



Title IX & Civil Rights Policy

2023 – 2024

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Section I- Policy Overview

Policy Rationale

Tiffin University (TU) is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational enterprise. Tiffin University has developed internal policies and procedures that will provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status. Tiffin University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a challenging time for all those involved.

Applicable Scope

The core purpose of this policy is the prohibition of all forms of discrimination, harassment, and retaliation. When an alleged violation of these policies is reported, the allegation(s) are subject to TU's Equity Resolution Procedures as detailed below.

When the Respondent is a member of the Tiffin University community, the grievance process may be applicable regardless of the status of the Complainant, who may or may not be a member of the Tiffin University community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, guests, visitors, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the climate, all of which may be addressed and investigated in accordance with this policy.

When a Respondent is no longer a member of the Tiffin University community, the Title IX Coordinator, in their discretion, may determine whether the grievance process may proceed, regardless of the status of the Complainant, if the conduct arose when the Respondent was a member of the Tiffin University community at the time the conduct occurred. See Section XVII: Sanction & Remedies- Student Withdrawal While Charges Pending and Employee Resignation While Charges Pending, of this policy, below.

Title IX Coordinator

The Title IX Coordinator oversees the implementation of the Title IX & Civil Rights Policy and manages the Equity Resolution Team. The Title IX Coordinator has the primary responsibility for coordinating the efforts of TU to stop, prevent, and remedy discrimination, harassment, and retaliation prohibited under this policy.

Internal Inquiries

Inquiries or concerns regarding this policy and procedure, may be made internally to:

Jacob Simon- Title IX Coordinator
419-448-3421, simonja@tiffin.edu

Office for Equity, Access & Opportunity – Friedley Hall

In the absence of the Title IX Coordinator and/or as directed by the Title IX Coordinator, inquiries or concerns regarding this policy and procedure, may be made internally to:

Kelsey Kuzma- Deputy Title IX Coordinator
419-448-3332, kuzmak@tiffin.edu
Office for Equity, Access & Opportunity – Friedley Hall

Nadia Lewis- Deputy Title IX Coordinator
419-448-3433, lewisna@tiffin.edu
Office for Human Resources – Seitz Hall

Independence and Conflict-of-Interest

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. To raise any concerns involving bias or conflict of interest by the Title IX Coordinator, contact the University President at (419) 448-3053.

External Inquires

Inquiries or concerns regarding this policy and procedure, may be made externally to:

<i>Office for Civil Rights (OCR)</i> U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-1100 Phone: (800) 421-3481 TDD: (877) 521-2172 Email: OCR@ed.gov Web: http://www.ed.gov/ocr	<i>Local Office for Civil Rights (OCR)</i> Office of Civil Rights One Government Center Room 936, Jackson & Erie Streets Toledo, Ohio 43604 (419) 245-2900
<i>Equal Employment Opportunity</i> Patrick V. McNamara Building 477 Michigan Avenue Room 865 Detroit, MI 48226 Phone: 1-800-669-4000 Fax: 313-226-4610 DY: 1-800-669-6820 Inquiry: https://publicportal.eeoc.gov/portal/ Web: https://www.eeoc.gov/	<i>Office for Civil Rights (DOJ)</i> Civil Rights Division 950 Pennsylvania Ave. NW Washington, DC 25030 Report at: https://civilrights.justice.gov/

Section II- University Statement on Nondiscrimination

Tiffin University is committed to a policy of nondiscrimination and equal opportunity for employees, applicants for employment, students or applicants for admission, and access to educational opportunities on the basis of race, religion, personal appearance, color, sex, pregnancy, political affiliation, social-economic class, place of business, residence, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, family responsibilities, sexual orientation, gender, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any resolution process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community who acts to deny, deprive, or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community, guest, or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of the University policy on nondiscrimination. When brought to the attention of the University, any such discrimination, including discriminatory harassment and retaliation, will be appropriately addressed and remedied by the University according to the Equity Resolution Procedures, below. Non-members of the campus community who engage in discriminatory actions, including discriminatory harassment and retaliation, within University programs or on University property are not under the jurisdiction of this policy but can be subject to actions that limit their access and/or involvement with University programs as the result of their misconduct. All vendors serving the University through third-party contracts are subject by those contracts to the policies and procedures of their employers or to these policies and procedures, to which their employer has agreed to be bound.

When brought to the attention of the University, any such discrimination, harassment, and/or retaliation will be promptly and fairly addressed and remedied by the University according to the Equity Resolution Procedures, below.

Section III- University Statement on Disability Discrimination and Accommodations

Tiffin University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

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

The Assistant Vice President for Intercultural and Community Engagement/Title IX & ADA/504 Coordinator has been designated as the ADA/504 Coordinator and is responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Inquiries or concerns regarding this policy and procedure, may be made internally to:

Jacob Simon- ADA/504 Coordinator

419-448-3421, simonja@tiffin.edu

Office for Equity, Access & Opportunity – Friedley Hall

In the absence of the Assistant Vice President for Intercultural and Community Engagement/Title IX & 504 Coordinator and/or as directed by the ADA/504 Coordinator, inquiries or concerns regarding this policy and procedure, may be made internally to:

Juli Huston- Coordinator for Disability Services

419-448-3021, hustonjr@tiffin.edu

Office for Equity, Access & Opportunity – Friedley Hall

Grievances related to disability status and/or accommodations for both students and employees will be addressed using the civil rights equity resolution process as outlined in this manual.

Students with Disabilities

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

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Coordinator of Disability Services who coordinates services for students with disabilities. The Coordinator of Disability Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

Accommodation requests can be made through the [Office for Disability Services](#). Questions can be directed to:

Juli Huston- Coordinator for Disability Services

419-448-3021, hustonjr@tiffin.edu

Office for Equity, Access & Opportunity – Friedley Hall

Employees with Disabilities

Pursuant to the ADA, Tiffin University will provide reasonable accommodation(s) to all qualified employees with known disabilities where their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the University. An employee requesting reasonable accommodation should contact the Office for Human Resources, who coordinates services for employees with disabilities.

Sheri Thompson- Director of Human Resources

419-448-3054, thompsonsa@tiffin.edu

Office for Human Resources – Seitz Hall

Section IV- University Statement on Discriminatory Harassment

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

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Tiffin University policy, though remedies may be offered to those impacted.

