

Title IX Policy for Students, Faculty, Staff, and Third Parties

Updated August 2020

Notice of the Title IX Coordinator

Catlin Wells serves as the university's Title IX coordinator and manages the university's compliance with Title IX. The Title IX coordinator is a resource available to anyone seeking 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 they have been subjected to discrimination on the basis of sex in any university program or activity, including without limitation being subjected to sexual harassment, they 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.

The university Title IX coordinator is:

Dennis Kwarteng
Title IX Coordinator
275 Mount Carmel Avenue, CCE 180 B
Hamden, CT 06518
Dennis.kwarteng@qu.edu
203-582-7327

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

deputy Title IX coordinator for faculty, staff and vendors:

Joanna Wayton
Employee Relations and Labor Relations Associate
554 Mount Carmel Avenue, MC-7, OF-HMN
Hamden, CT 06518
joanna.wayton@qu.edu
203-582-7738

deputy Title IX coordinator for athletics:

Shanna Kornachuk
Senior Associate Director of Compliance & Student Development
275 Mount Carmel Avenue, ACC 204
Hamden, CT 0651
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203-582-7332

Amendment of Title IX Policies and Procedures

Where appropriate and with prior notice where applicable, these policies and grievance procedures may be modified or amended by the university Title IX coordinator.

Responsible Employees and Reporting

The university deems the Title IX coordinator, 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 **required** to report any incidents of sexual violence, harassment or discrimination 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 respond.

When reporting sexual harassment or discrimination, the Title IX coordinator or deputy Coordinator will guide you in providing an initial report.

Privacy and Confidentiality

The university will make every effort to maintain the privacy of those involved in Title IX complaints and related processes. Only people who have a legitimate need to know about the matter will be informed, and materials and information prepared or acquired under Title IX procedures will be shared only as required and/or necessary with investigators, witnesses and other relevant parties.

Disclosure of such information also may be made if the university’s Title IX coordinator determines that such disclosure is necessary to protect the health, safety or well-being of the community. While the university’s Title IX coordinator will take into account any requests made by a party for confidentiality or that a Title IX matter not be investigated, the university’s 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.

The university does not require, allow, rely upon, or otherwise use questions or evidence that constitute information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Jurisdiction

Quinnipiac University is legally required to investigate formal complaints of sex discrimination, including sexual harassment, occurring in the university’s educational programs or activities, against a person in the United States. Educational programs or activities include locations, events, or circumstances over which the university exercised substantial control over both Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a post-secondary institution.

These policies and procedures shall be read to apply to any student, faculty, staff member, or third party who is presently participating or attempting to participate in a university program or activity. While complaints received will be investigated in accordance with this policy, complaints against students who have already withdrawn or graduated from Quinnipiac or against individuals who are no longer employed by the university will not be subject to Title IX grievance procedures.

Quinnipiac reserves the right to address, through the Student Code of Conduct or through university policies and procedures, incidents that occur off campus that may endanger the health,

safety and welfare of self or others and/ or adversely affect the university and/or the pursuit of its objectives.

Protective Orders

Students, Faculty, Staff or third parties involved in Quinnipiac programs or activities should bring any protective orders to the Department of Public Safety. The university will assist in making any necessary accommodations.

Definitions and Scope of Misconduct

Sexual Harassment: conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual Assault: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent. Sexual assault includes forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest and statutory rape.

Forcible Rape—The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Forcible Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Retaliation: The university will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination.

Neither the university nor other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing related to this policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination may constitute retaliation. Similarly, a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured this policy or related policies, may constitute retaliation.

Statement on Consent

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 a person lacks the capacity to understand or appreciate the fact, nature or extent of a sexual encounter.

- Sexual activity with a person who is demonstrably 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.
- 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, e.g., 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.

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 students, faculty or staff members who believe that they have 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 they have 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 university will make every effort to complete this process within 90 days of receiving a complaint.

