probation

- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibilities
- Demotion
- Transfer
- Reassignment
- Assignment to New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension With Pay
- Suspension Without Pay
- Termination
- Other Actions as deemed appropriate

21. Withdrawal or Resignation While Charges Pending

Students: If a student has an allegation pending for violating this Policy, the University may retain the student's ability to graduate and/or receive an official transcript/diploma until the allegations have been finally resolved.

Should a Respondent decide not to participate in the formal grievance process, the Formal Complaint will proceed to a reasonable resolution without their participation.

The University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation, regardless of whether a student Respondent remains enrolled. A hold will be placed on a student Respondent's ability to be readmitted. They may also be barred from University property and/or events.

If the student Respondent withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely. A student Respondent who is determined to have violated this Policy and subject to discipline as a result is not permitted to return to LR unless and until all sanctions have been satisfied.

Employee: Should an employee Respondent resign with unresolved allegations pending, the resolution process may end. The University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination. The employee who resigns with unresolved allegations pending is not eligible for rehire with the University, and the records retained by the University Title IX Coordinator and the Human Resources Office will reflect that status.

All University responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

22. Appeals

Any party may file a request for appeal ("Request for Appeal") of a Decision-maker's determination under this Policy. The appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the written determination.

The Provost will serve as the Appeal Decision-maker. The Title IX Coordinator will forward the written Request for Appeal to the Appeal Decision-Maker to determine whether it meets the grounds for appeal (a Review for Standing).

The Review for Standing is not a review of the merits of the appeal but solely a determination as to whether the Request for Appeal contains one or more of the permissible grounds for appeal and is timely filed.

a. Grounds for Appeal

Appeals are limited to the following grounds:

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

If the Request for Appeal does not meet the grounds for appeal in this Policy, the Appeal Decision-maker will deny the Request for Appeal. The parties and their Advisors will be notified in writing of the denial of the Request for Appeal and the rationale for the denial.

If the Request for Appeal meets one or more of the grounds for appeal in this Policy, the Appeal Decision-maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate/applicable, the Investigators and/or the original Decision-maker(s) in writing that the Request for Appeal has been granted.

The non-appealing party(ies) (if any) and their Advisor(s), the Title IX Coordinator, and, when appropriate/applicable, the Investigators and/or the original Decision-maker will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and will have five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Decision-maker to all parties for review and comment.

The non-appealing party (if any) may choose to raise a new ground for appeal in their response to the decision to grant the Request for Appeal. If a new ground for appeal is raised, it will be reviewed for standing by the Appeal Decision-maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker as necessary, who will submit their responses to the appeal in five (5) business days. Those responses will be circulated by the Appeal Decision-maker for review and comment by all parties.

Neither party may submit any new requests for appeal after the 5-business-day time period for review of the grant of the initial Request for Appeal expires. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds for appeal and the subsequent responses. Barring exigent circumstances, the appeal decision will be rendered in no more than five (5) business days after the close of the final 5-business-day time period for responding to a grant of a Request for Appeal. The Appeal Decision-maker will apply the preponderance of the evidence standard of review in deciding whether to uphold or overturn the original determination or to remand for reconsideration.

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

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

b.

Appeal Considerations

- Decisions on appeal are to be deferential to the original written determination, making changes to the determination based on a preponderance of the evidence standard.
- Appeals are not intended to provide for a full re-investigation of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original investigation and decision and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale for clarification if needed. Documentation of all such consultations will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) for reconsideration or the original Decision-maker in light of the new evidence. Other appeals may be remanded to the original Investigator or Decision-Maker at the discretion of the Provost or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except when an appeal results in a new hearing, the outcome of which will be subject to appeal pursuant to the procedures set forth in this Policy).
- In rare cases where a procedural error cannot be cured by the original Investigator (as in cases of bias), the Appeal Decision-maker may order a new Investigation with a new Investigator.

- The results of a remand to the Investigator cannot be appealed.
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

c. Sanctions Status During the Appeal

Any sanctions imposed as a result of the initial written determination will not take effect during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

LR may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation from the Unviersity community.

23. Long-Term Remedies/Other Actions

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

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

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

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

When no Policy violation is found, the Title IX Coordinator will address any remedies owed by the University to the Respondent to ensure effective educational access is not denied.

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

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

All Respondents are expected to comply with the sanctions, responsive actions, and/or corrective actions within the timeframe specified by the Decision-maker and/or the Appeal Decision-maker.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator in consultation with other appropriate University Officials.

Supervisors are expected to maintain the confidentiality of findings and sanctions occurring under this Policy and to assist with the enforcement of completion of sanctions/responsive actions for their employees in conjunction with the Title IX and Human Resources Offices.

