



TITLE IX - RESOLUTION PROCESS

NOTE: Title IX/Campus SaVE Act Investigations Are Not Criminal Investigations.

Sexual Discrimination

Sexual discrimination, including sexual violence, dating violence, domestic violence, and stalking, are potential crimes that can be reported to the police or other law enforcement agencies. St. Andrews University is committed to addressing and preventing sexual discrimination in all its forms, regardless of whether or not such activity constitutes a crime.

Interim Steps: Depending on the facts and circumstances known to it, the University, in its discretion and judgment, may take appropriate interim steps to support and protect the Complainant or Responding Party prior to the outcome of an investigation.

- Establishing a No Contact Directive
- Changes in residence hall residency
- Changes in employment location or schedule
- Changes in academic schedule, exams, and assignments
- Academic support services
- Withdrawing from a course without a grade penalty
- Medical, counseling, and spiritual assistance are offered free by campus resources.
- Medical, counseling, and spiritual assistance through off-campus referral, based on student preference
- Connecting the student with off-campus victim advocacy resources
- Connecting the student with assistance for filing a police report
- Voluntary withdrawal
- Emergency Interim Suspension of the Responding Party

Any Interim Measure can potentially serve as a remedial measure at the discretion of the Complainant Party or the Responding Party. Additionally, appropriate University resource remedies might be provided (e.g., improved campus lighting, educational programming, staff training, and climate assessments).

These actions are not intended to be punitive but to protect the safety of individuals and the greater community and to promote accountability. Every effort will be made to minimize unnecessary or unreasonable burdens to both the Complainant Party and the Responding Party.

All University investigative, protective, and supportive interim measures and remedies will be available to both the Complainant and Responding Party whether or not either party files a police report.

The University will not rely on fixed rules or operating assumptions that favor one party over the other. These measures will be individualized and appropriate based upon the information gathered throughout the investigation. Effective communication with each party throughout the investigation to ensure that any interim measures are necessary and effective based on the parties' evolving needs.

Complaint/Grievance Investigation Timetable

Every effort will be made to adhere strictly to the timetables in this document. However, if investigations extend to when school is out for prolonged periods or if there are unavoidable challenges in communications or evidence-collection with the Complainant and Responding Party, or others involved in an investigation, the University may require extensions to the below timetables. Immediately upon a complaint being filed, the investigation will proceed as follows:

Reporting Sexual Harassment or Discrimination

Anyone experiencing sexual harassment or discrimination is encouraged to report it by contacting the Title IX coordinator, campus safety, or the local police department. Anyone in immediate danger should call 9-1-1.

Anyone on the St. Andrews University campus who observes an act of sexual misconduct or violence toward another person- student, employee, or third party (including a child/Minor, which, in the State of North Carolina, is anyone under the age of 18) should contact the Title IX coordinator to report the incident, unless the victim is in immediate danger, in which case the person should call 9-1-1.

Within 24 hours of receiving a complaint, or the next business day, the Title IX Coordinator will do the following: 1) schedule an interview with the complainant; 2) provide the complainant with options for how to proceed, including calling the police to press legal charges, instituting a formal complaint, or pursuing an informal resolution process (how to proceed is the choice of the complainant); 3) provide the complainant with the necessary support resources and interim steps (which might include counseling services, excused absence from class, a no contact order with the Respondent or anything else necessary to help the complainant be supported, safe and secure); 4) inform the Dean of Students (in a student initiated complaint) or Human Resources (in a faculty or staff initiated complaint) that a Title IX complaint has been initiated; 5) initiate the appropriate investigative process relative to the complainant's decision about how to proceed; 6) notify the Responding party of the complaint, the nature of the complaint, the resolution process the complainant has selected, and the investigative process that will be followed.

A Formal Versus an Informal Resolution Process

The Complainant has the right to choose either a formal or informal resolution process. An informal resolution process is the equivalent of mediation and requires the two parties to work together with a mediator to come to a mutually agreeable resolution to the matter. If the parties

cannot come to a mutually agreeable resolution, the complainant always reserves the right to initiate the formal, judicial process.

The formal process requires a written complaint, a formal investigation, a Title IX Hearing with both the complainant and respondent present, and a decision by the Title IX Hearing committee concerning responsibility and appropriate sanctions regarding the complaint.

The complainant also always retains the right, at any time, to report the complaint to the local police and initiate the legal process and seek a legal resolution to the problem. If and when the legal process is initiated, the university process can continue side by side with it or be put on hold until the legal process is completed depending on the situation. The university will always continue to provide the necessary interim and support services whether the university's resolution process is continuing or on hold.

The Investigation into Complaints of Sexual Harassment or Discrimination

- After receiving a complaint, the Title IX Coordinator will initiate the appropriate investigative process depending on the type of resolution the complainant seeks, the seriousness of the complaint, and the seriousness of the potential sanctions. In all cases, investigations will be taken seriously, and investigators will do their best to determine the truth. The Title IX coordinator may do the investigation him or herself, assign a trained investigator to do the investigation, or assign a team of investigators to do the investigation. The aim of the investigation is to determine the facts of the matter regarding the event or events that gave rise to the complaint. The investigation will include interviews with the complainant and respondent, any witnesses they identify, any witnesses the investigators uncover in the investigation, interviews with people who can provide context and background to the event or events that gave rise to the complaint. Depending on the depth of the investigation, the extent to which the facts of the case are in dispute, and other issues of scheduling interviews and gathering evidence, the investigation may take up to 30 days. Both the complainant and the respondent will be kept apprised of progress in the investigation and when it is likely to be completed. The investigation will conclude with a written report, signed and dated by the investigator or investigators. This report will be submitted to the Title IX coordinator. The report will then become the basis for either the formal or informal resolution of the complaint.