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, D.C. 20202-1100

- Customer Service Hotline: 800-421-3481
- Facsimile: 202-453-6012
- TDD: 877-521-2172
- Email: ocr@ed.gov
- Website: ed.gov/ocr

Informal Complaints

Students, faculty and staff may bring concerns to the university's Title IX coordinator or deputy Coordinator on an informal basis. Informal complaints may be made in situations where an individual is not interested in moving forward with a Title IX process, or where an individual is requesting more information about the process.

Where appropriate, the Title IX coordinator or designee will provide information about how to file a formal complaint, a summary of grievance procedures, and information about supportive measures. A student is not required to file a formal complaint in order to access supportive measures.

Complainants who are considering bringing a formal complaint may at any time meet with the university's Title IX coordinator, deputy Coordinator, or designee who will discuss the matter and describe the grievance process.

The university Title IX coordinator has the authority to investigate allegations of discrimination prohibited by Title IX even absent the filing of a formal complaint, 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.

Formal Complaints

Upon receipt of a report related to this policy, The Title IX coordinator must promptly contact Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to Complainant the process for filing a formal complaint.

A formal complaint must be made in writing by Complainant or signed by the Title IX coordinator. The formal complaint must contain both an allegation of sexual harassment against a named Respondent and a request that the university investigate the allegation of sexual harassment. At the time of filing a formal complaint, Complainant must be participating in or attempting to participate in an education program or activity of the university.

A formal complaint may be filed with the Title IX coordinator in person, by mail, or by electronic mail.

The university may consolidate formal complaints where the allegations arise out of the same facts.

Dismissal of a Formal Complaint

If the conduct alleged in a formal complaint would not constitute sexual harassment as defined under the federal law and reflected in this policy, the university must dismiss the formal complaint.

The university must also dismiss a formal complaint that did not occur within the scope of the university's programs or activities, including complaints brought by individuals who are not currently participating in or attempting to participate in university programs or activities and complaints alleging conduct that did not occur against a person in the United States.

Such a dismissal does not preclude the university from responding to the allegation under other applicable university policies.

The university may dismiss the formal complaint or any allegations, if at any time during the investigation or hearing: a Complainant notifies the Title IX coordinator in writing that Complainant would like to withdraw the formal complaint or any allegations therein, the Respondent is no longer enrolled at or employed by the institution, or specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the university must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Either party can appeal from the university's dismissal of a formal complaint or any allegations therein using the Appeals procedure in this Policy.

Informal Resolution

At any time prior to reaching a determination regarding responsibility, the university may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX coordinator must provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, Complainants and Respondents have five days to determine whether they consent to participation in the informal resolution.

The Title IX coordinator must obtain the parties' voluntary, written consent to the informal resolution process. Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes a student from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the university's facilitation of the informal resolution.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

Supportive Measures

All parties in a Title IX process have a right to supportive measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to Complainant or Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the university's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the university's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Emergency Removal of Students and Employees

The university may, in emergency circumstances, limit or prohibit a Respondent from accessing campus during the Title IX investigative process. Prior to issuing an interim removal of a Respondent, the Title IX coordinator or designee must:

- undertake an individualized safety and risk analysis, which determines whether the presence of Respondent poses an immediate threat to the physical health or safety of any individual within the Quinnipiac Community;
- provide Respondent with notice of alleged conduct; and
- provide Respondent with notice of removal and information about how to challenge the removal.

Respondents may challenge a removal in writing within 3 days of the removal. The Title IX coordinator or designee shall evaluate the emergency removal by considering 1) the possible threat to the physical health or safety to individuals within the Quinnipiac Community and b) the reliability of the available information about the reported incident.

Administrative Leave of Employees

The university may place a non-student employee respondent on administrative leave during the pendency of a Title IX investigative process.

Grievance Procedures:

Rights of Parties in a Title IX Process

- The right to a prompt, thorough, and equitable Title IX process.