25. Recordkeeping

LR, coordinated by and through the Title IX Coordinator, will maintain for a period of seven years records of:

1. For each Formal Complaint, records documenting the informal resolution process or formal grievance procedures and the resulting outcome;

2. For each notice of information about conduct that may violate this Policy, records documenting the actions LR took to meet its obligations to respond to that notice;
3. All materials used to train the Title IX Coordinator, Deputy Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process (LR will also make these training materials publicly available on the University's website);

4. Any determination regarding responsibility and any audio or audiovisual recording or transcript of interviews or review meetings required by applicable law or this Policy;
5. Any disciplinary sanctions imposed;
6. Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
7. Any appeal, related records, and the result therefrom;
8. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
    1. The basis for all conclusions that the response was not deliberately indifferent;
    2. Any measures designed to restore or preserve equal access to the University's education program or activity; and
    3. If no supportive measures were provided to the Complainant, the reasons why such a response was not clearly unreasonable in light of the known circumstances.

LR will also maintain any and all records required in accordance with applicable laws.

41. Disabilities Accommodations in the Resolution Process

LR is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's resolution process.

Anyone needing such accommodations or support should contact the Director of Disability Services, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

The Title IX Coordinator may consult, as appropriate, with the Director of Disability Services to determine how to comply with applicable laws governing students with disabilities in the context of the investigation and proceedings outlined in this Policy.

42. Revision of this Policy and Procedures

This Policy supersedes any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation and will be reviewed and updated annually by the Title IX Coordinator. LR reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to applicable law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this Policy, this Policy will be construed to comply with the most recent government regulations or holdings.

This Policy does not create legally enforceable protections beyond the protection of the background state and federal laws that frame such policies and codes, generally.

This Policy is effective August 1, 2024.

APPENDIX A: DEFINITIONS

DEFINITIONS

- *ADA* is the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act of 1973.
- *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process and to advise the party on that process.
- *Complainant* means (1) a student or employee who is alleged to have subjected to conduct that could constitute sex discrimination under Title IX or its related regulations, or any other form of discrimination defined in this policy or (2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its related regulations, or any other form of discrimination defined in this policy and who was participating or attempting to participate in the recipient's education program or activity, or was employed by the recipient, at the time of the alleged discrimination.
- *Formal Complaint* means an oral or written request to LR that objectively can be understood as a request for LR to investigate and make a determination about alleged discrimination under Title IX or this Policy.
- *Confidential employee* means (1) an employee of LR whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this policy, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; (2) an employee of LR whom LR has designated as confidential under this Policy for the purpose of providing services related to all forms of discrimination, including sex discrimination. If the employee has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination or other forms of discrimination in connection with providing those services; and (3) an employee of LR who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination – but the employee's confidential status is only with respect to information received while conducting the study.
- *Day* means a business day when the University is in normal operation.
- *Disciplinary sanctions* mean consequences imposed on a respondent following a determination under this Policy that the respondent violated LR's prohibition on discrimination, harassment and/or retaliation.
- *Education program or activity* means all of LR's operations, including, but not limited to, conduct that occurs in a building owned or controlled by student organizations officially recognized by LR and conduct that is subject to LR's disciplinary authority.
- *FERPA* means the Family Educational Rights and Privacy Act.
- *Final determination* means a conclusion, applying the applicable standard of proof, that the alleged conduct occurred and whether it violated this Policy. The standard of proof is a preponderance of the evidence.
- *Finding* means a conclusion by the preponderance of the evidence that the conduct did or did not occur as alleged.

- *Formal Grievance Process* means a method of formal resolution designated by the University to address conduct that falls within this Policy and which complies with Federal and State laws.
- *Grievance process pool or Pool* includes any investigators, hearing panel members, appeal officers, and advisors who may perform any or all of these roles.
- *Investigator* means the person or persons charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file.
- *Mandatory Reporter* means an employee of the University who is obligated by this Policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.
- *Notice* means when a Mandatory Reporter has been made aware of alleged conduct that falls within this Policy.
- *Party* means a complainant or respondent.
- *Peer retaliation* means retaliation by a student against another student.
- *Pregnancy or related conditions* means (1) pregnancy, childbirth, termination of pregnancy, or lactation; (2) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- *Reasonable accommodation* means to provide appropriate and reasonable accommodations for qualified students to promote student learning and academic success.
- *Relevant* means related to the allegations of discrimination, harassment and/or retaliation under investigation as part of the grievance procedures outlined in this Policy. Questions are relevant when they seek evidence that may aid in showing whether the alleged Policy violation occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Policy violation occurred.
- *Remedies* means measures provided, as appropriate, to a complainant or any other person LR identifies as having had equal access to LR's education program or activity or employment limited or denied by discrimination, including sex discrimination. These measures are provided to restore or preserve that person's access to LR's education program or activity or employment after LR determines that discrimination, including sex discrimination, occurred.
- *Respondent* means a person who is alleged to have violated this Policy.
- *Resolution* means the result of an informal or Formal Grievance Process.
- *Sex discrimination* includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- *Sex-based harassment* is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, and includes sexual assault, stalking, dating violence, and domestic violence.
- *Student* means any individual who has accepted an offer of admission or who is registered or enrolled for credit or non-credit-bearing coursework.

- *Supportive measure* means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) restore or preserve the party's access to LR's education program, activity, or employment, including measures that are designed to protect the safety of the parties or LR's educational and employment environment; or (2) provide support during LR's grievance procedures outlined below, or during the informal resolution process.
- *Title IX* refers to the Title IX Education Amendments of 1972.
- *Title IX Team* refers to the Title IX Coordinator and any member of the Grievance process pool.