Title IX Hearing

When the Complainant selects a formal resolution process and the investigative report has been received by the Title IX Coordinator, a Title IX Hearing will be scheduled. The purpose of a Title IX Hearing is to put the formal resolution of the Title IX complaint in the hands of a neutral committee of faculty and staff who will hear the evidence, deliberate regarding the complaint, and make a final decision concerning its resolution. Their standard of evidence will be the preponderance of evidence, namely that the evidence points to it being more likely than not that

the complaint is true and accurate. They will also decide on appropriate sanctions based on the guidelines in the Saltire and their knowledge of the situation.

After receiving the completed investigative report, the Title IX Coordinator will schedule a Title IX Hearing and communicate the date and time to the members of the Title IX Hearing Committee, the Complainant and the Respondent not less than one week from the date of the hearing.

Both the Complainant and the Respondent will have access to the Investigative Report at least five days before the hearing. The report, however, must remain confidential and not be provided to any parties not involved in the Hearing process. If the Title IX Coordinator is concerned that one or both of the parties may not abide by the confidentiality requirement, access to the Investigative Reports may be limited to physical copies kept in the Title IX Coordinators' office.

Both the Complainant and the Respondent are allowed and encouraged to have an Advisor (who may be a lawyer but need not be a lawyer) present during the Hearing to offer advice and provide support. The Complainant and Respondent must inform the Title IX Coordinator about who will serve as their Advisor at least two days before Hearing.

The Title IX Coordinator will serve as the Moderator of the Title IX Hearing, supervising the process and adjudicating any disputes about the process. At the Hearing, each party, the Complainant and Respondent, will have an opportunity for an Opening Statement and a Closing Statement. The Title IX Hearing Committee will have the right to ask questions of both the Complainant and the Respondent relevant to the case at hand. In case of a dispute concerning whether the question is relevant, the Title IX Coordinator will decide. The Complainant and Respondent will have the opportunity to ask questions of one another, through their Advisors, that are relevant to the case at hand. In case of a dispute concerning whether the question is relevant, the Title IX Coordinator will decide.

Both the Complainant and the Respondent have the right to dispute witness statements in the investigative report through in-person cross-examination conducted by their Advisors. However, in order to have witnesses present at the Hearing, the Complainant and Respondent must provide a list of any witnesses they would like present at the Hearing to the Title IX Coordinator at least five days before the Hearing itself. The Title IX Coordinator will invite the witnesses to attend the Hearing and coordinate their presence at the Hearing.

Title IX Hearing will normally take place in person, with both the complainant and respondent present in the same room at the same time. However, the Title IX coordinator may determine that it would be better to conduct the Hearing remotely for the Hearing Committee, the Complainant, the Respondent, or the integrity of the process.

At the end of the Hearing, the Complainant and Respondent (as well as their advisors) will be placed in separate, private rooms, while they await the Title IX Hearing Committee's decision. The Title IX Committee must determine if the Respondent is responsible or not responsible. Once the Title IX Hearing Committee has made a determination, the Title IX Coordinator will invite both the Complainant and Respondent back into the room and communicate the decision and inform them of the appeal process. Immediately after the end of the Hearing, the Title IX Hearing's decision will be written up, signed by the Title IX Coordinator, and sent to members of the Title

IX Hearing Committee, the Complainant, the Respondent, and any additional campus personnel who are responsible for enforcing any sanction(s) that may have been determined.

Sanctions

Sanctions are issued based upon the St. Andrews University Saltire. Individuals found to have engaged in illegal sexual activity or behavior constituting sexual discrimination (including sexual harassment, sexual misconduct, sexual violence, retaliation, dating violence, domestic violence, or stalking) based on a preponderance of the evidence standard (i.e., it is more likely than not that sexual discrimination occurred) as defined in this policy, will be disciplined, up to and including discharge, removal, suspension, or expulsion from the University. The range of possible sanctions includes, but would not be limited to, the following:

- Ongoing "No Contact": remains in place
- Written warnings
- Educational interventions
- Targeted community service
- Social, housing, or other probations
- Suspension (for varying lengths of time)
- Expulsion

Appropriate student sanctions will be a unanimous determination by the Dean of Students and Title IX Coordinator.

Right to Appeal

Both the Compliant and the Responding Party have the right to appeal the decision of the Title IX Hearing outcome within ten (10) business days, in writing, to the St. Andrews University Campus President.

There are two grounds upon which to base an appeal:

- Significant new information was not available at the time of the initial investigation, which could reasonably alter the facts and outcome of the investigation. A written appeal must delineate these new facts and explain how they could impact the outcome.
 - There was a procedural error that significantly affected the outcome. A written appeal must describe the procedural error and support how that error affected the outcome.
- Both the Reporting Party and the Responding Party will be notified of any changes to the final outcomes of the Title IX/Campus SaVE Act investigation.