- The right to be treated with respect by university staff throughout the process and the right to a Title IX coordinator, investigator, decision-maker, and facilitator of an informal resolution process that does not have a conflict of interest or bias.
- The right to receive sufficiently detailed written notice of the allegations, upon the university's receipt of a formal complaint.
- The right to confidentiality in any Title IX process, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), as required by law, or as necessary to carry out a Title IX proceeding.
- The right to discuss the allegations under investigation or to gather and present relevant evidence.
- The right to be notified of available counseling, mental and physical health services, and the availability of reasonable supportive measures.
- The right to receive written notice of any investigative interviews, meetings, or hearings.
- The right to identify witnesses and other parties, and to request the Title IX coordinator or designee contact those individuals as part of the investigation.
- The right to have an adviser of choice present in a support or advisory role during the investigation and the Administrative Hearing.
- The right to report any incident to off-campus authorities and/or law enforcement and to be assisted by university staff in doing so.
- The right to have a live hearing, presided over by a trained and impartial hearing officer.
- The right to review all evidence gathered during the investigation, subject to limitations provided by law, including a draft copy of the report for at least 10 days, and to provide a response prior to the finalization of the report.
- The right to review all evidence that will be provided to the hearing officer, including the final report and the names of all known witnesses who may be called to provide statements during the Administrative hearing, for 10 days prior to the hearing.
- The right to have the university request attendance and accommodate individuals called as witnesses for a hearing.
- The right to inspect the hearing script, upon request.
- The right to be present and participate in the Administrative Hearing.
- The right to participate in the Administrative Hearing remotely, upon request.
- The right to ask relevant questions of the other party and of witnesses during the Administrative Hearing, through an advisor of choice.
- The right to be informed of the outcome and sanction of any Administrative Hearing within one business day of a decision being rendered, and to receive that decision in writing.
- The right to appeal the finding and sanction of the hearing officer, in accordance with the appeal guidelines established in this policy.

Complainants in Title IX processes have 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. Respondents have the right to be presumed “not responsible” throughout the Title IX process.

Standard of Evidence

The standard of evidence to be used to determine Respondents responsibility is the preponderance of the evidence standard. This standard shall be used for formal complaints against both students and employees, including faculty, and to all formal complaints of sexual harassment.

Formal Investigation

If the Title IX coordinator determines that there is reasonable cause to pursue the complaint, a formal investigation will be initiated. The university has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility; the responsibility is not on the Complainant or Respondent. During the formal investigation, the Title IX coordinator or designated investigator will:

- identify at least one investigator to conduct the investigation. The Title IX coordinator may serve as an investigator if necessary;
- provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- 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 Respondent;
- provide parties with sufficiently detailed written notice of alleged conduct, including the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
- provide parties whose participation is invited or expected with written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- complete the investigation in a reasonably timely manner, without unnecessary deviation from the intended timeline;
- document and communicate to parties the source of any reasonable delays, including absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;
- compile a comprehensive summary of evidence, including both inculpatory and exculpatory evidence;
- provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation;
- maintain communication with Complainant and Respondent on the status of the investigation and overall process.

Upon completing a draft investigative report, the investigator shall provide a copy to Complainant, Respondent, and each party's respective advisers. Copies of the report must be delivered simultaneously. Complainant and Respondent may review the report for a period of up to 10 days and may provide the investigator with additional documentation, including but not limited to, a written response to the contents of the report.

At the end of the review period or upon receipt of confirmation that parties are prepared to move forward, the investigator must incorporate any provided information into a final report. Upon completing the final investigative report, the investigator must simultaneously provide copies to the Complainant, Respondent, and each party's respective advisers. Following the delivery of the reports, The Title IX coordinator or designee must schedule an Administrative Hearing for no less than 10 days after the date of delivery. Additional information, including responses to the report's content, may be presented at any time prior to the commencement of an Administrative Hearing or at designated times during the hearing.

Title IX Administrative Hearing

Upon dissemination of the final report, The Title IX coordinator or designee will schedule an Administrative Hearing.

A single trained and impartial hearing officer shall review all evidence and conduct a hearing pursuant to this policy. The hearing officer is responsible for determining whether, under a preponderance of the evidence standard, the Respondent is responsible for the alleged conduct. If Respondent is found responsible, the hearing officer shall assign appropriate sanctions in accordance with this policy and with other related conduct processes, as described in the student Code of Conduct or in the Employee Handbook. The goal of the hearing is to provide a resolution through an equitable process, respecting the rights of all participants.