Section V- University Statement on Protection of Minors

In the State of Ohio, no person (adult) who is 18 years of age or older shall engage in sexual conduct with another, who is not the spouse of the adult, when the adult knows the other person is 13 years of age or older but less than 16 years of age, or the adult is reckless in that regard. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, could require an immediate report to the applicable child welfare agency, and represents a potential violation of this policy, even if the minor welcomed the sexual activity.

All members of the university community are required to report suspected child abuse or maltreatment when they are presented with a reasonable cause to suspect child abuse or maltreatment. These reports can be made with Campus Safety and Security and/or the Title IX Coordinator.

Jason Dennis- Director of Campus Safety and Security
419-448-5136, dennisja@tiffin.edu
Campus Safety and Security – Gillmor Student Center

Jacob Simon- Assistant Vice President for Intercultural and Community
Engagement/Title IX & ADA/504 Coordinator
419-448-3421, simonja@tiffin.edu
Office for Equity, Access & Opportunity – Friedley Hall

If a member of the university community suspects abuse or maltreatment, they must immediately report their concerns by telephone to the Ohio Department of Job and Family Services at 855-O-H-CHILD (855-642-4453). This number is an automated telephone directory that will link callers directly to a child welfare or law enforcement office in their county. Notice should also be made to the Title IX Coordinator.

Section VI- University Statement on Unethical Relationships

Tiffin University does not interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and standards of Tiffin University. For the personal protection of members of this community, faculty/staff-student sexual relationships are strongly prohibited. Consensual romantic or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities. This prohibition also applies to Head Residents, Resident Assistants, Campus Security, and students over whom they have direct responsibility. There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent does not remove grounds for a charge of a violation of this policy. The Title IX Coordinator will determine whether to refer potential violations of this provision to Human Resources for resolution, or to pursue resolution under this Policy, based on the circumstances of the allegation.

Section VII- Relevant Glossary of Terms

Actual Knowledge

The University is deemed to have actual knowledge of allegations of sexual harassment when notice of such allegations is provided to the Title IX coordinator or any University official who has authority to institute corrective measures on behalf of the University. These officials include the President, Provost, Deputy Title IX Coordinators, Dean of Student Development and Transformation, Assistant Dean of Student Life, Vice President for Athletics, and Vice President for Human Resources and Center for InterculTural Excellence.

Advisor

A person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any. Advisors may be, but do not have to be, attorneys.

Complainant

An individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Formal Complaint

A document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the recipient investigate the allegation.

Confidential Resource

An employee who is not a Mandated Reporter (defined below) of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

Day

A business day when Tiffin University is in normal operation.

Educational Program or Activity

Locations, events, or circumstances where Recipient exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by Tiffin University.

Final Determination

A conclusion by the standard of proof, a preponderance of the evidence, that the alleged conduct occurred and whether it did or did not violate policy.

Finding

A conclusion by a preponderance of the evidence, that the conduct did or did not occur as alleged.

Formal Grievance Process

A method of formal resolution designated by the University to address conduct that falls within the policies which complies with the requirements of 34 CFR Part 106.45.

Grievance Process Pool

Includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case), as identified by Tiffin University. Advisors may also be independently identified by a Complainant or Respondent.

Hearing Decision-Maker or Panel

Refers to those who have decision-making and sanctioning authority within the Formal Grievance process.

Investigator

The person or persons charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

Mandated Reporter

An employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.

Notice

An employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

Official with Authority (OWA)

An employee of the University explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the University.

Parties

Include the Complainant(s) and Respondent(s), collectively.

Remedies

Are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the educational program.

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Resolution

The result of an Informal or Formal Grievance Process.

Sanction

A consequence imposed by Tiffin University on a Respondent who is found to have violated this policy.

Student

Any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and/or who maintains an ongoing relationship with Tiffin University.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the education program or activity, including measures designed to protect the safety of all parties or the educational environment, and/or deter harassment, discrimination, and/or retaliation.

Title IX Coordinator

Official designated by the University to ensure compliance with Title IX and the Title IX program of the University. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator including but not limited to Deputy Coordinator for specific tasks and in the absence of the Title IX Coordinator.

Section VIII- Prohibited Conduct- Policy Definitions

Tiffin University reserves the right to address offensive conduct and/or harassment that does not rise to the level of creating a hostile environment, or that is of a generic nature and not based on sex and/or perceived or actual membership to a protected class. Such incidents may be referred to the Office of Student Affairs for students and the Office for Human Resources for employees, if it is not addressed under this Policy.

Federal regulations provide for certain procedures that must be used in the case of conduct that meets the definition of sexual harassment under Title IX. However, where conduct does not meet certain threshold requirements under Title IX, the same or similar conduct is still prohibited by the University. Where the types of prohibited conduct are listed as both, they are labeled as “Title IX” or “Non-Title IX” for clarity.

1. Title IX Sexual Harassment

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all formal complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator.

For reported behavior to qualify as prohibited conduct under this section, in addition to meeting the elements of the specific type of sexual harassment below, it must meet all of the following threshold requirements, as determined by the Title IX Coordinator and as mandated by federal regulations:

- The conduct must have occurred against a person in the United States.
- The conduct must have occurred within the University’s education program or activity. For purposes of this provision, this means that the conduct must have occurred either (a) in a location, event, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurs or (b) in relation to a building owned or controlled by a student organization that is officially recognized by the University.
- The complainant must be participating in or attempting to participate in the education program or activity of the University at the time the formal complaint is filed.

Conduct that does not meet these threshold requirements is subject to a Title IX Dismissal, but may still be resolved through the Equity Resolution Process as “Non-Title IX” prohibited behavior defined in Section VIII.2, below.

Title IX Sexual Harassment includes conduct on the basis of sex, that satisfies one or more of the following:

1.1. Title IX Dating Violence

Is violence, on the basis of sex, committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the

purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

1.2. Title IX Domestic Violence

Is a felony or misdemeanor crime of violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the State of Ohio; or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of State of Ohio.

1.3. Title IX Stalking

Is engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the Complainant. "Substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

1.4. Title IX Quid Pro Quo

When an employee of the University, conditions the provision of an aid, benefit, or service of the University, on an individual's participation in unwelcome sexual conduct.

1.5. Title IX Hostile Environment Sexual Harassment

Is unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to the education program or activity.

1.6. Title IX Sexual Assault

Under the Title IX Regulations, the term "Sexual Assault" is defined as a forcible or nonforcible sex offense as classified under the Uniform Crime Reporting system of the FBI. For the purposes of this Policy the following definitions will be used:

1.6.1. Penetrative Sexual Assault

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical

incapacity.¹

1.6.2. Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

1.6.3. Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In Ohio, Revised Code Section 3101.01(A) provides that individuals nearer of kin than second cousins may not marry.

