

**Regis University Nondiscrimination and Sexual Misconduct Policy
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REGIS UNIVERSITY NONDISCRIMINATION AND SEXUAL MISCONDUCT POLICY

Regis University does not discriminate on the basis of race, color, national origin, sex, gender, disability, age, religion, veteran status, marital status, pregnancy, parental status, gender identity, sexual orientation, genetic information or any other legally protected status [“protected class”] in any of its policies, programs, admissions or activities and provides equal access to education.

All Regis University community members (faculty, students, staff, administrators, trustees, contract personnel, agents, visitors, invitees, and volunteers) are prohibited by law and this policy from engaging in acts of harassment or discrimination based on actual or perceived membership in a protected class or sexual misconduct. Regis University also does not allow retaliation against any individual who makes a complaint of discrimination or sexual misconduct or otherwise has engaged in protected activity as outlined under this policy. Regis University’s nondiscrimination policy extends to employment, education and admission. Regis will endeavor to take immediate and appropriate corrective action up to and including discipline, expulsion or dismissal, in cases where it has been determined that discrimination or sexual misconduct has occurred. The following person has been designated to handle inquiries regarding this policy:

Karin Ranta-Curran
Interim Equal Opportunity & Title IX
Coordinator 3333 Regis Boulevard B-4
Main Hall 204
Denver, CO 80221-1099
Telephone: 303-964-6435
E-mail: krantacurran@regis.edu

A disability related request for a reasonable accommodation should be made to the Office of Student Disability Services and Testing when the individual requesting the accommodation is a student, or to Human Resources when the individual is an employee. Appeals about a disability-related accommodation for a student are governed by the procedure available for these claims with the [Office of Student Disability Services and Testing](#). A complainant of disability discrimination or a complaint of failure to accommodate for an employee may be made under this policy to the EO & Title IX Coordinator. For requests for reasonable accommodations related to a disability please contact:

Student Disability Services
Director, Student Disability Services & Testing
3333 Regis Blvd., Clarke Hall
Denver, CO 80221-1099
Phone: 303-458-4941
disability@regis.edu

Employee Disability Services
Human Resources
3333 Regis Blvd., West Hall
Denver, CO 80221-1099
Phone: 303-458-4161
hrinfo@regis.edu

Consistent with the requirements of Title IX of the Education Amendments of 1972, Regis

University community members have the right to be free from all forms of sex and gender-based discrimination during the course and scope of their employment or engagement in educational or other activities at the University. Sexual harassment, nonconsensual sexual contact or penetration, sexual exploitation, relationship violence (including domestic and dating violence) and stalking are some forms of sex and gender-based discrimination that are considered violations of this policy and will be referred to under the umbrella term sexual misconduct throughout the policy.

If a responsible employee is aware of discrimination or sexual misconduct involving Regis faculty, staff or students without regard to where it occurs, he or she must promptly report the incident to the EO & Title IX Coordinator to the extent required by this policy.

In the event that a member of the University reports discrimination or sexual misconduct to the University, Regis will evaluate if the conduct merits an investigation. This process involves conducting a preliminary inquiry to determine if the reported conduct falls under this policy and if the University has jurisdiction to investigate. If a determination is made to proceed with an investigation, the University will initiate a prompt, equitable, thorough and impartial investigation to stop the conduct, prevent future similar incidents, provide a fair and reliable determination about whether University policy has been violated, and implement a remedy designed to end the conduct, prevent its recurrence and address its effects.

Definitions of Terms Used in this Policy

Please refer to “*Appendix A - Policy Definitions*” for relevant definitions pertaining to Nondiscrimination and Sexual Misconduct procedures, including violations of this policy.

Romantic or Sexual Relationships between Employees

Consensual romantic or sexual relationships between employees in which one party maintains a leadership, direct supervisory or evaluative role over the other party must be reported. This applies to relationships between employees and relationships between employees and contractors. This applies to students in a supervisory role, such as Resident and Graduate Assistants and students they supervise. Persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of the EO & Title IX Coordinator, or the Director of Human Resources. Involvement in consensual relationships will likely result in the removal of the employee from supervisory or evaluative responsibilities, or removal of the other party from being supervised or evaluated by the individual with whom they have established a consensual relationship. Reports may be made directly to one of the individuals noted above, or through the online reporting form (located on the EO & Title IX website). Failure to self-report such relationships can result in disciplinary action for an employee. Employees are prohibited from making, participating in, or otherwise influencing decisions affecting an employee’s progress or standing or which may reward or penalize an employee, with whom the employee has a current or former sexual or romantic relationship.