Requirements for the Hearing Officer

The hearing officer is an independent decision maker who serves at the request of the Title IX coordinator. The hearing officer is responsible for conducting an Administrative Hearing, pursuant to an established hearing script. Through the Administrative Hearing, the hearing officer is required to objectively evaluate all relevant evidence, both inculpatory and exculpatory.

Any individual who serves as a hearing officer shall be trained annually pursuant to the training requirements under applicable state and federal law. The hearing officer is expected to serve impartially, avoid prejudgment of facts at issue avoiding prejudgment of the facts at issue, and be free of conflicts of interest, and bias. Additionally, the hearing officer must avoid credibility determinations based on a person's status as a complainant, respondent, or witness.

Scope of Hearing Officer's Authority

The hearing officer has the authority to adjudicate alleged violations of the Student Code of Conduct or the Employee Handbook 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 the grievance procedures and can assist with meeting preparation. advisers are not permitted to advocate for a student or speak on their behalf during a hearing, except for the purpose of conducting a cross examination on relevant evidence. Parties who are witnesses to the incident or are otherwise involved in the matter before the hearing officer cannot serve as advisors.

Parties who intend to conduct a cross examination of the opposite party or any witnesses must bring an advisor to the hearing. If a party does not have an advisor, the university will, upon request, provide a trained advisor to conduct any cross examinations.

A party who requires that the university provide an advisor should notify the Title IX coordinator in writing at least 48 hours before the hearing. The university reserves right to establish restriction regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

Hearing Process

The Title IX coordinator or designated investigator will meet with both Complainant and Respondent prior to the hearing to outline the hearing process and answer questions. Prior to the hearing, the Title IX coordinator or designated investigator will:

- prepare a final copy of the investigative report, including any evidence gathered during the course of the investigation, to be disseminated to the hearing officer, Complainant, Respondent, and each party's advisor 10 days before the hearing;
- be available to both Complainant and Respondent to answer questions and address concerns with the process;
- schedule the Administrative Hearing, and select a hearing officer from the pool of eligible members based on availability and lack of conflict;
- contact witnesses and work to ensure their availability for the Administrative 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);

At the Administrative Hearing, the following individuals may be present:

- Hearing Officer
- Complainant(s)
- adviser for Complainant(s)
- Respondent(s)
- adviser for Respondent(s)
- Investigator(s)
- Witnesses (only one at any one time)
- Title IX coordinator and/or deputy Coordinator (if not an investigator)
- university Counsel

The hearing officer will conduct the hearing in accordance with the hearing script. The script ensures that the parties have an opportunity to give opening statements, that the hearing officer has the opportunity to ask questions of all parties and witnesses, and that both parties have an opportunity to ask relevant questions through cross examination.

Additionally, the hearing script ensures:

- all parties are introduced;
- all allegations are read; and
- Respondent is provided an opportunity to plead "responsible," "not responsible," or decline to make a plea, for each allegation.

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

Once the hearing officer has heard all evidence, including opening statements and cross examinations, and has had an opportunity to ask questions of parties, witnesses, and the investigator(s), the hearing officer will deliberate privately to determine whether Respondent is responsible for the alleged conduct.

After the hearing officer has made a decision, the hearing officer will reconvene with the hearing participants and will announce their conclusion. If Respondent is found responsible for the alleged conduct, the hearing officer will commence the sanction phase of the hearing. If Respondent is found not responsible for the alleged conduct, the hearing will end.

During the sanction phase of the hearing, the hearing officer will:

- accept optional impact statements from both parties, verbally and/or in writing;
- ask the Title IX coordinator or designee to disclose Respondent's past violations of the Code of Conduct or of the Employee Handbook, if any;
- ask the Title IX coordinator or designee for sanction parameters, as defined by university policy.

At the conclusion of the sanction phase, the hearing officer will deliberate privately. After a sanction decision is made, the hearing officer will reconvene with the participants of the hearing to announce the sanction decision and close the hearing.

After the conclusion of the hearing, the Title IX coordinator or designated investigator will meet with both parties separately and will answer any questions about the sanctions or any post-hearing requirements.