1.6.4. Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent. In Ohio, no person may have sex with a child under the age of thirteen, nor may a person over the age of eighteen have sex with a child under the age of sixteen.

2. Non-Title IX Sexual Misconduct

The University may address conduct that meets the definitions of prohibited conduct in Section VIII.1, above, but which does not meet all the threshold requirements to be charged under Title IX.

Non-Title IX sexual misconduct includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence and stalking.

2.1. Non-Title IX Sexual Harassment

Non-Title IX Sexual Harassment is defined as sexual harassment against a student or employee that is unwelcome verbal, written, graphic, and/or physical conduct; that is severe, pervasive, or objectively offensive; on the basis of sex/gender, that creates an environment that a reasonable person would also consider intimidating, hostile, or abusive.

Petty slights, annoyances, and isolated incidents (unless extremely serious) may not rise to the level of a policy violation.

¹ This definition combines the NIBRS definitions of rape, sodomy and sexual assault with an object. These definitions are as follows:

Rape – The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. Carnal knowledge is defined as the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).

Sodomy – Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age 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, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.

Non-Title IX sexual harassment may also occur when an employee of the University, conditions the provision of an aid, benefit, or service of the University, on an individual's participation in unwelcome sexual conduct.

2.2. Non-Title IX Dating Violence

Conduct that meets the definition of Dating Violence in Section VIII.1.1 above, but does not meet all of the threshold requirements to be charged under Title IX will be charged as "Non-Title IX Dating Violence."

2.3. Non-Title IX Domestic Violence

Conduct that meets the definition of Domestic Violence in Section VIII.1.2., above, but does not meet all of the threshold requirements to be charged under Title IX will be charged as "Non-Title IX Domestic Violence."

2.4. Non-Title IX Stalking

Conduct that meets the definition of Stalking in Section VIII.1.3., above, but does not meet all of the threshold requirements to be charged under Title IX as listed above will be charged "Non-Title IX Stalking."

Conduct that otherwise meets the definition of Stalking in Section VIII.1.3., above, except that it is not "conduct on the basis of sex" shall also be charged as "Non-Title IX Stalking."

2.5. Non-Title IX Sexual Assault

Conduct that meets the definition of Sexual Assault in Section VIII.1.6., above, but does not meet all of the threshold requirements to be charged under Title IX as listed above will be charged as "Non-Title IX Sexual Assault."

2.6. Sexual Exploitation

Is taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy.

Examples of Sexual Exploitation include, but are not limited to:

- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
- Masturbation in public, whether or not genitals are exposed.
- Indecent or lewd exposure or inducing others to expose themselves when others are not present
- Arranging for others to have non-consensual sexual contact or penetration with a person.
- The non-consensual recording, sharing, or streaming of images, video, audio recording, or other such material of an individual engaged in intimate activity or in a place when an expectation of privacy is expected.

3. Discriminatory Harassment

Unwelcome conduct on the basis of actual or perceived membership in a class protected by policy or law that rises to the level of creating a hostile environment.

These protected classes include but are not limited to: race, religion, personal appearance, color, sex, pregnancy, political affiliation, social-economic class, place of business, residence, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, family responsibilities, sexual orientation, gender, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any resolution process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

Tiffin University reserves the right to address offensive conduct and/or harassment that does not rise to the level of creating a hostile environment, or that is of a generic nature and not based on a protected status. This process may be managed through the Office of Student Affairs for students and the Office for Human Resources for employees.

3.1. Non-Sexual Harassment Hostile Environment

A hostile environment is one that unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities that results from harassing verbal, written, graphic, or physical conduct that is severe or persistent or pervasive, and objectively offensive.

4. Other Civil Rights Offenses

Other Civil Rights Offenses include conduct on the basis of sex and/or protected class that satisfies one or more of the following:

4.1. Harm/Endangerment

Is threatening or causing physical harm; extreme verbal, emotional, or psychological abuse; or other conduct which threatens or endangers the health or safety of any person or damages their property.

4.2. Discrimination

Is actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities, including disparate treatment and/or impact.

4.3. Intimidation

Is implied threats or acts that cause the Complainant reasonable fear of harm.

4.4. Hazing

Defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the "Part III- Section VII –Conduct Policies: Code Of Student Conduct" of the [Student Code Of Conduct](#)).

4.5. Bullying

Defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally, that is not speech or conduct otherwise protected by the First Amendment.

5. Retaliation

Retaliation is defined as intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by this Policy, Title IX or its implementing regulations; 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 under this Policy or under the complaint procedures relating to complaints filed with the U.S. Department of Education's Office of Civil Rights, or Title IX complaints filed with the U.S. Department of Education's Office for Civil Rights.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Retaliation also includes filing a complaint 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, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX law or regulations.

A complaint may allege conduct of a sexual nature that might not meet the definition of sexual harassment under Title IX. The conduct could occur against a person outside the US (study abroad), might not occur within the institution's program or activity, or might not meet the severe, pervasive, or objectively offensive standard in this policy. Nonetheless, if someone files a complaint relating to such conduct, retaliation for doing so would be prohibited.

Retaliation does not include the University's decision to charge an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a proceeding under this Policy. A determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. For example, if a Respondent is found not responsible for a violation of this Policy, this finding alone does not mean that the Complainant has provided materially false information in bad faith.

Section IX- Force, Coercion, Consent, and Incapacitation

1. Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), or the reasonable belief of the threat of physical force, and coercion that is intended to overcome resistance or produce consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

2. Coercion

Coercion is defined as unreasonable pressure for sexual activity when someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

3. Consent

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

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

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

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

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

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

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

which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to bondage, discipline/dominance, submission/sadism, and masochism (BDSM) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

4. Incapacitation

Incapacitation is present when a person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs.

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

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

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

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

Section X- Reporting Discrimination, Harassment, and/or Retaliation

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

Jacob Simon- Title IX Coordinator
419-448-3421, simonja@tiffin.edu
Office for Equity, Access & Opportunity – Friedley Hall

Kelsey Kuzma- Deputy Title IX Coordinator
419-448-3332, kuzmak@tiffin.edu
Office for Equity, Access & Opportunity – Friedley Hall

Nadia Lewis- Deputy Title IX Coordinator
419-448-3433, lewisna@tiffin.edu
Office for Human Resources – Seitz Hall

Online Report Form:
https://cm.maxient.com/reportingform.php?TiffinUniv&layout_id=40

All incidents of crime must be reported to Campus Safety and Security by calling 419-934-0721 or visiting the Campus Safety and Security office located in the Gillmor Student Center.

