

# Quinnipiac university

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## **Title IX Policy Against Gender-based Discrimination and Sexual Misconduct**



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## **Quinnipiac University's Title IX Policy Against Gender-based Discrimination and Sexual Misconduct**

Quinnipiac University is committed to providing an environment free from gender-based discrimination and harassment. Consistent with its commitment to addressing gender-based misconduct, the university complies with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in educational programs or activities that receive federal financial assistance. As such, Quinnipiac University is dedicated to fostering a healthy and safe environment in which every member of the community can realize his or her full potential in an educational, working and living environment free from all forms of gender or sex discrimination and sexual misconduct.

Quinnipiac seeks to ensure that no student, faculty or staff member is excluded from participation in or denied the benefits of any university program or activity on the basis of sex. This includes all university activities, including, without limitation, academic, athletic, campus life, residential life programs and all aspects of employment. Students, faculty or staff who believe they have been subjected to or witnessed gender-based misconduct are encouraged to report these incidents. As discussed below, faculty, administration, athletic, human resources, public safety and student affairs staff are considered responsible employees under Title IX and are required to immediately report any incidents of sexual violence they observe. Upon receiving a report, the university will respond promptly, equitably and thoroughly. In addition, the university will take steps to prevent the recurrence of the misconduct and correct its effects, if appropriate.

Specifically with respect to athletics, the university is committed to the equitable treatment of male and female student-athletes. This includes, but is not limited to, equitable allocation of athletic participation opportunities, scholarships and benefits. The contact person in Athletics for Title IX inquiries is Tami Reilly, associate athletic director for fitness and wellness.

Prohibitions against discrimination and harassment do not extend to statements and written materials that are germane to the classroom or academic course of study.

When a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated and steps will be taken to correct any discriminatory effects to the extent possible. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

This policy is lengthy and detailed because the university takes these issues and its legal obligations very seriously. Any Quinnipiac community member who has questions about the policy or the grievance procedures should seek clarification from the university's Title IX coordinator.

## **Notice of the Title IX Coordinator**

Terri Johnson, associate vice president for student operations, serves as the university Title IX coordinator and manages the university's compliance with Title IX. The Title IX coordinator is the resource available to anyone seeking additional information or wishing to file a complaint. When a student, faculty or staff member, or other participant in the university's programs and activities feels that she or he has been subjected to discrimination on the basis of sex in any university program or activity, including without limitation being subjected to sexual harassment and sexual assault, she or he may contact the Title IX coordinator or utilize the Title IX grievance procedures to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

The Title IX Discrimination and Harassment Policy is intended to define university standards and to outline the investigation and grievance processes when those standards are violated. The university Title IX coordinator is:

Terri Johnson, Associate Vice President for Operations  
AB-EVP  
terri.johnson@qu.edu  
203-582-8731

Deputy Title IX coordinators are designated and trained to address Title IX concerns and investigations.

- Deputy Title IX coordinator for faculty and staff:  
Stephanie Mathews, Employee Relations and Labor Relations Associate  
554 Mount Carmel Avenue, MC-7, OF-HMN  
Stephanie.Mathews@qu.edu  
203-582-7768
- Deputy Title IX coordinator for student affairs:  
Seann Kalagher, Associate Dean of Student Affairs  
Student Affairs Center, SA-DNS  
Seann.Kalagher@qu.edu  
203-582-5213
- Deputy Title IX coordinator for athletics:  
Tami Reilly, Associate Athletic Director of Fitness & Wellness  
RT-STC  
tami.reilly@qu.edu  
203-230-8460

## **Confidential Resources**

On-campus resources are available that can provide confidentiality, sharing options and advice without any obligation to inform other university staff members unless requested. Such on-campus confidential resources include Counseling Services, Student Health Services and/or Campus Ministry. Additionally, community members can seek out assistance from an off-

campus crisis center, which can maintain confidentiality. Faculty members and other university staff are *not* confidential resources and are required to contact the university Title IX coordinator or a deputy coordinator.

### **Quinnipiac Resources**

- Counseling Services — 203-582-8680
- Student Health Services — 203-582-8742
- Campus Ministry:
  - Catholic — 208-582-8257
  - Jewish — 203-582-8206
  - Protestant — 203-582-6477
  - Muslim — 203-582-6479

### **Off-campus Resources**

- Connecticut Sexual Assault Crisis Services 24-hour confidential hotline — 1-888-999-5545
- Women and Families Center/Meriden — 203-235-9297
- Women and Families Center/New Haven — 203-389-5010
- Rape Crisis Center of Milford — 203-878-1212
- Rape, Abuse and Incest National Network crisis hotline — 1-800-656-HOPE
- Rape, Abuse and Incest National Network online hotline — <https://ohl.rainn.org/online/>

Reports that are made anonymously or by third parties may not initiate grievance procedures as such. However, Title IX requires the university to investigate all incidents about which the university knows or has reason to know to protect the health and safety of the university community and the university will investigate issues raised anonymously or by third parties. Similarly, the university will undertake an investigation where appropriate even in cases where the alleged victim and/or complainant choose not to cooperate or participate. When weighing a student's request for confidentiality, the university will consider factors which may include circumstances that suggest: there is an increased risk of the alleged perpetrator committing additional acts of sexual violence; an increased risk of future acts of sexual violence under similar circumstances; whether the sexual violence was perpetrated with a weapon; the age of the student subjected to the sexual violence; and whether the university possesses other means to obtain relevant evidence.

The university has a duty to report data about various forms of sexual misconduct in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). No personally identifiable information is disclosed, but statistical information is disclosed as part of the university's annual Campus Security Policy & Campus Crime Statistics Report. The information to be shared includes the date, location (residence hall, public property, off campus, etc.) and specific crime category.