The hearing officer has two business day from the close of the hearing to produce a written decision letter to both parties. Once completed, the decision letter is delivered to the Title IX coordinator for simultaneous delivery to both parties.

Students needing accommodations may make requests through the Office of Student Accessibility. Employees needing accommodations may make requests through Human Resources.

Neither parties nor witnesses may use Audio or video recording devices during a hearing. The university shall make an audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

Sanctions-only Hearing

Should Respondent accept responsibility for alleged violations but disagree with the sanctions proposed by the Title IX coordinator, a sanctions-only hearing will be conducted. For a sanctions-only hearing, the hearing officer shall introduce the parties, read the charges, and ask any questions necessary for determining an appropriate sanction. Once the hearing officer has asked any necessary questions, the hearing officer will advance directly to the sanction portion of the hearing.

Cross Examination

The hearing officer must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

At the request of either party, the university will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or the witness answering questions.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the university will provide an advisor of the university's choice to conduct cross-examination on behalf of that party.

Questions and evidence about Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the hearing officer must not rely on any statement of that party or witness in reaching a determination regarding responsibility. The hearing officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Sanctions

All sanctions shall be designed to maintain Complainant's equal access to education programs or activities.

Sanctioning Guidelines for Students

- Students found responsible for violating this policy in regard to fondling, dating violence, domestic violence, or stalking 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 sexual assault that meets the definition of rape will likely receive a sanction of suspension, dismissal or expulsion.
- Students found responsible for violating this policy in regard to sexual harassment that creates a hostile environment 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 hearing officer 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.

Sanctioning Guidelines for Employees

- Employees found responsible for violating this policy in regard to fondling, dating violence, domestic violence, or stalking will likely receive a sanction ranging from a written warning to termination, depending upon the severity of the incident and any previous violations of the Employee Handbook.
- Employees found responsible for violating this policy in regard to sexual assault that meets the definition of rape will likely be terminated from the university.
- Employees found responsible for violating this policy in regard to sexual harassment that creates a hostile environment will likely receive a sanction ranging from a written reprimand to termination, depending upon the severity of the incident and any previous violations of employment policies.
- The hearing officer may, at the discretion of Human Resources, issue sanctions for violations of the employment policies not related to this policy.

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

Parental Notification of Students

Quinnipiac reserves the right to communicate with a parent or guardian of a student regarding any student conduct action taken by the university, in accordance with FERPA.

Appeals

After receiving notification of the hearing officer's decision, or after receiving notification that the university dismissed a formal complaint or any allegation therein, both Complainant and Respondent have five business days to notify the Title IX coordinator of their intent to appeal the decision. A formal letter of appeal specifying the grounds upon which the appeal is based and supporting information must be submitted within five days of notification of the hearing officer's decision or notification of dismissal. The Title IX coordinator has the discretion to extend the deadline for submission of a letter of appeal.

Sanction(s) imposed by the hearing officer 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 party's Quinnipiac University email account. The appeal officer may request follow up information from the investigator(s) or from either party, as necessary to make a fair determination.

Complainants or Respondents who fail to attend the Administrative Hearing forfeit the right to request an appeal.

Both parties may appeal regarding the determination of responsibility, and from the dismissal of a formal complaint or any allegations therein, on the following bases:

- 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;
- procedural irregularity that affected the outcome of the matter;
- the Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.; or
- the sanction(s) assigned by the hearing officer did not adhere to the sanction guidelines stated in this policy.

The university Title IX coordinator receives the request for an appeal. Upon receipt, the Title IX coordinator designates a trained university staff member to serve as the appeal officer. Both parties shall be given equal opportunity to submit a written statement in support of, or challenging, the outcome. If the appeal letter(s) does not bring forward sufficient grounds for appeal, the officer will deny the appeal.

If the appeal officer determines that the appeal should be considered, the appeal officer may:

- affirm the decision of the hearing officer. In this case, the initial decision is final;
- remand the matter for re-investigation or re-hearing, depending on which is necessary to absolve the grievance process of error or irregularity; and/or
- initiate a new Title IX Administrative Hearing.