Anonymous reports are accepted but can give rise to a need to investigate. Tiffin University tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Tiffin University respects the Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows Tiffin University to discuss and/or provide supportive measures.

Mandated Reporting

All employees of Tiffin University, with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment. In addition, student employees who have responsibility for the welfare of other students, including Resident Assistants, Head Residents, Campus Security Officers, Peer Mentors, and Graduate Assistants, are required to report all known information. Other student employees who receive information within the context of their jobs are required to report to the Title IX Coordinator.

Under Ohio law, all individuals, excluding confidential resources, must report felonies, including sexual violence, to law enforcement. Under Ohio Revised Code Section 2921.22, medical professionals, mental health professionals and clergy are not required to report felonies. This legal requirement means that the Title IX Coordinator or Campus Safety must report any felony to local law enforcement. To the extent reasonably possible, the University will communicate

with the Complainant in advance of any report to law enforcement. The Complainant has the choice whether and how to participate in any subsequent criminal investigation.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party. Failure of a Mandated Reporter, as described above in this section, to report an incident of discrimination, harassment, and/or retaliation, of which they become aware, is a violation of University policy and can be subject to disciplinary action for failure to comply.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night,” marches ,or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the Tiffin University. Supportive measures may be offered as the result of such disclosures without formal action.

When a Mandated Reporter is engaged in discrimination, harassment, and/or retaliation, they still have a duty to report their own misconduct, though the University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Confidential Reporting

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

Equity, Access & Opportunity (EAO) Advocate
419-448-3021, advocacy@tiffin.edu
Friedley Hall

Mercy Health- Tiffin University Health Clinic
419-448-3429, healthcenter@tiffin.edu
Friedley Hall

Counseling and Wellness
419-448-3578, counseling@tiffin.edu
Friedley Hall

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

Tiffin University employees who are confidential will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter must consult with the Title IX Coordinator on that assessment.

Anonymous notice will be investigated by Tiffin University to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. However, anonymous notice typically limits the ability for Tiffin University to investigate, respond, and provide remedies, depending on what information is shared.

Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

Federal Timely Warning Obligations

Parties reporting some types of crimes, including, but not limited to, sexual assault, domestic violence, dating violence, and/or stalking (including non-sex based stalking, dating violence, and domestic violence) should be aware that under the Clery Act, Tiffin University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Tiffin University will ensure that the name of the Complainant and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

Amnesty for Involved Parties

Tiffin University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University community that Complainants choose to report misconduct to University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Tiffin University maintains a policy of offering parties and witnesses amnesty from some policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor

gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Student Amnesty

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking alcohol or using cannabis might hesitate to help take an individual who has experienced sexual misconduct to Campus Safety & Security).

Tiffin University maintains a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the University may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Employee Amnesty

Sometimes, employees are hesitant to report harassment or discrimination they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the unethical relationship statement and is then assaulted in the course of that relationship might hesitate to report the incident to University officials.

Tiffin University may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

Federal Statistical Reporting Obligations

Those deemed Campus Security Authorities (CSA) – have a duty to report the following for federal statistical reporting purposes (Clery Act):

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

All personally identifiable information is kept private, but statistical information must be passed along to Campus Safety & Security regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include Campus Safety & Security and local police.

Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the jurisdiction, and/or significant time has passed, the

ability to investigate, respond, and provide remedies may be more limited or impossible.

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

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

False Allegations and Evidence

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

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

Section XI- Equity Resolution Overview

Tiffin University will act on any formal or informal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures in this manual.

The procedures below apply to all allegations of harassment, discrimination, and/or retaliation on the basis of protected class status involving students, staff, administrators, or faculty members. A set of technical dismissal requirements within the Title IX regulations may apply as described below, but when a technical dismissal under the Title IX allegations is required, any remaining allegations will proceed using these same grievance procedures, clarifying which policies above are applicable. While the effect of the Title IX regulations can be confusing, these grievance procedures apply to all policies above.

Promptness

All allegations are acted upon promptly by Tiffin University once it has received notice or a formal complaint. Complaints can take 60-120 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Tiffin University will avoid all undue delays within its control.

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

Jurisdiction

This policy applies to the educational programs and activities of the University; to conduct that took place on the campus or on property owned or controlled by Tiffin University; at University-sponsored events; in buildings owned or controlled by the University as recognized student organizations; or conduct that has continuing adverse effects on campus, on any member of the Tiffin University community, or in the context of any education or employment activities and programs of the University, regardless of where the conduct occurred. The Respondent must be a member of the University community for its policies to apply or the Respondent must have been a member of the University at the time the conduct occurred.

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

Further, even when the Respondent is not a member of the University community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or Victims Advocate (refer to contact information as previous stated).

In addition, the University may take other actions as appropriate to protect the Complainant

against third parties, such as barring individuals from University property and/or events.

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers.

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

Similarly, the Title IX Coordinator may be able to provide support to a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

Online Harassment and Misconduct

The policies of Tiffin University are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited in this policy, when those behaviors occur in or have an effect on the education programs and activities at the University or use University networks, technology, or equipment.

While Tiffin University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the University, it will engage in a variety of means to address and mitigate the effects.

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

Any online postings or other electronic communication by students including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the control of the University (e.g., not on University networks, websites, or between University email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants may be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the University only when such speech is made in an employee's official or work-related capacity.

Privacy

Every effort is made by Tiffin University to preserve the privacy of reports assessed under this policy. Tiffin University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation, except to a limited group of individuals whose knowledge is necessary to respond to and investigate claims of prohibited conduct.

Moreover, Tiffin strives to protect the privacy of any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures. Student health records maintained by the University are protected by FERPA. Access to employee personnel records is restricted in accordance with Tiffin's policies and Ohio law.

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

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Office for Equity, Access, & Opportunity, Division of Student Affairs, Campus Safety & Security, and the Sexual Assault Response Team (SART). Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve each parties' rights and privacy.

Tiffin University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Tiffin will not impose prior restraints on students' and employees' ability to discuss the allegations under investigation, including with a parent, friend, other source of emotional support, with an advocacy organization, or with persons who may have information regarding the underlying incident. However, all persons who participate in the Resolution of a Complaint under this policy are expected to respect the privacy of these proceedings and protect the integrity of the process.