Romantic or Sexual Relationships between Students and Employees

Regis University prohibits any dating, romantic, or sexual relationship between an employee/faculty/affiliate faculty and any student over whom that employee has any instructional, supervisory, advising, or evaluative responsibility. Employees who violate this policy are subject to disciplinary action. This policy strives to provide an environment that is free from sexual harassment. This policy is rooted in the recognition that faculty or staff - student relationships may be inherently unequal and contain an element of superiority or power.

How to Report Discrimination or Sexual Misconduct

The University's primary concern is the safety of its community members. If you or someone you know has been the recipient of behavior or action that falls under this policy, you are encouraged to first attend to your own safety and health.

If a University responsible employee, as set out below, is aware of possible discrimination or sexual misconduct, without regard to where it occurs, he or she must report it to the EO & Title IX Coordinator.

All members of the University community are encouraged to report incidents of discrimination, including sex or gender-based misconduct.

It is important that reports are made as soon as possible, preferably within 24 hours of learning about an incident that involves discrimination or sexual misconduct. The EO & Title IX Coordinator will evaluate whether a report to law enforcement is required. After normal business hours, students may report to Residence Life professional staff or Campus Safety, who are available 24 hours a day.

University Reporting Options for Complainants

Discrimination: Students who experience discrimination or retaliation (excluding sexual misconduct) have the right to report or not to report it to the University. If a student chooses to make a report to the University, that individual can do so by: 1) anonymously using the Incident Reporting Form under Reporting Options on the EO & Title IX webpage; 2) contacting a confidential resource identified in this policy; or 3) contacting the EO & Title IX Coordinator.

Employees who experience discrimination or retaliation (excluding sexual misconduct) are required to report it by either 1) informing their supervisor; 2) contacting Human Resources; or 3) contacting the EO & Title IX Coordinator.

Sexual Misconduct: Members of the University community who experience sexual misconduct have the right to report or not to report it to the University. If a recipient of sexual misconduct chooses to make a report to the University, that individual can do so by: 1) anonymously using the Incident Reporting Form under Reporting Options on the EO & Title IX webpage; 2) contacting a confidential resource identified in this policy; or 3) contacting the EO & Title IX Coordinator. While a complainant can choose to not report sexual misconduct, please be aware

that the University cannot take action to address the situation if they are not made aware of the circumstances.

Law Enforcement Reporting Options for Complainants

Complainants and witnesses have the option to report or decline to report all incidents of sexual misconduct and hate crimes to law enforcement. An investigation conducted by the University is distinct from any investigation conducted by law enforcement. An investigation conducted by the University flows from the University's obligation under Title VI, VII, IX and related federal and state laws to ensure that it is providing a safe environment for all community members. Therefore, if an individual wishes to pursue options in the criminal justice system, a report should be made to law enforcement in the location where the crime occurred. A student or employee may be assisted with making a police report by the EO & Title IX Coordinator, a Deputy EO & Title IX Coordinator, the Asst. Director of Victim Advocacy & Violence Prevention or Campus Safety. *See Appendix E for law enforcement resources.*

Amnesty for Complainants and Witnesses

Regis University encourages the reporting of discrimination and sexual misconduct by complainants and witnesses. Sometimes, complainants or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to report to University officials, and that witnesses come forward to share what they know. To encourage good faith reporting, Regis University pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident, such as personal consumption of drugs or alcohol.

Employee Reporting Obligations

University personnel on campus who become aware of discrimination or sexual misconduct have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles. The following are some guidelines.

Responsible employees (as identified below) include any employee who has the authority to take action to redress the discrimination or sexual misconduct alleged. All responsible employees must report incidents of discrimination or sexual misconduct to the EO & Title IX Coordinator as soon as possible when they learn directly or indirectly about the alleged incident. Responsible employees are required to report the alleged conduct and cannot withhold personally identifiable information (such as the name of the complainant, the name of the respondent, or other identifying details about witnesses, location, etc.) If the complainant requests confidentiality or does not wish for an investigation to take place, the complainant or the reporting party should make such a request to the EO & Title IX Coordinator. If a member of the University community speaks to a responsible employee about discrimination or sexual misconduct, the responsible employee should inform the individual of the responsible employee's duty to report. While an

employee or University official can't guarantee confidentiality, a responsible employee should let anyone reporting to them know that the University seeks to respect that individual's privacy.

If a report of discrimination or sexual misconduct is made to a responsible employee, notice to them is official notice to the University and triggers the University's obligation to inquire or investigate the report. Therefore the reported information may be shared with people who need to know, such as investigators, witnesses, the respondent and University officials with a responsibility to respond or aid in the University's response.