Whether the incident occurred on or off campus, community members are encouraged to report sexual assault and other incidents of harassment to local police. Quinnipiac Public Safety can assist community members who wish to make a report to police. Electing not to report an incident to the police will not impact the university's investigation or Title IX grievance process. If a complainant is a minor, according to Connecticut state law, the university will make a report to the appropriate law enforcement agency.

To contact a local police department, contact Public Safety for assistance, or call:

- Hamden Police Department — 203-230-4000
- North Haven Police Department — 203-239-5321 ext. 224
- New Haven Police Department — 203-781-8200
- Connecticut State Police, Troop I — 800-956-8818 or 203-393-4200

If a community member decides not to file a complaint with the university, the university encourages the community member to seek out the available medical and mental health resources listed above. Community members who wish to make a complaint at a later date may contact any of the staff mentioned above at any time. Please note that a delay in reporting could affect the university's ability to gather information that could be needed to determine whether a person is responsible for sexual misconduct or gender-based discrimination.

Members of the university community may be reluctant to report incidents because of concerns that their own behavior may be a violation of university policies. *Although policy violations cannot be overlooked, the university will consider the positive impact of reporting an incident when determining the appropriate response for policy violations. Community members are encouraged to consider the possible negative consequences of not reporting an incident when considering any possible personal consequences of making a report.*

## **Responsible Employees and Reporting**

Quinnipiac encourages all employees to promptly report any incidents of sex discrimination or sexual misconduct they may witness or become aware of. Responsible employees are **required** to report such incidents. Quinnipiac defines all faculty, administration, athletic, human resources, public safety, student affairs and student paraprofessional staff (resident assistants & orientation leaders under contract) as responsible employees of the university. A responsible employee is expected to report any incidents of sexual violence, harassment or discrimination involving a student promptly to the university Title IX coordinator or deputy coordinator. Prompt reporting of such incidents makes investigation of the incident more effective and enhances the ability of the university to take action on a complaint.

When reporting sexual harassment or discrimination or sexual assault, the Title IX coordinator or deputy coordinator will guide you with regard to how much detail is needed in an initial report. Subsequent to an initial report, campus officials may need additional information to fulfill the university's obligations under Title IX. In taking these subsequent actions, the university will always be guided by the goals of empowering the victim and allowing the victim to retain as much control over the process as possible, but no employee (other than counselors, health care providers and clergy) can or should promise complete confidentiality.

## **Privacy and Confidentiality**

Reported issues will be investigated and may be resolved through the appropriate grievance procedures and investigation and procedures will be conducted with due regard for the privacy of those involved. Only people who have a need to know about the issue will be informed, and materials and information prepared or acquired under Title IX procedures will be shared only as necessary with investigators, witnesses and other relevant parties. Disclosure of such information also may be made if the university Title IX coordinator determines that such disclosure is necessary to protect the health, safety or well-being of the community. While the university Title IX coordinator will take into account any requests made by a grievant for confidentiality or that a Title IX matter not be investigated, the university Title IX coordinator will take appropriate steps to respond to the matter consistent with requirements of Title IX and the university's obligation to the greater Quinnipiac community.

## **Retaliation**

Retaliation against any person in the university community for alleging a violation of Title IX or for cooperating in any investigation, proceeding or hearing relating to an alleged violation of Title IX is strictly prohibited and may result in disciplinary action, including additional interim or permanent measures. Any concerns regarding retaliation should be addressed immediately with the university Title IX coordinator or deputy coordinator.

## **Statement Regarding Complaint and Grievance Procedures**

The complaint and grievance procedures contained herein have been developed to enable the university to receive, investigate and resolve complaints of discrimination on the basis of sex. These procedures are designed to provide a supportive process for individuals who report discrimination and to ensure a fair process for individuals who are accused of discriminatory conduct. Any Quinnipiac student, faculty or staff member who believes that she or he has been subjected to discrimination based upon sex in any university program or activity, that the university has failed to meet its Title IX obligations regarding equity in athletics, or that he/she has been subjected to sexual misconduct may bring such concerns to the attention of the university's Title IX coordinator to obtain a prompt and equitable resolution.

The U.S. Department of Education, Office for Civil Rights (OCR) is the federal agency charged with enforcing compliance with Title IX. Anyone has the right to contact them directly. Information regarding OCR can be found at:

Office for Civil Rights, 400 Maryland Avenue, SW, Washington, DC 20202-1100  
Customer Service Hotline: 800-421-3481 • Facsimile: 202-453-6012  
TDD: 877-521-2172 • Email: [OCR@ed.gov](mailto:OCR@ed.gov) • Website: [www.ed.gov/ocr](http://www.ed.gov/ocr)

### **Informal Complaints**

Students, faculty and staff may bring concerns to the university Title IX coordinator or Deputy Coordinator on an informal basis. Where appropriate, the Title IX coordinator/Deputy Coordinator will provide counseling and advice and may attempt to facilitate an informal resolution. The university Title IX coordinator/Deputy Coordinator also is available to receive and address such allegations through the formal grievance procedures described below. Complainants who are considering bringing a formal grievance may at any time meet with the university Title IX coordinator/Deputy Coordinator, who will discuss the matter and describe the formal grievance process. Where appropriate and with prior notice where applicable, these grievance procedures may be modified or amended by the university Title IX coordinator.

The university Title IX coordinator has the authority to investigate allegations of discrimination prohibited by Title IX even absent the filing of a formal grievance, or after its subsequent withdrawal. The university has an obligation to the entire Quinnipiac community to take appropriate steps to prevent community members from being subjected to discrimination and sexual misconduct. As a result, there may be circumstances that will require the university Title IX coordinator to proceed with investigating a formal or informal grievance even if a complainant specifically requests that the matter not be pursued.