Disabilities Accommodations in the Resolution Process

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

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

Office for Disability Services
Friedley Hall
(419) 448-3021
disabilityservices@tiffin.edu

Equity Resolution Team

The Grievance Process relies on a team of administrators to carry out the process. The list of

Equity Resolution Team members can be found on the [Civil Rights Investigation Team](#) webpage. Tiffin University reserves the right to identify additional individuals to carry out the process.

Equity Resolution Team Training

The Equity Resolution Team members receive annual training to serve in the role of Advisor, Investigator, Hearing Decision Maker/Panel Member, or Appeal Decision Maker/Panel Member.

In accordance with 34 CFR Part 106.45(b)(10), all materials used to train the Equity Resolution Team members are publicly available on the [Civil Rights Investigation Team](#) webpage.

Available Advocacy Services

The Equity, Access & Opportunity (EAO) Advocate is the designated coordinator of support services for all members of the campus community who have been impacted by or are involved in an Equity Resolution Process - including, but not limited to, Complainants, Respondents, and Witnesses.

The EAO Advocate is a neutral and confidential support service who is available to provide support services during and after an Equity Resolution Process. At the onset of an Equity Resolution Process, the EAO Advocate will email the Complainant and Respondent to offer support services. Anyone who is participating in an Equity Resolution Process may reach out to the EAO Advocate at any time to request a supportive measures meeting. To schedule an appointment, email advocacy@tiffin.edu.

Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is available.

Choosing an Advisor who is also a witness in the process may create potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

The University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney. Similarly, if a party's advisor fails to abide by the expectations set forth in this Policy, Tiffin University may require the party to identify a different advisor.

Who Can Serve as an Advisor

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

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the University, the Advisor will be trained by the University and be familiar with the resolution process.

If the parties choose an Advisor from outside the Equity Resolution Team, the Advisor may not

have been trained by the University and may not be familiar with University policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

An Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

Role of the Advisor

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith

While the advisor generally may not speak on behalf of their advisee, the advisor may consult with their advisee, either privately as needed, or quietly by-passing notes during any resolution process meeting or interview, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks to step out of meetings to allow for private consultation..

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and policies and procedures of the University.

Expectations of an Advisor

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

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

Advisor Violations of University Policy

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings.

Advisors should not address University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Sharing Information with the Advisor

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

Tiffin University also provides a consent form that authorizes the University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before University is able to share records with an Advisor.

If a party requests that all communication be made only through their Advisor, the University will not comply with that request as it leaves the party uninformed and pose as a challenge if the party changes Advisors during the process.

Privacy of Records Shared with the Advisor

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

Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

Assistance in Securing an Advisor

Parties may consider contacting the following organizations to seek an Advisor for this process:

Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)

- SAVE (<http://www.saveservices.org>).

Complainant may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]

Ohio Legal Assistance for low income may wish to contact organizations such as:

- Legal Aid Programs
 - o Advocates for Basic Legal Equality, Inc. (ABLE) <http://www.ablelaw.org/> (Offices in Dayton, Toledo, Defiance)
 - o Legal Aid of Western Ohio, Inc. (LAWO) <http://www.lawolaw.org/>
- Statewide Legal Services Program
 - o Disability Rights of Ohio
<http://www.disabilityrightsohio.org/sites/default/themes/disabilityrightsohio/dro/index.html>

Section XII- Equity Resolution Procedures

Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, Tiffin University initiates a prompt initial assessment to determine the next steps the University needs to take.

Preliminary Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an preliminary assessment process, which is typically one to five business days in duration. The steps in an initial assessment include, but are not limited to:

1. Preliminary Assessment Meeting - The Complainant may choose to meet with the Title IX Coordinator, or their designee, to discuss the alleged conduct. During the meeting, the Title IX Coordinator will assess jurisdiction, impact, the relevant policy, and the Complainant's requests regarding resolution. Additionally, information on equity resolution processes and supportive measures will be provided. The Title IX Coordinator may collaborate with the EAO Advocate as needed to implement supportive measures.
2. Preliminary Assessment - The Title IX Coordinator reviews the information provided in the incident report and/or preliminary assessment meeting to determine if the alleged conduct falls within the scope of the Title IX & Civil Rights Policy.
3. Preliminary Assessment Follow Up Meeting - The Title IX Coordinator will share the outcome of the Preliminary Assessment and notify the Complainant whether or not the alleged violation falls within the scope of the Title IX & Civil Rights Policy.
 - a. If the alleged conduct does fall within the scope of the Title IX & Civil Rights Policy, the Complainant will have the option to file a Formal Complaint and move forward with the Equity Resolution Process of their choosing (if any). Please see *Tiffin University Response Options* section below.
 - b. If the alleged conduct does not fall within the scope of the Title IX & Civil Rights Policy, the Title IX Coordinator will notify the Complainant that the claim will be dismissed from the Title IX and Civil Rights Resolution Process and referred to another process (e.g., Student Conduct, Human Resources, etc.). See *Mandatory Dismissal* and *Discretionary Dismissal* sections below.

Tiffin University Response Options

Following the completion of a the Preliminary Assessment, Tiffin University will initiate the Equity Resolution Process indicated by the Complainant:

- **Response 1:** Supportive Measures
- **Response 2:** Formal Complaint Seeking Informal Resolution
- **Response 3:** Formal Complaint Seeking Formal Grievance Process

The Title IX Coordinator will collaborate with the EAO Advocate as needed to implement supportive measures for involved parties, including the Complainant, Respondent, and Witnesses at any point in the Equity Resolution Process.

When a Complainant Does Not Wish to Proceed or is Unresponsive

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

If a Complainant does not respond following the report of an alleged policy violation, the Title IX Coordinator will make two (2) additional attempts to contact the Complainant. If the Complainant does not respond at all, the Title IX Coordinator will send written acknowledgement of nonparticipation. The Complainant may choose to participate at a later time.

The Title IX Coordinator has discretion over whether Tiffin University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate Violence Risk Assessment (VRA), described below.

The decision of the Title IX Coordinator should be based on results of the VRA that show a compelling risk to health and/or safety that requires Tiffin University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Additionally, Tiffin University may act on alleged employee misconduct irrespective of the wishes of the Complainant.

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

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant. The Advisor does not and cannot provide testimony at the hearing or during the investigation.