Compliance with Sanctions and Accommodations

At the conclusion of the Title IX grievance process, the Title IX coordinator will be responsible for ensuring compliance with all assigned sanctions.

Confidential Resource

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 Religious Life and other designated resources. 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 Confidential Resources for Students

- Counseling Services — 203-582-8680
- Student Health Services — 203-582-8742
- Religious Life — 203-582-8257
- Peter C. Herald House for Jewish Life — 203-582-8206

Off-Campus Confidential 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 — ohl.rainn.org/online
- The Umbrella Center for Domestic Violence Services— 203-736-2601

Students who wish for the university to conduct a formal investigation into an allegation under Title IX must sign a formal complaint with the Title IX Office. Reports that are made anonymously or by third parties may not formally initiate grievance procedures as such.

The university reserves the opportunity to undertake an investigation where appropriate, even in cases where the university received an anonymous report or where the alleged victim and/or Complainant choose not to cooperate or participate. When weighing a Complainant's request for confidentiality, to end an investigation and/or to not seek disciplinary action, the university will consider factors which may include the following: a risk of future acts of sexual violence; whether the reported sexual violence was allegedly 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.

Amnesty

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. The university will not pursue disciplinary action against students for disclosure of personal consumption of alcohol or other drugs where the disclosure is made in connection with a good faith report or investigation of sexual misconduct. The university may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

Complaints Regarding Allegations of Gender Inequity in a university Program or Activity, including Athletics

NOTE: Claims of sexual harassment are addressed separately. A separate grievance procedure is set forth for claims of sexual harassment and other related misconduct. See section on [sexual harassment](#).

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, Complainant is encouraged to request any relief sought from the university. Prompt submission of formal grievances is encouraged.

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

Shanna Kornachuk
Senior Associate Director of Compliance & Student Development
275 Mount Carmel Avenue, ACC 204
Hamden, CT 06518 shanna.kornachuk@qu.edu
203-582-7332

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

Dennis Kwarteng
Title IX Coordinator
275 Mount Carmel Avenue, CCE 180 B
Hamden, CT 06518
catlin.wells@qu.edu
203-582-7327

The deputy Title IX coordinator or designee 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 Coordinator will interview the individual who submitted the written statement. Depending on the circumstances, the deputy 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 Coordinator or designee 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 Coordinator or designee will prepare a written report setting forth findings, conclusions and recommended actions to be taken, if applicable. The university Title IX coordinator will receive a copy of the report. Complainant also will receive a copy of report, redacted at the discretion of the Title IX coordinator to protect the privacy of involved parties.

In the event the deputy Coordinator or designee determines that there has been a violation, a report will be presented to the executive vice president and provost of Quinnipiac University (hereinafter “provost”) or a designee. Upon notification of a violation, the provost, or a designee, will take appropriate action to ensure that the violation is remedied, prevent its recurrence and correct any discriminatory effects on 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.

Appeals for Equity Grievances

If the deputy Title IX coordinator or designee finds there was no violation of Title IX, the Complainant may notify the university Title IX coordinator of an intent to appeal the decision within five business days of learning of the determination. The Complainant must submit an appeal letter from their university email. The appeal letter should specify the grounds upon which the appeal is based and should include any supporting materials. The Complainant must submit the appeal letter within five business days of receiving the initial decision. The Title IX coordinator has the discretion to extend these deadlines.

The accepted grounds for an appeal are:

- 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;
- procedural irregularity that affected the outcome of the matter;
- the Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.; or
- the sanction(s) assigned by the hearing officer did not adhere to the sanction guidelines stated in this policy.

Upon receipt of a request for appeal, the Title IX coordinator will designate 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 officer will deny the appeal and the matter will be closed.

If the appeal officer determines that the appeal should be considered, the appeal officer may:

- Affirm the deputy Coordinator’s decision. In this case, the initial decision is final; or
- Modify the deputy Coordinator’s decision and present a report with findings and recommendations to the provost or a designee. Upon receipt of the appeal officer’s report

and recommendations, the provost, or designee, will take appropriate action to ensure that any violation is remedied.