### **Informal Resolution**

In instances where it is deemed possible and safe, the university may choose to resolve reports through informal means. If it is determined that an informal resolution may be appropriate, the Title IX coordinator or deputy Title IX coordinator will speak with the complainant about this option. If the complainant agrees, the Title IX coordinator or deputy Title IX coordinator will speak with the person alleged to have engaged in the misconduct. If a satisfactory resolution is reached through this informal process, the matter will be considered completed. If these efforts



are unsuccessful, the formal investigation process will commence. The informal resolution process will not be used in cases of sexual assault.

## **Complaints Regarding Sex Discrimination in a University Program or Activity, Including Equity in Athletics<sup>1</sup>**

### **Grievance Procedures for Formal (i.e., Written) Grievances**

A formal grievance process is initiated when a complainant submits a written statement to the university Title IX coordinator alleging discrimination on the basis of sex in any university program or activity, including, without limitation, academic programs, athletics, campus life, residential life and all aspects of employment. In the statement, the complainant is encouraged to request any relief sought from the university. Prompt submission of formal grievances is encouraged.

Complaints relating to athletics will be handled by the deputy Title IX coordinator for athletics:

Tami Reilly, Associate Athletic Director of Fitness & Wellness

RT-STC

tami.reilly@qu.edu

203-230-8460

Complaints relating to other university programs and activities will be handled by the Title IX coordinator:

Terri Johnson, Associate Vice President for Operations

AB-ACA N116

terri.johnson@qu.edu

203-582-8731

The deputy Title IX coordinator will consider the written grievance and may dismiss the grievance without further process or review if it is determined that the allegations, even if true, would not constitute a violation of this policy.

If the grievance is not dismissed, the deputy Title IX coordinator will interview the individual who submitted the written statement. Depending on the circumstances, the deputy Title IX coordinator also may interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the grievance.

The deputy Title IX coordinator will determine whether there has been a Title IX violation using a preponderance of the evidence standard and will consult with other university offices as necessary in reaching a decision regarding the written grievance. The deputy Title IX coordinator will prepare a written report setting forth findings, conclusions and recommended actions to be taken, if applicable. The university Title IX coordinator and the complainant will receive a copy of the report.

In the event the deputy Title IX coordinator determines that there has been a violation, a report will be presented to Mark Thompson, executive vice president and provost of Quinnipiac University, or his designee. Upon notification of a violation, Thompson, or his designee, will take appropriate action to ensure that the violation is remedied, prevent its recurrence and correct any discriminatory effects on the complainant to the extent possible.

While the time it may take to investigate and resolve a Title IX grievance will depend on a variety of factors, including the nature and scope of the allegations, the university will seek to resolve the grievance promptly.

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<sup>1</sup>Claims of sexual misconduct are addressed separately below. A separate grievance procedure is set forth for claims of sexual misconduct and other related misconduct. See section on sexual misconduct and harassment.

## **Appeals**

If the deputy Title IX coordinator finds there was no violation of Title IX, the complaining party may notify the university Title IX coordinator of his/her intent to appeal the decision within five business days of learning of the determination. Upon notification of intent to appeal, the complaining party must submit an appeal letter specifying the grounds upon which the appeal is based and any supporting materials within five business days. The Title IX coordinator has the discretion to extend the deadline for submission of a letter of appeal and to solicit any materials s/he thinks necessary to allow all parties to respond to all issues.

Once the appeal materials are submitted, any relevant parties will be notified of the appeal and may respond to the appeal. The university Title IX coordinator may decide to:

- Affirm the deputy Title IX coordinator's decision. In this case, the initial decision is final.
- Modify the deputy Title IX coordinator's decision and present a report with findings and recommendations to Thompson or his designee. Upon receipt of the university Title IX coordinator's report and recommendations, Thompson, or his designee, will take appropriate action to ensure that any violation is remedied.

# Sexual Misconduct and Harassment Policy

Members of the university community, guests and visitors have a right to be free from sexual harassment, violence and gender-based harassment. When an allegation of misconduct is investigated, and a responding community member is found to have violated this policy, serious sanctions may be used in an effort to ensure that such actions are not repeated.

Any attempts to violate this policy are considered sufficient for having committed the violation itself. The use of alcohol or other drugs will not be accepted as a defense or mitigating factor to a violation of this policy. These policies apply regardless of the complainant's or respondent's sexual orientation, sex, gender identity, age, race, nationality, religion or ability. Harassment or discrimination based upon an individual's sexual orientation may be considered gender-based and be subject to this policy. Reasonable accommodations will be provided, as needed, to permit students with disabilities to utilize the procedures set forth herein.

## Definitions and Scope of Sexual Misconduct

Quinnipiac prohibits any form of sexual misconduct, including but not limited to acts of sexual harassment, nonconsensual sexual contact or intercourse, and other forms of sexual exploitation.

***Sexual harassment*** is defined as unwelcome gender-based verbal or physical conduct that is:

- sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or depriving someone of the ability to participate in or benefit from the university's educational program, activities and/or employment, and is;
- based on power (quid pro quo), the creation of a hostile environment, or retaliation;

Examples of sexual harassment include, but are not limited to:

- subtle or persistent pressure for sexual activity;
- unnecessary touching, pinching or brushing against a person;
- requesting or demanding sexual favors concerning employment, academic activities or other university activities;
- unwelcome communications (verbal, written, electronic, etc.) of a sexual nature;
- failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior.

***Nonconsensual sexual contact*** includes any intentional touching, however slight, whether clothed or unclothed, with any object or body part by a person against another person that is without consent and/or by force.