All Regis University employees, including faculty and staff, regardless of title or full-time or part-time status, are responsible employees.

The following student employees are also responsible employees:

1. Student Housing and Residential Engagement (SHaRE) Resident Assistants and Lead Resident Assistants ("RAs")
2. Student Housing and Residential Engagement (SHaRE) Desk Assistants ("DAs")
3. Athletics Graduate Assistants

Privileged or Confidential Resources

Unless there is a statutory duty to do so, such as instances of child abuse and neglect or threats of homicide or suicide, the employees who are not required to report incidents of sexual misconduct to the University include:

1. Campus mental health counselors and staff (when providing counseling services)
2. Jesuits and those studying to become a Jesuit (when acting in the capacity as a Jesuit)
3. University Ministry staff (excluding peer ministers)
4. Asst. Director of Victim Advocacy & Violence Prevention (complainants in sexual misconduct cases)
5. Health Services Providers and staff
6. Mental Performance Coach (for University varsity athletes only)

Individuals who do not wish to have the University respond to their claims of sex or gender-based discrimination, including sexual misconduct, should limit their disclosures to employees in the above-listed privileged or confidential category, who are not required to report to the EO & Title IX Coordinator.

The University has deemed the above employees a confidential resource – whom may withhold identifiable information to the extent consistent with the law, only where they are acting in the scope of their license or certification for these functions and/or working in their professional capacity. Although these individuals are not required to report instances of sexual misconduct, they are encouraged to provide complainants with information about campus resources for counseling, medical treatment and support. *See Appendices D & E.* The above employees may assist Regis community members with filing a complaint under this policy if the individual so chooses. A confidential resource accused of discrimination or sexual misconduct will be treated

as a respondent under this policy. Interim measures, including a designation as a confidential resource, will be assessed in such circumstances.

As Campus Security Authorities under the Clery Act, the above confidential resources submit timely anonymous statistical information to the Department of Campus Safety for the Annual Security and Fire Safety Report. This anonymous statistical information includes the nature, date, time, and general location of the incident and not personally identifiable information.

There are a number of services that provide confidential counseling to members of the University community. *See Appendix E for counseling and other resources.*

Other Employees and Community Members

Other community members not identified above as a responsible employee or a privileged or confidential resource, are encouraged but not required, to report instances of discrimination and/or sexual misconduct involving students. However, all employees are required to report any form of discrimination or sexual misconduct involving a Regis University employee, to their supervisor, Human Resources or the EO & Title IX Coordinator within 120 days of the incident. This reporting obligation extends to any employee that identifies as a complainant experiencing any form of discrimination that is not sexual misconduct (for example, a report of race or other forms of gender discrimination).

Other Reporting Guidelines

In compliance with the Family Education Rights and Privacy Act (FERPA), the University will generally not notify parents or legal guardians of a student's report of sexual misconduct unless the student: 1) provides the University with written permission; or 2) sharing the information is necessary to protect the health or safety of the student or another individual. All University employees are mandatory child abuse and neglect reporters and may be required to report to the police if a victim is under the age of 18.

Members of the Regis University community who experience discrimination or sexual misconduct while performing University-related duties in a clinical or other external setting are encouraged to report any incidents to the appropriate Regis University official and to an appropriate official at the external site. In such cases, Regis generally contacts the external institution to cooperate in conducting an investigation. Regis University may also conduct an investigation if possible and when appropriate.

Requests for Confidentiality

A complainant has the right to request confidentiality when reporting discrimination or sexual misconduct to the University. The complainant also has the right to request that the University not investigate an incident that has been reported. Confidential resources are available to provide options and assist individuals with making an informed decision about reporting as noted under Privileged and Confidential Resources above.

If discrimination or sexual misconduct occurs, Regis University encourages those affected to take action. If the complainant of such conduct chooses not to report, or requests confidentiality and/or anonymity, that individual must be aware that this choice could limit the University's ability to respond and the outcome.

In limited cases, if a recipient of discrimination and/or sexual misconduct chooses to report confidentially or asks that no further action is taken, an investigation may still be initiated if there is cause for concern for the complainant's safety or the safety of others or if the alleged conduct is occurring in an employment setting. The EO & Title IX Coordinator and/or a representative from the EO & Title IX Office, often in consultation with a representative from the Office of the Vice President for Student Affairs and other University officials with a need to know, evaluates requests for confidentiality and determines whether the University will proceed with an investigation.¹ Factors to be considered to decide whether to proceed with an investigation typically include, but are not limited to:

- 1) whether there is an increased risk of the respondent committing additional acts of sexual misconduct or other violence;
- 2) whether information received indicates a pattern of behavior, such as two or more reports of discrimination or sexual misconduct under similar circumstances;
- 3) whether a weapon, physical violence or a drug was allegedly used to commit, or intend to commit, sexual misconduct or other violence;
- 4) an employee is the complainant or respondent; and
- 5) a minor is the complainant.