Note that the ability for the University to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance

process². The goal is to provide the Complainant with as much control over the process as possible, while balancing the obligation of the University to protect its community.

In cases in which the Complainant requests confidentiality and/or no formal action and the circumstances allow the Tiffin University to honor that request, the University will offer informal resolution, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Tiffin University, and to have the incidents investigated and properly resolved through these procedures.

Violence Risk Assessment

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted in conjunction with offices such as Student Affairs and/or Human Resources, using their standard objective violence risk assessment procedures.

A VRA is not a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

Temporary Emergency Removal

Tiffin University can act to temporarily remove a Respondent entirely or partially from its education program or activities on an emergency basis when a VRA has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. For Title IX matters, the University will undertake an individualized safety and risk analysis and determine whether there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX sexual harassment that justifies removal.

In all cases in which a Temporary Emergency Removal is imposed, the student and/or employee will be given notice of the action, and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This notice will include information on how to request a meeting with the Title IX Coordinator and that the meeting request should be received within two (2) business days of the Notice of Temporary Emergency Removal.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within 48-hours, objections to the emergency removal will be deemed waived for the purposes of ceasing the removal process.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title

² No adverse inferences will be drawn because of a Complainant, Respondent, or Witness' lack of participation in the resolution process.

IX Coordinator for this meeting. The Respondent will be given access to a written summary of the basis for the Temporary Emergency Removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator, in consultation with Counseling and Wellness and Campus Safety and Security, has sole discretion under this policy to implement a Temporary Emergency Removal and to determine the conditions and duration. Failure to comply with a Temporary Emergency Removal under this policy will be grounds for discipline, which may include expulsion or termination.

Tiffin University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

The conditions of a Temporary Emergency Removal will remain in place until after an investigation into the allegations in the formal complaint and any applicable hearing concludes or available information demonstrates that the Respondent no longer poses an immediate threat to the physical health or safety of a student or other individual.

Mandatory Dismissal Discretionary

Tiffin University will dismiss a Title IX Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the formal complaint would not constitute a violation of the Title IX & Civil Rights Policy herein above, even if proved; and/or
- The conduct alleged did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or
- At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the University; and/or

Discretionary Dismissal

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

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; and/or
- The Respondent is no longer enrolled in or employed by the University; and/or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

The University will promptly send written notice of any dismissal and the rationale for doing so simultaneously to the parties.

A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Dismissal Appeals

This dismissal decision is appealable by any party. Procedures for dismissal appeal follow the same procedures outlined in *Section XVI: Appeals*, described below.

Counterclaims

The Title IX Coordinator will conduct an initial assessment process to evaluate counterclaims in the same manner as it evaluates initial reports. Investigation of such claims may take place after resolution of the initial allegation, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator.

Section XIII- Response 1: Supportive Measures

Upon receipt of a report of an alleged policy violation, the University may impose reasonable and appropriate supportive measures to ensure equal access to the University's educational programs with as minimal an impact on the parties as possible. The University will implement measures in a way that does not unreasonably burden the other party, without fee or charge, and without treating the Respondent as responsible for the alleged policy violations unless and until the completion of a Formal Grievance Process that determines the Respondent to be responsible for a policy violation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and on a case-by-case basis. They include measures designed to protect the safety of all parties or the University's educational environment, and include measures to deter policy violations. Supportive measures are available to both the Complainant and Respondent regardless of whether the Complainant chooses to file a Formal Complaint.

Tiffin University will maintain the privacy of the supportive measures, provided that privacy does not impair the ability of the University to provide the supportive measures.

Possible Supportive Measures

Potential supportive measures, implemented on behalf of the Complainant and/or the Respondent to the extent reasonably available and warranted by the circumstances, include, but are not limited to:

- Academic Support
 - Class Schedule Modification
 - Inform Professor(s), Dean, Advisor, Coach(es), Etc.
- Medical Support
 - General Sexual Assault Response Services
 - Pregnancy Testing
- Mental Health Support
 - Counseling
 - Safety Plan (Mental Health)
- Safety & Security Support
 - Safety Plan (Dating/Domestic Violence)
 - No Contact Order (Tiffin University)
- Reporting Support
 - Civil Rights Report (Title IX, Title VII, ADA) (Tiffin University)
 - Criminal Report (Seneca County)
- Physiological Support
 - Food Pantry
 - Altering Campus Housing Assignments
- Financial Aid Support
 - Financial Aid Consultation
 - Free Application For Federal Student Aid (FAFSA)
- International Support
 - Translation Services

- Visa & Immigration Assistance
- Disability Support
 - Reasonable Accommodations
- Insurance Support
 - Student Insurance (Tiffin University)
 - Outside Insurance (Non-University)

Section XIV- Response 2: Formal Complaint Seeking Informal Resolution

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism (including mediation, restorative practices, etc.)
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing a Negotiated Resolution to remedy the situation

To initiate Informal Resolution, a Complainant needs to submit a Formal Complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

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

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

Alternate Resolution

Alternate Resolution is an informal process (including mediation or restorative practices, etc.) by which a mutually agreed upon resolution of an allegation is reached. All parties must consent to the use of Alternate Resolution.

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

Negotiated Resolution

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

Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any

point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used.

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

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution.

If all parties do not consent to Informal Resolution or the parties cannot agree on all terms of resolution, the Formal Grievance Process will initiate or resume at the same point where it was paused.

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

Section XV- Response 3: Formal Complaint Seeking Formal Grievance Process

Resolution Timeline

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

Hearings for possible violations that occur near or after the end of an academic term and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-120 business day goal for resolution.

In these cases, if the Respondent is a graduating student or transferring, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

Notice of Investigation and Allegations

The Title IX Coordinator will provide simultaneous written Notice of the Investigation and Allegations (NOIA) to the Complainant and Respondent upon commencement of the Formal Grievance Process and receipt of a signed formal complaint. This allows both parties to prepare for the investigation interview and to identify and choose an Advisor to accompany them.

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

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Appointment of Investigator(s)

Once the decision to commence a Formal Grievance Process is made, the Title IX Coordinator appoints an Equity Resolution Team Member(s) to conduct the investigation (typically using one or a team of two Investigators), usually within (2-5) business days of determining that an investigation should proceed.

Ensuring Impartiality

Any individual materially involved in the administration of the resolution process including the Title IX Coordinator, Investigator(s), and Decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or

conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or Witness.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the preponderance of evidence standard.