Examples of nonconsensual sexual contact include, but are not limited to:

- intentional contact with the breasts, buttocks, groin or genitals;
- intentional touching of another with breasts, buttocks, groin or genitals;
- making another person touch someone or themselves in a sexual manner;
- any intentional bodily contact in a sexual manner.

***Nonconsensual sexual intercourse*** includes any sexual intercourse, however slight, with any object or body part by a person against other person that is without consent and/or by force.

Examples of nonconsensual sexual intercourse include, but are not limited to:

- vaginal penetration by a penis, object, tongue or finger;
- anal penetration by a penis, object, tongue or finger;
- oral copulation (mouth to genital contact or genital to mouth contact).

***Sexual exploitation*** includes but is not limited to:

- invasion of sexual privacy and voyeurism (in-person or through audio or video recording);
- knowingly transmitting a sexually transmitted infection;
- exposing of a person's body or genitals;
- prostituting or soliciting another community member.

***Consent*** is an active, knowing and voluntary exchange of affirmative words and/or actions, which indicate a willingness to participate in a particular sexual activity. Consent must be freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. The lack of a negative response is not consent. A person who is incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily consumed, may not give consent. Neither consent to one form of sexual activity nor past relationships imply consent to future sexual activity.

***Incapacitation*** is a state where someone cannot make rational, reasonable decisions due to a lack of capacity to give knowing consent (e.g., to understand the “who, what, when, where, why and how” of the sexual interaction).

- Sexual activity with someone who is, or based on circumstances should reasonably have known to be, mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this policy.
- A person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the consumption (voluntary or otherwise) of incapacitating drugs cannot give consent.
- In order to give consent, a person must be of the legal age of consent. Under most circumstances, the age of consent in the state of Connecticut is sixteen. See Connecticut General Statutes § 46b-120, § 46b-127, § 46b-133d, § 53a-70, § 53a-71, and § 54-76b.
- Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication.

Evidence of incapacity may be detected by physical cues, such as slurred speech, bloodshot eyes, the odor of alcohol on a person's breath or clothing, inability to maintain balance, vomiting, unusual or irrational behavior and unconsciousness. Context is important in helping to determine incapacitation. Any of these particular cues alone do not necessarily indicate incapacity.

***Force*** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation and coercion that overcomes resistance or produces consent.

***Coercion*** is unreasonable pressure for sexual activity. Coercion is the use of emotional manipulation to persuade someone to do something they may not want to do, such as being sexual or performing certain sexual acts. Being coerced into having sex or performing sexual acts is not consenting sex and is considered sexual misconduct.

## **Intimate Partner Violence**

***Relationship violence*** is a pattern of behavior in an intimate relationship that is used to establish power and control over another person through fear and intimidation. A pattern of behavior is typically determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person. This behavior can be verbal, emotional and/or physical. Examples include, but are not limited to: striking another person (slapping, punching, etc.), property damage, reckless behavior, name calling and insults, public humiliation, harassment directed toward friends and acquaintances, and verbal and/or physical threats.

***Stalking*** involves any behaviors or activities occurring on more than one occasion that collectively instill fear and/or threaten a person's safety, mental health, and/or physical health. Such behaviors or activities may include, but are not limited to nonconsensual communications (i.e., face-to-face, telephone, email, social media), threatening or obscene gestures, surveillance, or showing up outside the targeted individual's classroom, residence or workplace.

## **Other Forms of Misconduct**

Other forms of misconduct, when gender-based, will fall under this policy. These include, but are not limited to:

- conduct that interferes with the rights of others and/or demonstrates disregard for the university community;
- assisting another person in committing a violation of this policy;
- personal harassment and/or verbal abuse;
- the threat of physical harm, physical abuse, mental distress or injury;
- actions that inflict physical harm, physical abuse, mental distress or injury;
- slanderous, false or malicious statement(s) about a person or defamation of character;
- endangerment of the health and safety of others;
- hazing;
- damage and/or vandalism to another's property.

## **Jurisdiction**

This policy shall apply to conduct that occurs on university-owned or leased property, at university-sponsored events, as well as off campus. Each student shall be responsible for his or her conduct from the time of application for admission through the awarding of a degree, as well as during periods between terms of actual enrollment, study abroad and leaves of absence or suspension. The Title IX grievance committee maintains the authority to adjudicate alleged violations of the Student Code of Conduct that are related to the same incident under review, though may not be directly related to gender-based conduct.

## Complaint Procedures for Sexual Misconduct

Any community member who believes he or she has been subject to sexual assault, sexual harassment or other sexual misconduct or has witnessed or learned of such an incident is encouraged to contact the university Title IX coordinator or a deputy Title IX coordinator directly. The Title IX coordinator ensures that complaints are handled by the appropriate deputy Title IX coordinator for investigation, possible interim measures, resolution, and ensures complainants have access to medical, mental health, law enforcement and other resources that may be required.

## Preservation of Physical Evidence

The university encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The university will assist any community member to get to a safe place and will provide medical assistance, coordination with law enforcement, and information about the university's resources and complaint processes.

## Handling of Complaints

Complaints against **faculty and employees** are handled by the deputy Title IX coordinator for faculty and staff. The deputy Title IX coordinator for faculty and programs is:

Stephanie Mathews, Employee Relations and Labor Relations Associate  
554 Mount Carmel Avenue, MC-7, OF-HMN\_  
Stephanie.mathews@qu.edu  
203-582-7768

Complaints against **students, visitors and third parties** are handled by the deputy Title IX coordinator for student affairs. The deputy Title IX coordinator for student affairs is:

Seann Kalagher, Associate Dean of Student Affairs  
Student Affairs Center, SA-DNS  
Seann.Kalagher@qu.edu  
203-582-5213

In situations in which a complaint is filed against a community member who embodies more than one status at the university (i.e., community member is a student and an employee), the university Title IX coordinator has the authority to appoint investigators (possibly from different areas of the institution) and determine the grievance process for the reported incident (student, faculty or nonfaculty employee). The selected grievance process shall have the authority to make final determinations affecting all individual statuses at the university.