Disclosures of discrimination, sexual misconduct, or bias incidents made during Social Justice Week events, a Take Back the Night rally, or similar events are not required to be reported. In addition, prior life disclosures² made in the course of a student's academic work, for example, that does not involve accusations against a Regis community member and that took place prior to the student's enrollment at Regis, are not required to be reported.³

Anonymous Reports of Discrimination and/or Sexual Misconduct

Anonymous reports of incidents involving students and employees may be made through the University's online reporting form located on the EO & Title IX webpage under Reporting Options. Anonymous reports may also be made through the Office of Counseling and Personal Development at 303-458-3507 or the Asst. Director of Victim Advocacy & Violence Prevention at 303-458-4029 when incidents involve students or employees. Anonymous reports are not intended for the use of responsible employees to fulfill their obligation to report, unless the responsible employee is the complainant.

¹ A University counselor, Campus Safety official and Human Resources professional are examples of others who may have a need to know and may be included in this decision.

² Prior Life Event/Disclosure: An occurrence of discrimination or sexual misconduct unrelated to the complainant's relationship with Regis University experienced prior to first-time registration for classes at Regis University or their hire date.

³ Unless the report involves child abuse and neglect reportable under Colorado law.

Interim Measures

Regis University offers temporary measures for complainants and respondents of discrimination and/ or sexual misconduct, if such changes are available and reasonable under the circumstances. Interim measures are used to address safety concerns and to minimize the impact of the alleged conduct on involved parties. Failing to abide by an interim measure, such as a no contact order, may be considered a violation of this policy or the Student Code of Conduct. Interim measures may be temporary, pending the results of an investigation, or may become permanent as determined by Regis University.

Accommodations may include, but are not limited to:

1. Housing accommodations such as change from on-campus housing to a different on campus or off-campus location; assistance from University staff to complete relocation and arranging to dissolve a housing contract and pro-rating a refund;
2. Academic accommodations such as rescheduling an exam or other academic work; taking an incomplete in class; transferring class sections or clinical assignment; temporary withdrawal or alternative course completion;
3. Assistance in arranging for alternative student employment and changing work schedules;
4. Accessing health services;
5. No contact orders, cease and desist orders or other appropriate orders;
6. Transportation accommodations if available; and/or
7. Services to ensure that the student can move safely on campus.

Interim measures are overseen and often administered by the EO & Title IX Coordinator or designee and are available regardless of whether confidentiality is requested, and regardless of whether the complainant chooses to report a crime to the University and/or local law enforcement; and in instances that the University does and does not investigate. The University will maintain the confidentiality of any interim measures for a complainant to the extent that such confidentiality doesn't impair the ability to provide the interim measure. Accommodations can be requested verbally or in writing to:

Karin Ranta-Curran – Interim EO & Title IX
Coordinator 3333 Regis Boulevard, B-4
Main Hall 204
Denver, CO 80221-1099
Telephone: (303) 964-6435
krantacurran@regis.edu

Preliminary Inquiry and Investigation of Complaints

Upon notice of a report of discrimination and/or sexual misconduct, the role of the EO & Title IX Coordinator may include, but is not limited to, receiving reports, conducting or overseeing preliminary inquiries and/ or investigations, implementing interim measures and coordinating the University's response to ensure a process that is thorough, reliable, impartial, prompt and fair. The preliminary inquiry and investigation determines whether the nondiscrimination policy has been violated. If so, the EO & Title IX Coordinator also oversees the process to ensure the University implements effective remedies designed to end the discrimination, prevent its recurrence and address its effects. The EO & Title IX Coordinator may designate internal or external individual(s) to perform a preliminary inquiry and/or investigation.

Reporting

Reports can be made by mail, email, orally or in writing, to the EO & Title IX Coordinator or a Deputy EO & Title IX Coordinator. Deputy EO & Title IX Coordinators submit the report to the EO & Title IX Coordinator. Written reports should include as much detail as is possible. An EO & Title IX Coordinator, a responsible employee, or a confidential resource can also assist a complainant or reporting party with facilitating a report. The University encourages reports to be made in good faith, even if incomplete or erroneous, but will not tolerate intentional or malicious false reporting of incidents.