Investigation

Investigations are completed expeditiously, normally within 30-60 business days. Depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc., this timeline may be extended with just cause. The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

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

The Investigator(s) typically take(s) the following steps, if not already completed – additional investigatory steps may also be deemed relevant and necessary:

- Schedule and complete investigation interviews with the Complainant and Respondent
- Schedule and complete investigation interviews with Witnesses
- Get transcriptions made of all investigation interviews
- Allow the Complainant, Respondent, and Witnesses the opportunity to review and comment on investigation interview transcriptions to ensure that it is complete, truthful, and fully captures their account,
- Write a comprehensive draft investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence, including appendices with relevant physical, or documentary evidence
- Gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Share the draft investigation report and evidence with the Complainant, Respondent and their Advisors through secure electronic transmission for a ten business day review and comment period

- Update the draft report following the initial ten business day comment period incorporating the Parties' comments and suggestions, as appropriate
- Share the updated draft investigation report and evidence with the Complainant and Respondent and their Advisors for a ten business day review and comment period
- Share the report with the Title IX Coordinator who will share with legal counsel for their review and feedback
- Incorporate any relevant feedback in the final report
- Share the final investigation report and evidence with Complainant, Respondent and their Advisors through secure electronic transmission at least ten business days prior to a hearing

Role and Participation of Witnesses in the Investigation

Identified Witnesses will be invited to participate in an investigation interview with the assigned Investigator(s). Witness participation in the investigation interview is voluntary. Any witness may choose not to offer evidence and/or answer questions during an investigation interview, either because they do not attend an interview, or because they attend but refuse to participate in some or all questioning.

The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility.

Recording of Interviews

The Investigator(s) will record investigation interviews for transcription and documentation purposes. No unauthorized audio or video recording of any kind is permitted during investigation interviews.

Delays in the Investigation Process

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

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

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

Notice of Hearing

At the conclusion of the investigation, once the final investigation report is shared with the parties, the Title IX Coordinator will send a notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The hearing cannot be less than ten business days from the conclusion of the investigation,

unless all parties and the Hearing Chair agree to an expedited timeline.

Appointment of Hearing Panel

The Title IX Coordinator will select an appropriate three-member hearing panel from the Equity Resolution Team. The University will designate a three-member panel from the Equity Resolution Team, at the discretion of the Title IX Coordinator. With a panel, one of the three members will be appointed as Hearing Chair by the Title IX Coordinator.

The three-member panel will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Equity Resolution Team sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators may be witnesses in the hearing and therefore may not serve on the three-member panel. Those who are serving as Advisors for any party may not serve as the three-member panel in that matter.

The parties will be given a list of the names of the three-member panel at least five (5) business days in advance of the hearing. All objections to any panel members must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Any members of the three-member panel will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the three-member panel a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any members of the three-member panel who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a member of the three-member panel is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

Pre-Hearing Meeting

The purpose of the Pre-Hearing Meeting is to review the hearing procedures, the rights and expectations of the Parties in this process, and answer any questions in preparation for the hearing. The parties have the opportunity to submit questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing.

During the ten business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

The parties may each submit a written impact statement prior to the hearing for the consideration of the three-member panel at the sanction stage of the process when a determination of responsibility is reached.

Hearing

At the hearing, the three-member panel has the authority to hear and make determinations on all allegations of policy violations including those allegations that may not specifically fall within this Policy.

Participants at the hearing may include the Hearing Chair, Hearing Panelists, the Hearing Facilitator, the Investigator(s) who conducted the investigation, the Parties, Advisors to the Parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations or assistive services. The Chair and/or the Title IX Coordinator will answer all questions of procedure.

Role and Participation of Witnesses in the Hearing

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Hearing Panel and the parties and will then be excused.

Evidence and witnesses may only be presented at the hearing if they were submitted to the investigator(s) and made available to the parties for review, unless they were unavailable at the time of the investigation or the relevance was unknown until the investigative report was submitted. The decision-maker will address any requests to present new evidence and new witnesses at the pre-hearing conference.

Identified Witnesses will be invited to participate in the Hearing. Participation in the Hearing is voluntary. Any witness may choose not to answer questions during a hearing, either because they do not attend the Hearing, or because they attend but refuse to participate in some or all questioning. If a Party or witness does not appear at the Hearing or make themselves available for cross examination, the Decision Maker may still consider that Party's or witness's previous statements but may, in the Decision Maker's discretion, give lesser weight to that Party or witness's statements when reaching a determination of responsibility.

The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility, including prior statements and evidence provided by witnesses who do not participate at the hearing.

The Decision Maker will not draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the Hearing or refusal to answer cross examination or other questions.

Recording Hearings

Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The three-member panel, the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording.

Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual(s) of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

Steps in the Hearing Process

- Welcome and Procedural Reminders
- Introductions and Overview of Roles
- Overview of the Hearing Process
- Party Rights and Responsibilities
- Review of Policy
- Investigative Report Summary and Investigator Cross Examination
- Complainant Testimony and Cross Examination
- Respondent Testimony and Cross Examination
- Witness Testimony and Cross Examination
- Closing Statements
- Conclusion and Next Steps

Cross Examination, Decorum, and Relevancy Determinations

The Parties, Witnesses, and Investigators will be invited to submit to questioning by the three-member panel and then by the Parties through their Advisors.

Parties are permitted to communicate with the Advisors at any time during the hearing, except while a question is pending. Advisors are not permitted to tell their parties how to answer questions as they are responding. If the party wishes to consult privately with their Advisor, they may do so. If lengthy private consultations are necessary, they may request a break.

All questions must be asked by an Advisor. The Hearing Chair must verbally declare each question to be relevant or not relevant before the question is answered. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance. Parties should wait until the Hearing Chair has determined relevance before answering.

Relevant questions are those tending to prove or disprove a fact at issue, or those that go to credibility. Questions that are not relevant include:

- Repetitive questions that have already been asked and answered.
- Questions seeking information that is protected by a legally recognized privilege, such as attorney-client privilege, where that privilege has not been waived.
- Questions seeking to elicit information about the party's medical, psychological, or counseling records, unless the Party has given voluntary, written consent for their use in this process.
- Questions regarding the Complainant's sexual predisposition or prior sexual behavior, unless the questions are either:
 - Offered to prove that someone other than the Respondent committed the conduct
 - The questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent as are offered to prove consent.