## Protective Orders

Students should bring any protective orders to the Department of Public Safety. The university will assist in making any necessary accommodations.

## **Sexual Misconduct Grievance Procedures for Students**

### ***Student Rights — Rights of the Complainant***

- The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct, gender-based discrimination and/or harassment made in good faith to the university;
- The right to be treated with respect by university staff throughout the process;
- The right to be notified of available counseling, mental and physical health services for victims of sexual misconduct, gender-based discrimination and/or harassment on campus and off campus;
- The right to identify witnesses and other parties, and to request the deputy coordinator contact those individuals as part of the investigation;
- The right to have an adviser of your choice present in a support or advisory role during the investigation and Title IX Grievance Committee (committee) hearing;
- The right to report the incident to off-campus authorities and/or law enforcement and to be assisted by university staff in doing so;
- The right to have a committee of mixed genders, to know the members of the committee ahead of time, and to address concerns of bias and/or conflict of interest in regard to committee members;
- The right to review all documents and reports produced by the investigation, subject to limitations provided by law, as well as the names of all witnesses who may be called to provide statements to the committee, at least 24 hours prior to the hearing;
- The right to know which provisions of the Student Code of Conduct the accused student is charged with violating;
- The right to challenge information and documents prior to the hearing;
- The right to have the university request attendance and accommodate individuals called as witnesses for a hearing;
- The right to have a copy of the committee hearing script at least 48 hours prior to the hearing;
- The right to be present and participate in the committee hearing;
- The right to make an impact statement to the committee, should the committee find the accused student responsible for violating this policy;
- The right to participate in committee hearings by means other than being in the same room with the accused student;
- The right to be informed of the outcome and sanction of any committee hearing within 24 hours of a decision being rendered, and to receive that decision in writing;
- The right to appeal the finding and sanction of the committee, in accordance with the appeal guidelines established in this policy;
- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary.

### ***Student Rights — Rights of the Accused Student***

- The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct, gender-based discrimination and/or harassment made in good faith to the university;
- The right to be treated with respect by university staff throughout the process;
- The right to be notified of available counseling, mental and physical health services, on and off campus;
- The right to identify witnesses and other parties, and to request the deputy coordinator contact those individuals as part of the investigation;
- The right to have an adviser of your choice present in a support or advisory role during the investigation and committee hearing;
- The right to have the Title IX grievance process fully explained, and to receive written notice of all Student Conduct Code charges at least 48 hours before a committee hearing;
- The right to be notified of possible sanctions that may result if found responsible of violating this policy and the student code of conduct;
- The right to have a committee of mixed genders, to know the members of the committee ahead of time, and to address concerns of bias and/or conflict of interest in regard to committee members;
- The right to review all documents and reports produced by the investigation subject to limitations provided by law, as well as the names of all witnesses who may be called to provide statements to the committee, at least 24 hours prior to the hearing;
- The right to challenge information and documents prior to the hearing;
- The right to have the university request attendance and accommodate individuals called as witnesses for a hearing;
- The right to have a copy of the committee hearing script at least 48 hours prior to the hearing;
- The right to be present and participate in the committee hearing;
- The right to make an impact statement to the committee, should the committee find the accused student responsible for violating this policy;
- The right to be informed of the outcome and sanction of any committee hearing within 24 hours of a decision being rendered, and to receive that decision in writing;
- The right to a hearing outcome based on information presented during the hearing which the committee finds credible, relevant and convincing;
- The right to appeal the finding and sanction of the committee, in accordance with the appeal guidelines established in this policy;
- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary.



## **Complaints of Sexual Misconduct Against Students**

### **Investigation**

The deputy Title IX coordinator for student affairs (deputy coordinator), in coordination with the university Title IX coordinator, is designated to formally investigate student grievances, address inquiries and coordinate the university's compliance efforts regarding student complaints and grievances. Notice of a formal complaint can be made in writing or orally to an appropriate staff member (Residential Life, Public Safety, Student Affairs, etc.), though the university encourages students to submit grievances in writing (electronically or by hard copy) to the deputy coordinator, the university Title IX coordinator or other appropriate staff member. The deputy coordinator also reserves the right to investigate any incident referred to the dean of students office that may relate to this policy, and, if necessary, refer that incident to the Title IX grievance process.

The complaint should clearly describe the alleged incident, when and where it occurred, and the desired remedy, if known. Additionally, the initiator of a formal complaint should submit any supporting materials in writing as quickly as possible.

Completion of the investigation and grievance procedures should be complete within 60 days of the receipt of the complaint, oftentimes sooner. Should this process last longer than 60 days, the deputy coordinator will communicate the reasons and expected timeline to all parties.

### **Interim Remedial Action**

After reviewing the complaint, the deputy coordinator, or the lead investigator in consultation with the deputy coordinator, may enact interim remedial actions in order to stop the alleged harassment or discrimination, and/or to protect the safety and well-being of the individuals and university community. Interim remedial action is preliminary, and only in effect until the process is complete and a decision is rendered. Interim remedial actions include, but are not limited to, no contact orders, changes in university housing accommodations, changes in academic schedule and accommodations, university housing suspensions, campus restrictions and university suspensions. These actions may be instituted at any point during the investigation process.

### **Preliminary Investigation**

After reviewing the complaint, the deputy coordinator will:

- determine the identity and contact information of the complainant;
- identify what policies, if any, were allegedly violated;
- meet the complainant to inquire about and finalize complaint;
- conduct an immediate initial investigation to determine if there is cause to proceed with further investigation.