After receiving a report, the EO & Title IX Coordinator or designee may request additional information. Prompt filing of a complaint is strongly encouraged. A complaint that is made more than 120 days after the alleged incident may make fact finding difficult or impossible and the University may elect to not investigate in its sole discretion. A complaint may be withdrawn at any time after it is filed. However, withdrawal of a complaint does not necessarily result in the termination of the University's inquiry or investigation.

Cooperation with and Confidentiality of Investigations

Current students and employees who are not deemed a privileged and confidential resource are required to cooperate in a University inquiry or investigation as a condition of enrollment and/or employment. However, should a formal investigation commence, a complainant and/or a respondent may decline participating in interviews with the designated investigator by promptly notifying the EO & Title IX Coordinator. The failure of a complainant and/or a respondent to participate in an interview may impact the result of the investigation. The failure of a witness to participate in an interview may result in a referral to Student Conduct or Human Resources for disciplinary action.

The privacy of all parties is respected to the extent possible, in accordance with the law and so as not to interfere with a University investigation. Any documents received by parties are confidential and should not be distributed to others with the exception of an advisor of choice and/or confidential resources. In instances where a confidentiality instruction is provided, violating such can be considered a violation of this policy. Witnesses are expected and encouraged to honor the privacy of the parties and the integrity of the investigation by not discussing the investigation or the subject matter of the inquiry with anyone.

Preliminary Inquiry

The EO & Title IX Coordinator or designee may conduct a preliminary inquiry to determine whether there is reasonable suspicion that the allegations, if found to be true, would be a violation of our policies, and therefore, warrant a full investigation, or to otherwise determine whether a formal investigation is warranted. During the preliminary inquiry, the EO & Title IX Coordinator or designee may meet with witnesses, receive statements from the complainant(s), respondent(s) and/or other witnesses, and gather information regarding the allegations. The EO & Title IX Coordinator or designee will decide if the preliminary inquiry is sufficient to serve as the investigation, if the matter can be resolved by a preliminary inquiry or whether to proceed with an investigation. If there is insufficient evidence to warrant an investigation, or if the University does not have jurisdiction over the issue, the inquiry will be closed with no further investigative action in most circumstances. The University can still offer additional resources and/or interim measures if appropriate. The University reserves the right to reopen an inquiry or investigation at any time.

The EO & Title IX Coordinator has the option to refer the case to the University's Bias Incident Response Team (BIRT). A referral to BIRT does not prevent any further action under this policy.

Informal Resolution

If both parties are willing and deemed appropriate by the University, Informal Resolution can be available for complaints of discrimination and/ or sexual misconduct and parties may voluntarily seek resolution of a complaint informally. If informal resolution is agreed to by both parties, the following approaches include, but are not limited to:

1. Communication directly with the person whose behavior is unwelcome;
2. Mediation to include one or more facilitated meetings; or
3. Educational programming or training.

The University does not require an individual to contact the person directly whose behavior is unwelcome, and responsible employees should always report allegations of sexual misconduct or discrimination to the EO & Title IX Coordinator prior to any attempt to resolve a complaint. Informal resolution does not prevent the University from investigating or taking additional corrective action in the University's discretion.

Investigation

If, following a preliminary inquiry, the EO & Title IX Coordinator or designee determines an investigation should proceed, the University generally conducts a fair, impartial and prompt investigation. Fair means that the investigation is conducted in a manner that is consistent with this policy and transparent to the complainant and respondent. Impartial means the investigation is conducted by an individual who does not have a conflict of interest or bias for or against either party, and who is trained annually on issues related to the alleged forms of discrimination or sexual misconduct and in conducting an investigation that protects the safety of the parties and promotes accountability. Prompt means that the investigation is completed within reasonably prompt timeframes, with a goal of within seventy-five to ninety (75-90) days, without jeopardizing the rights of a complainant or respondent. The timeframe to complete an investigation can vary and the EO & Title IX Coordinator will provide written notice to the

parties regarding the status of the investigation, extensions to the timeframe and the reason for the extension for good cause. Items that might impact the length of an investigation include, but are not limited to:

1. the complexity of the case requires it;
2. there are several parties involved;
3. the witnesses or the parties are unavailable or uncooperative; and
4. if a University investigation would compromise a law enforcement investigation.