The Hearing is not a court proceeding, and is not nearly as formal. There are no "objections" and things like hearsay are not excluded. However, the Hearing Chair will be transparent about relevance determinations. If an Advisor has any questions or concerns regarding a relevance determination, they should inform the Hearing Chair and the Hearing Chair will consult with Advisors as appropriate. This will be permitted as long as it does not become disruptive.

Neither the parties nor the three-member panel should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

If a party's Advisor of choice refuses to comply with the established rules of appropriateness for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

Refusal to Submit to Cross-Examination

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

Deliberation, Decision-Making, and Standard of Proof

The three-member panel will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding for the panel. The preponderance of the evidence standard of

proof is used. The Title IX Coordinator will attend the deliberation, but is there only to facilitate procedurally, not to address the substance of the allegations. This process may take three to five business days. Title IX Coordinator will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

Evidentiary Considerations

Any evidence that the three-member panel determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) irrelevant character evidence related to the parties; or 3) questions and evidence about the sexual predisposition or prior sexual behavior of the Complainant, unless such questions and evidence about prior sexual behavior of the Complainant 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 prior sexual behavior of the Complainant with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility.

When there is a finding of responsibility on one or more of the allegations, the three-member panel may then consider the previously submitted Party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the Parties has an opportunity to review any impact statement submitted by the other party(ies). The three-member panel may – at their discretion – consider the statements, but they are not binding.

The three-member panel will review the statements and any pertinent conduct history provided by the appropriate administrator and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

Notice of Outcome

Following deliberations, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome will then be reviewed by legal counsel. The Title IX Coordinator will then share the Notice of Outcome, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors. This process may take seven to ten business days depending on the availability and recommendations from legal counsel. Title IX Coordinator will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

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

Per 34 C.F.R § 106.45(b)(7)(ii), the Notice of Outcome must include:

- Identification of the allegations potentially constituting sexual harassment as defined in § 106.30;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the recipient's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- The recipient's procedures and permissible bases for the complainant and respondent to appeal.

Section XVI: Appeals

Any party may file a request for appeal, but it must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome or Notice of Dismissal and must state the specific grounds for appeal.

A single Appeal Decision-Maker (“Appeal Chair”) chosen from the Equity Resolution Team will be designated by the Title IX Coordinator who was not previously involved in the process, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal. This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds for appeal and is timely filed.

Grounds for Appeal

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter (e.g. material deviation from established procedures).
- 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. A summary of this new evidence and its potential impact must be included in the submitted appeal request.
- 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 specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

Disagreement with the investigation findings or determination is not, by itself, grounds for appeal.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the Title IX Coordinator who will notify the Parties, and, when appropriate, the Investigators and/or the original Decision-Makers.

The Parties and, when appropriate, the Investigators and/or the original Decision-Makers will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Title IX Coordinator to the Appeal Chair to all Parties for review and comment.

The non-appealing Party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed by the Appeal Chair and either denied or approved following the same procedures listed above. If approved, it will be forwarded to the Party who initially requested an appeal, the Investigator(s) and/or original Decision-Makers, as necessary, who will submit their

responses in three business days, which will be circulated for review and comment by all Parties.

Neither party may submit any new requests for appeal after this time period. All information needed and all documentation regarding the approved grounds and the subsequent responses will be reviewed by the Appeals Chair. The Chair will render a decision in five to ten business days. All decisions apply using the preponderance of the evidence standard.

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

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

Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing remain in place during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

Tiffin University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal.

Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for the Appeal Chair to substitute their judgment for that of the original Decision-Maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair may request any additional information necessary to the review of the Appeal. This includes requests for clarification or additional explanation from the Investigator(s) or Decision-Maker(s). If requested, such information will be provided to the parties who will be given the opportunity to respond before the appeal is finalized.
- Appeals granted based on new evidence will be remanded to the original Investigator(s) and/or Decision-Maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-Maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-Maker(s).

- The results of a remand to a Decision-Maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Section XVII: Sanctions & Remedies

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

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

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

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

Student Sanctions

Sanctions that may be imposed upon students or organizations include but are not limited to those that are outlined in "Part III- Section X –Sanctions & Outcomes Defined" of the [Student Code Of Conduct](#).

Employee Sanctions

Sanctions that may be imposed upon employees of the university include but are not limited to those that are outlined in "Section 2: Personnel Practices- Corrective Action" of the [Personnel Handbook](#).

Student Withdrawal While Charges Pending

If a student has an allegation pending for violation of the Title IX & Civil Rights Policy, the University may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the University, the resolution process may end if the University no longer has disciplinary jurisdiction over the withdrawn student.

If the resolution process ended following Respondent's departure from the University, the University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged conduct. If a student withdraws or leaves while the process is pending, the student may not return to the

University. Such exclusion applies to all campuses of the University. A hold will be placed on their ability to be readmitted. They may also be barred from University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely, and that student is not permitted to return to the University unless and until all sanctions have been satisfied.

During the resolution process, the University may put a hold on a responding student's transcript or place a notation on a responding student's transcript or dean's disciplinary certification that a disciplinary matter is pending.

Employee Resignation While Charges Pending

Should an employee Respondent resign with unresolved allegations pending, the resolution process may end if the University no longer has disciplinary jurisdiction over the resigned employee.

The University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination if the resolution process ended after the Respondent left the institution.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the University and the records retained by the Title IX Coordinator will reflect that status.

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

Failure to Comply with Sanctions, Remedies, and/or Responsive Actions

All Respondents are expected to comply with the assigned sanction(s), within the timeframe specified by the final Decision-Makers.

Failure to abide by the sanction(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved and as approved by the Title IX Coordinator.

Long-Term Remedies/Other Actions

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

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

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments

- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the Parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access.

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

Section XVIII: Operational Information

Recordkeeping

Tiffin University will maintain for a period of seven years records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation.
- Any disciplinary sanctions imposed on the Respondent.
- Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity.
- Any appeal and the result therefrom.
- Any Informal Resolution and the result therefrom.
- All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. University will make these training materials publicly available on University's website. (Note: If the University does not maintain a website, the University must make these materials available upon request for inspection by members of the public.); and
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - The basis for all conclusions that the response was not deliberately indifferent.
 - Any measures designed to restore or preserve equal access to the University's education program or activity; and
 - If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Tiffin University will also maintain all records in accordance with state and federal laws.

Revision of this Policy and Procedures

This Policy and procedures supersede any previous Policies addressing harassment, sexual misconduct, discrimination, and/or retaliation and will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

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

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

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

This Policy and Procedures are effective August 2023.