If there is insufficient evidence to support a reasonable cause for the complaint, the grievance will be closed with no further action.

### **Formal Investigation**

If the deputy coordinator determines that there is reasonable cause to pursue the complaint, a formal investigation will be initiated. During the formal investigation, the deputy coordinator, or a trained lead investigator identified by the deputy coordinator, will:

- identify and select a second trained investigator to assist with the formal investigation. The deputy coordinator may appoint additional investigators as necessary.
- commence a thorough and impartial investigation by developing a strategic investigation plan, including a witness list, information list, intended investigation timeframe, and order of interviews for all witnesses and the accused individual;
- give the accused individual proper notice of the investigation and provide an opportunity for the accused individual to provide information;
- complete the investigation in a timely manner, without unnecessary deviation from the intended timeline;
- maintain communication with the complainant and the accused individual on the status of the investigation and overall process.

At the conclusion of the investigation, the investigator will meet with the complainant and the accused student separately to present the findings. If supported by the investigation findings, the investigator will present the accused student with a notice of alleged violations of the Student Code of Conduct.

### **Resolution Agreement Option**

If the accused student accepts responsibility for the alleged Student Code of Conduct violations presented in investigator's report, the investigator will present proposed sanctions to the accused student. If the accused student accepts the sanctions, then those sanctions will be presented in a written decision letter. After acceptance of responsibility and sanctions, the accused student has three business days to reconsider that acceptance and request a hearing. Accused students who do not accept responsibility or the investigator's proposed sanctions will have their matter heard by the Title IX Grievance Committee.

Students who accept responsibility and the sanction recommendation of the investigator cannot appeal the decision.

### **Title IX Grievance Committee**

The deputy Title IX coordinator for student affairs will convene the Title IX Grievance Committee (committee) to conduct a hearing once charges have been assigned following an investigation, and the accused student has not accepted responsibility or has not accepted the investigator's proposed sanction. The committee is responsible for determining whether it is more likely than not that the accused individual violated the Student Code of Conduct. If the accused student is found responsible, the committee shall assign appropriate sanctions in accordance with this policy and the Student Code of Conduct process. The goal of the hearing is to provide a resolution through an equitable process, respecting the rights of all participants.

### ***Composition***

The Title IX Grievance Committee shall be composed of university staff members who are trained annually on Title IX issues, investigations and hearing practices. In each hearing, the committee shall consist of three members, with one designated as the chair, who is charged with conducting the hearing.

### ***Jurisdiction***

This policy shall apply to conduct that occurs on university-owned or leased property, at university-sponsored events, as well as off campus. Each student shall be responsible for his or her conduct from the time of application for admission through the awarding of a degree, as well as during periods between terms of actual enrollment, study abroad and leaves of absence or suspension. The committee maintains the authority to adjudicate alleged violations of the Student Code of Conduct that are related to the same incident under review, though may not be directly related to gender-based conduct.

### ***Advisers***

Advisers serve as a moral and emotional support for students during committee hearings, and can assist with meeting preparation. Advisers are not permitted to advocate for a student or speak on their behalf during a committee hearing. Students who are witnesses to the incident or are otherwise involved in the matter before the committee cannot serve as advisers.

### **Hearing Process**

The investigator(s) will meet with both the complainant and the accused student prior to the hearing to outline the hearing process and answer questions. Prior to the hearing, the deputy coordinator will:

- be available to both the complainant and accused student to answer questions and address concerns with the process;
- schedule the committee hearing, and select committee members from the pool of eligible members based solely on availability and maintaining a committee of mixed genders;
- select the committee chair from among the three selected committee members;
- contact witnesses and work to ensure their availability for the committee hearing;
- arrange accommodations intended to limit contact between hearing participants (i.e. arranging accommodations in different rooms, setting up physical barriers in the hearing room);
- prepare copies of all reports and documentary information to be disseminated to the committee, complainant and accused student before the hearing.

At the hearing, the following individuals may be present:

- three committee members
- complainant
- adviser for complainant (optional)
- accused student
- adviser for accused student (optional)
- investigator(s)
- witnesses (only one at any one time)
- deputy Title IX coordinator (if not an investigator)

The chair will conduct the hearing in accordance with the hearing script. The script ensures that the investigation report is presented, and that the committee has the opportunity to ask questions of all parties and witnesses, if necessary. Audio or video recording devices are not permitted at committee hearings.

Additionally, the hearing script ensures:

- all parties are introduced;
- all conduct code charges are read;
- the accused student is provided an opportunity to plead “responsible,” “not responsible,” or decline to make a plea, for each conduct code charge;
- the investigator will present the results and findings of the investigation;
- the committee can ask questions of the investigator, parties and witnesses.

If any individual should become disruptive during the hearing, including witnesses and advisers, the chair maintains the discretion to remove that individual from the hearing.

At the conclusion of the investigation presentation and questioning, the committee will deliberate privately to determine the accused student’s responsibility for the charged conduct code violations. All decisions require a majority vote of the committee.

After the committee makes a decision, the committee will reconvene with the parties and the investigator, and the committee chair will announce the committee’s decision. If the accused student is found responsible for any conduct code violations, the committee will commence the sanction phase of the hearing. If the accused student is found not responsible for all conduct code violations, the hearing ends.

During the sanction phase of the hearing, the hearing script will direct the committee to:

- accept impact statements from both parties, verbally and/or in writing;
- ask the deputy Title IX coordinator to disclose the accused student’s past student conduct code violations, if any;
- ask the deputy Title IX coordinator for sanction parameters, as defined by this policy for the applicable code of conduct violations.

At the conclusion of the sanction phase, the committee will deliberate privately. All sanction decisions require a majority vote. After a sanction decision is made, the committee will reconvene with the parties and the investigator to announce the sanction decision and close the hearing.