An investigation is generally conducted as follows:

- a) Determine the identity and contact information of the complainant, any witnesses and the respondent, if they can be identified;
- b) Identify the policies allegedly violated. A copy of this policy will be provided to the parties;
- c) Send notice of investigation to the complainant and respondent. The notice will contain the following if available at the time notice is given:
 - a. a summary of the alleged policy violation(s);
 - b. the nature of the conduct upon which the complaint is based; and
 - c. the location and date(s) or approximate date(s) when the violation allegedly occurred.
- d) Written notice maybe provided to the parties if the EO & Title IX Coordinator determines that additional alleged policy violations are discovered during the course of the investigation.
- e) A respondent must advise the investigator or the EO & Title IX Coordinator of all counterclaims within 5 days of the respondent's initial interview with the assigned investigator. The EO & Title IX Coordinator has discretion to determine whether or not counterclaims will be investigated.
- f) The investigator will commence a thorough, reliable and impartial investigation which entails obtaining available evidence and may entail identifying sources of expert information, as necessary.
- g) Each party may submit questions for the other party to the investigator during their interview with the investigator, which the investigator can elect to use in its sole and absolute discretion.
- h) The investigator seeks to interview both the complainant, respondent and relevant witnesses. The complainant and respondent may identify potential witnesses for the investigator to interview. The investigator has the discretion to determine if a witness has relevant information. The investigator has discretion on whether or not to meet with character witnesses as part of this process if they have no relevant factual information.
- i) Each party will have the opportunity to review and finalize their statement for accuracy. Statements must be reviewed and finalized by the witness or party within 48 hours of receiving the statement from the investigator and if not modified by the witness or party, the statement will be presumed to be accurate.

- j) Each party may submit questions for the other party to the investigator within 48 hours of receiving their statement from the investigator, which the investigator can elect to use in its sole and absolute discretion.
- k) No audio or video recording of any kind may be used unless specifically authorized by the investigator.
- l) Often complaints made under this policy, include other potential University policy violations. At the discretion of the University, any report that includes a discrimination or sexual misconduct allegation and another policy violation will follow this policy for the investigation of all alleged policy violations. In some circumstances, during or after an inquiry or investigation under this policy has been conducted, another University policy may need to be followed with respect to decision makers and factors for deciding if there is another policy violation. For example, if a discrimination complaint involves a grade dispute, the party deciding the grade dispute may use the investigation conclusions related to the grade dispute to determine whether to uphold or deny the disputed grade.
- m) The investigator prepares an investigation report with any supporting materials (“Report”) and will make initial factual finding(s).
- n) The factual finding is based on the “preponderance of evidence” standard of proof. This standard is described as whether a policy violation is more likely than not to have occurred.
- o) In cases involving sexual misconduct, the parties will be provided timely and equal access to the materials provided to the deciding party; and will have the opportunity to submit comments for the deciding party to consider.
- p) The deciding party for student respondents (including student employees) is the Asst. Dean for Community Standards and Care, or designee. The deciding party for employee respondents is the Associate Vice President of Human Resources or designee. When the respondent is both a student and employee the sanctions will be imposed by the Associate Vice President of Human Resources, or designee;
- q) The Report and any comments collected under section o above, will be sent to a deciding party.
- r) The deciding party shall review the Report and may take the following action:
 - a. Request that the investigator reopen the investigation to consider additional information and resubmit the report to the deciding party;
 - b. Overturn all or a portion of the investigator’s findings; or
 - c. Accept all or a portion of the investigator’s findings.
 - d. Impose sanctions
- s) The University strives to provide the parties with concurrent written notice of the deciding party’s decision. Due to privacy laws, the written notice’s content is based upon the nature of the charge(s) against the respondent and whether both parties are students. Generally and as appropriate under the circumstances, the content for the notice includes:
 - a. Relationship Violence, Stalking, Nonconsensual Sexual Penetration and Nonconsensual Contact: The deciding party’s decision, the rationale for the result, and the sanctions, if applicable.
 - b. All other claims of discrimination and harassment: The deciding party’s decision, any individual remedies offered, and any sanctions, if applicable, that have been

imposed on the respondent. The complainant shall only receive notice of any sanctions imposed on the respondent that directly relate to the complainant.

- t) The result is final unless a party appeals.
- u) The University reserves the right to modify the investigation procedures, if in its discretion, such modification is appropriate in particular circumstances.