After the conclusion of the hearing, the investigator will meet with both parties and answer questions about the sanctions and any post-hearing requirements. The committee has 24 hours from the close of the hearing to produce a written decision letter to both parties. Responsibility for the decision letter falls to the chair. Once completed, the decision letter is delivered to the investigator for delivery to both parties.

### ***Sanctions-only Hearing***

Should the accused student accept responsibility for all charged violations of the code of conduct, but disagree with the investigator’s proposed sanction, a sanctions-only hearing will be conducted. This hearing, after the presentation of the investigation findings and the opportunity for questioning, moves directly to the sanction phase described above.

## **Sanctions**

The following are possible sanctions for incidents reviewed under this policy:

- Students found responsible for violating this policy in regard to nonconsensual sexual contact or intimate partner violence will likely receive a sanction ranging from probation to expulsion, depending upon the severity of the incident and any previous violations of the Student Code of conduct.
- Students found responsible for violating this policy in regard to nonconsensual or forced sexual intercourse will likely receive a sanction of suspension, dismissal or expulsion.
- Students found responsible for violating this policy in regard to sexual harassment, sexual exploitation, or other gender-based misconduct will likely receive a sanction ranging from an official reprimand to expulsion, depending upon the severity of the incident and any previous violations of the Student Code of Conduct.
- The committee will sanction students found responsible for violations of the Student Code of Conduct not related to this policy in accordance with sanctions used in the general Student Conduct Process.

The committee reserves the right to increase or decrease the recommended sanction guidelines listed above in the case of significant mitigating or aggravating factors. Neither the committee nor the appeal officer will deviate from the guidelines listed above unless significant mitigating or aggravating factors exist. The committee also reserves the rights to include additional sanctions, educational or otherwise, in accordance with the general student conduct process.

## **Parental Notification**

Quinnipiac reserves the right to communicate with a parent or guardian of the accused student on any student conduct action taken by the university, in accordance with the Family Educational Rights and Privacy Act (FERPA).

## **Appeals**

After receiving notification of the committee's decision, both the complainant and the accused student have five business days to notify the deputy coordinator of their intent to appeal the decision. An appeal form may be obtained from the deputy coordinator and a formal letter of appeal specifying the grounds upon which the appeal is based and supporting information must be submitted within five business days of the receipt of the appeal form. The deputy coordinator has the discretion to extend the deadline for submission of a letter of appeal.

Sanction(s) imposed by the committee will remain in effect while the appeal is pending. The letter of appeal specifies the grounds upon which the appeal is based, and how those grounds materially affected the outcome (responsibility or sanctions) of the original meeting.

The letter of appeal must be completed and signed by the student or submitted directly from the student's Quinnipiac University email account.

Once the appeal materials are submitted, the other party and the investigator may submit materials in response to the appeal. Other parties will be assigned an appropriate deadline for submission of materials by the deputy coordinator. Complainants or accused students who fail to attend the committee hearing forfeit the right to request an appeal.

The accepted grounds for an appeal are:

- additional and/or new relevant information was not available at the time of the committee hearing.
- an error in the process or an abridgement of rights, as outlined by this policy, which materially impacted the outcome of the hearing.
- the sanction(s) assigned by the committee did not adhere to the sanction guidelines stated in this policy.

The university Title IX coordinator reviews requests for appeals or designates a trained senior university staff member to serve as the appeal officer. If the appeal letter(s) does not bring forward sufficient grounds for appeal, the appeal will be denied and the matter will be closed. If the appeal officer determines that an appeal should be considered, he or she may decide to:

- affirm the decision of the committee. In this case, the initial decision is final.
- remand the matter back to the committee to make a decision in light of the appeal officer's findings, or;
- initiate a new hearing.

### **Compliance with Sanctions and Accommodations**

At the conclusion of the Title IX Grievance Process, the deputy coordinator will be responsible for ensuring compliance with all assigned sanctions, and to make any accommodations with the goal of preventing the recurrence of sexual and/or gender-based harassment.

### **Complaints of Sexual Misconduct Against a Faculty Member, Staff Member, Administrator or Third Party**

Reports of gender-based misconduct by a faculty member, staff member, administrator or third-party affiliated with the university should be filed with the university Title IX coordinator.

### **Investigation**

The deputy Title IX coordinators in coordination with the university Title IX coordinator, are designated to formally investigate grievances, address inquiries and coordinate the university's compliance efforts regarding complaints and grievances against faculty members, staff, administrators and third parties. Notice of a formal complaint can be made in writing or orally to an appropriate staff member (Residential Life, Public Safety, Student Affairs, Human Resources, etc.), though the university encourages community members to submit grievances in writing (electronically or by hard copy) to the deputy coordinator, the university Title IX coordinator or other appropriate staff member.

The complaint should clearly describe the alleged incident, when and where it occurred, and the desired remedy, if known. Additionally, the initiator of a formal complaint should submit any supporting materials in writing as quickly as possible.

Completion of the investigation and grievance procedures should be complete within 60 days of the receipt of the complaint, oftentimes sooner. Should this process last longer than 60 days, the deputy coordinator will communicate the reasons and expected timeline to all parties.

### **Interim Remedial Action**

After reviewing the complaint, the deputy coordinator, or the lead investigator in consultation with the deputy coordinator, may enact interim remedial actions in order to stop the alleged harassment or discrimination, and/or to protect the safety and well-being of the individuals and university community. Interim remedial action is preliminary, and only in effect until the process is complete and a decision is rendered. Interim remedial actions include, but are not limited to, no contact orders, changes in academic schedule and accommodations, campus restrictions and university suspensions. These actions may be instituted at any point during the investigation process.

### **Preliminary Investigation**

After reviewing the complaint, the deputy coordinator will:

- determine the identity and contact information of the complainant;
- identify which policies, if any, were allegedly violated;
- meet the complainant to inquire about and finalize complaint;
- conduct an immediate initial investigation to determine if there is cause to proceed with further investigation.

If there is insufficient evidence to support a reasonable cause for the complaint, the grievance will be closed with no further action.

### **Formal Investigation**

If the deputy coordinator determines that there is reasonable cause to pursue the complaint, a formal investigation will be initiated. During the formal investigation, the deputy coordinator, or a trained lead investigator identified by the deputy coordinator, will:

- identify and select a second trained investigator to assist with the formal investigation. The deputy coordinator may appoint additional investigators as necessary.
- commence a thorough and impartial investigation by developing a strategic investigation plan, including a witness list, information list, intended investigation timeframe, and order of interviews for all witnesses and the accused individual;
- give the accused individual proper notice of the investigation and provide an opportunity for the accused individual to provide information;
- complete the investigation in a timely manner, without unnecessary deviation from the intended timeline;
- maintain communication with the complainant and the accused individual on the status of the investigation and overall process.

At the conclusion of the investigation, the deputy Title IX coordinator will determine whether there has been a Title IX violation using a preponderance of the evidence standard and will consult with other university offices as necessary in reaching a decision regarding the written grievance. The deputy Title IX coordinator will prepare a written report setting forth findings, conclusions and recommended actions to be taken, if applicable.

In the event the deputy Title IX coordinator determines that there has been a violation, a report will be presented to Mark Thompson, executive vice president and provost of Quinnipiac University, or his designee. Upon notification of a violation, Thompson, or his designee, will take appropriate action to ensure that the violation is remedied, that it will not recur and that the discriminatory effects upon the complainant are corrected to the extent possible.

While the time it may take to investigate and resolve a Title IX grievance will depend on a variety of factors, including the nature and scope of the allegations, the university will seek to resolve the grievance promptly.

### **Informal Resolution**

In instances where it is deemed possible and safe, the university may choose to resolve reports through informal means. If it is determined that an informal resolution may be appropriate, the Title IX coordinator or deputy Title IX coordinator will speak with the complainant about this option. If the complainant agrees, the Title IX coordinator or deputy Title IX coordinator will speak with the person alleged to have engaged in the misconduct. If a satisfactory resolution is reached through this informal process, the matter will be considered completed. If these efforts are unsuccessful, the formal investigation process will commence. The informal resolution process will not be used in cases involving allegations of sexual assault.

### **Appeals**

The complainant or the accused may notify the university Title IX coordinator of his/her intent to appeal the decision within five business days of learning of the determination. Upon notification of intent to appeal, the complaining party must submit an appeal letter specifying the grounds upon which the appeal is based and any supporting materials within five business days. The Title IX coordinator has the discretion to extend the deadline for submission of a letter of appeal. The only accepted grounds for appeal are:

- additional and/or new relevant information was not available at the time of the investigation; or
- the investigator did not consider evidence that would have materially impacted the outcome of the investigation.

Once the appeal materials are submitted, the other party and the investigator will be notified of the appeal and given an opportunity to submit materials in response to the appeal.

The university Title IX coordinator may decide to:

- affirm the deputy Title IX coordinator's decision. In this case, the initial decision is final.
- modify the deputy Title IX coordinator's decision and present a report with findings and recommendations to Thompson or his designee. Upon receipt of the university Title IX coordinator's report and recommendations, Thompson, or his designee, will take appropriate action to ensure that any violation is remedied.



## **Pregnant and Parenting Students**

### **Excused Absences**

Absences due to pregnancy or childbirth must be excused for as long as is deemed medically necessary by the student's doctor. Students may make up work they missed while out due to pregnancy or any related conditions, including recovery from childbirth. If a professor awards "points" for class attendance, students must be given the opportunity to earn back the credit from classes missed because of pregnancy. Students need to request any adjustments. A school cannot provide any service, modification or reasonable adjustment when it does not know that one is required. It is the student's responsibility to make her needs known in advance. Title IX prohibits schools from assuming that pregnant students cannot attend school or participate in school activities. Students must apply for pregnancy adjustments in a timely manner. The university cannot go back in time to make adjustments. Students should communicate with their professors and the Deputy Title IX Coordinator for Students.

### **Class Attendance and Participation in Activities**

Pregnant and/or parenting students may not be prevented from attending class on the basis of pregnancy. Pregnant or parenting students must be allowed to continue participating in activities and programs outside of class such as sporting, extracurricular activities, labs and career rotations. Any pregnant students, or students planning to become pregnant, should consult their health care provider to determine what, if any, additional precautions are needed based on their individual situation. It is the responsibility of the student to communicate his or her needs to the Deputy Title IX Coordinator for Students as soon as possible in order for risk-reduction to begin when it can be most effective, and to determine if additional modifications are necessary. While the university cannot mandate that the student notify it that she is pregnant or is planning to become pregnant, the university strongly recommends that students do provide notification so appropriate steps can be taken to ensure the health of both parent and child.

### **Scholarships**

Schools cannot terminate or reduce athletic, merit or need-based scholarships because of pregnancy.

### **Parenting Students**

Pregnant and parenting students are often discussed as a single group under Title IX of the Education Act of 1972. While Title IX does not legally mandate that parents be excused for taking their children to medical appointments or caring for a sick child, documentation may be provided to the Deputy Title IX Coordinator for Students when seeking information regarding any options for parenting students to make up work and not fall behind.

Quinnipiac University is committed to creating an accessible and inclusive environment for pregnant and parenting students. The U.S. Education Department's Office for Civil Rights addressed guidelines, strategies and best practices in the June 2013 Dear Colleague Letter.