Rights of the Parties in Sexual Misconduct Complaints

In addition to the process outlined throughout this policy, complainant(s) and respondent(s) in a sexual misconduct complaint have the following rights:

1. to be informed of the right to choose whether or not to file a complaint to both the University and law enforcement;
2. to an inquiry and when deemed necessary, an investigation, of all credible complaints of sexual misconduct made in good faith to the University;
3. to be fully informed of the University's policy and procedures;
4. to be informed of the on-campus and off-campus resources;
5. to be notified of interim measures available;
6. to be treated with respect by the University;
7. to not consider prior irrelevant sexual conduct except relating to a prior relationship or history between the parties if relevant to some material issue in the investigation.
8. to not be retaliated against for filing a complaint.
9. of the complainant to request the University not investigate the alleged violation;
10. not to be discouraged by the University from reporting misconduct to both on campus and off campus authorities;
11. to be assisted by campus authorities in notifying law enforcement of sexual misconduct if the complainant so chooses;
12. to decline to notify law enforcement;
13. to be provided written information about filing a request for a civil protection order and assistance from the University related to enforcement on University property;
14. to bring an advisor of their choice to all meetings or proceedings related to the investigation⁴ *See Appendix G for more about the role of an advisor; and*
15. to appeal certain decisions.

Sanctions

The University reserves the right to impose different sanctions, depending on the findings, the severity and/or pervasiveness of an offense. In determining the appropriate sanctions for a violation of this policy, a number of factors will be considered, including but not limited to the following: 1) level of risk and/or harm to the community; 2) severity of injury and/or harm; 3) use of alcohol or drugs by the respondent; 4) whether the incident was motivated by bias; 5) level of cooperation with the University and public officials; 6) prior conduct record; and 7) prior violations of the same or similar type.

⁴ Communications and meetings between University officials and parties concerning interim measures for a party may occur without the presence of an advisor in order to avoid delaying providing such relief.

The University reserves the right to impose differing sanctions for employees, including a verbal or written warning, training or other programming, suspension, or dismissal from employment, depending on the severity and/or pervasiveness of the offense.

With respect to findings of discrimination or sexual misconduct by a student, one or more of the following sanctions may be imposed pursuant to the *Student Code of Conduct*.

Warning: An official written notice that the student has violated University policies and that more severe conduct action will result should the student be involved in other violations while a student at the University.

University Probation: An official notice that, should further violations of University policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.

Final Notice: A elevated form of University probation notifying the student that further violations of University policies will likely result in immediate removal from housing, suspension, and/or expulsion.

Housing Probation: Official notice that, should further violations of Residence Life or University policies occur during a specified probationary period, the student may immediately be removed from University housing. Reassignment to another floor or to another residence hall may be imposed. Regular probationary meetings may also be imposed. A housing probation status may also impact the student's eligibility for future placement in University housing.

Removal from Housing: Removal from University housing for a specified period of time, after which the student may be eligible to return. Conditions for re-admission to University housing may be specified. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residential Life and Housing or designee. Prior to reapplication for University housing, the student must gain permission from the Director of Residential Life and Housing or designee. This sanction may include restrictions on visitation to specified University housing buildings or all University housing during the suspension. Furthermore, students removed from housing under this sanction are not entitled to a refund of their housing or meal plan charges.

Loss of Privileges: The student will be denied specified privileges for a designated period of time, including, but not limited to restrictions on participation in campus activities, campus presence, residence hall visitation, parking privileges, or contact with individuals or groups on campus.

Suspension: Separation from the University for a specified minimum period of time, after which the student is eligible to return after clearance from the Asst. Dean for Community Standards and Care or designee. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of

notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Asst. Dean for Community Standards and Care or designee. During the suspension period, the student is banned from University Property, functions, events, and activities without prior written approval from the Asst. Dean for Community Standards and Care or designee.

Expulsion: Permanent separation from the University. The student is required to vacate the campus immediately upon notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Asst. Dean for Community Standards and Care or designee. The student is banned from University Property and the student's presence at any University-sponsored activity or event is prohibited.

Behavioral Requirement: This includes required activities, including, but not limited to, obtaining academic counseling, substance abuse assessment, behavioral assessment, etc.

Educational Requirements: Requirement to attend, complete, present, and/or participate in a program or assignment that is educational and/or reflective in nature. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible.

Restitution: Compensation for damage caused to the University's Property or any other person's property. This could include, among other things, situations such as failure to return a reserved space to its original, proper condition.

Fines: Reasonable financial charges as a result of misconduct.

Certain University officials may be informed of the outcome of an investigation (for example, the President, Dean of Students, or Campus Safety Director) and in accordance with other applicable federal, state or local laws. If, based on the investigation findings, there is reliable information that a crime has occurred, a University official may notify local law enforcement consistent with the University's lawful obligation to report crimes.

Matters that are determined to be violations of another University policy, such as the Student Handbook, a faculty handbook or the Human Resources Policy Manual, shall be sanctioned in accordance with the guidelines of the applicable University policy.

Appeal

Only decisions involving sexual misconduct may be appealed to the appellate officer. The appellate officer for student respondents (including student employees) is the Vice President for Student Affairs, or designee. The appellate officer for employee respondents is the Provost or designee. When the respondent is both a student and employee the appeal will be heard by the Provost, or designee. To exercise the right of appeal, complainants or respondents must petition

the above individual within three (3) business days after receiving the written notification of the sanctions imposed.

A complainant or respondent may appeal in the following circumstances:

1. When sanction is probation, suspension, expulsion or termination; or
2. When decisions include finding(s) of no violation.

The only grounds for an appeal are:

1. a procedural error occurred that significantly impacted the outcome of the investigation, such as substantiated bias or a material deviation from the policy; or
2. the sanction imposed is grossly disproportionate to the offense (including any consideration of the student's prior offenses); or
3. new information not presented during the investigation exists.
 - a. the appellate officer or designee may consider new evidence, but only if that evidence was unavailable during the original investigation and if it could substantially impact the original finding or sanction; and
 - b. a summary of this new evidence and its potential impact must be included in the appeal and timely submitted; and
 - c. if the appellate officer determines that new information should be considered, they will return the complaint to the investigator to reconsider the new information only in light of the new evidence.

Any party who files an appeal must do so in writing to the appellate officer and the EO & Title IX Coordinator and articulate the basis for the appeal in the notice. The EO & Title IX Coordinator will share a copy of all appeals with the parties. The non-appealing party may provide the appellate officer a written response to the appeal within three (3) business days.

All sanctions imposed by the Asst. Dean for Community Standards and Care or the Associate Vice President of Human Resources will be in effect during the appeal. A request may be made for special consideration to suspend sanctions in exigent circumstances, but the presumptive stance of the University is that the sanctions will stand. Graduation, study abroad, internships/externships, etc. do not in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.

The original finding and sanction will stand if the appeal is not timely or eligible, and the decision shall be final. If the appeal is timely and available, the appellate officer will promptly render simultaneous written notification of the decision on the appeal to all parties. In cases where the appeal results in reinstatement to the institution, or if other privileges are reinstated, all reasonable attempts will be made to restore the student to their prior status. The decision of the appellate officer is final.

Amendments, Interpretation, or Termination of this Policy

This policy does not constitute a contract and should not be construed to create any contractual rights. Regis University reserves the right to modify, amend, or terminate this policy at any time.

This policy was last revised on November 11, 2019. It supersedes all previous policies of the University, its colleges, schools or departments with respect to Title IX and other discrimination matters. The University will make reasonable efforts to adhere to this policy as faithfully as possible, however, this policy is not a contract.

APPENDIX A – Policy Definitions

Violations of this policy are included, but not limited to, definitions in bold.

Age: A chronological age of at least forty years.

Color: Color discrimination involves treating someone unfavorably because of skin color complexion.

Complainant: An individual who is allegedly subjected to conduct prohibited under this policy.

Consent: In order for individuals to engage in sexual activity of any type with each other, there must be consent prior to and during each stage of sexual activity. Consent is defined as the affirmative, actively given, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter. To obtain consent, a clear "yes," verbal or otherwise, is necessary. Consent cannot be inferred from the absence of a "no."

A current or previous relationship is not sufficient to constitute consent. A person under the influence of fear cannot give consent. Consent may never be given by a minor under the age of 15, or by a minor under the age of 18 in certain situations depending on the ages of both parties or in instances where the adult is in a position of trust. Consent cannot be given by an individual who is asleep, or by an individual who is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason. Consent may also not be given by an individual who was under duress, threat, coercion, or force.

Counterclaim: A claim brought by a respondent against a complainant in an investigation which alleges a violation of this policy or any other University policies by the complainant.

Drugs used to facilitate Sexual Misconduct: Any drug that is an incapacitating agent which, when administered to another person, incapacitates the person and renders them unable to give consent to sexual activity. The most common substances used to facilitate sexual misconduct (besides alcohol) are prescription medications, as they are easily obtained. Unauthorized possession, use and/or distribution of any prescription medication, or other substance, is prohibited, and administering such a substance to another student to facilitate sexual misconduct is a violation of this policy.

Disability: A physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such impairment or being regarded as having such an impairment.

Discrimination: Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived protected class. The conduct must be so objectively offensive as to alter the conditions of the individual's employment or educational experience.

Employee: An individual who is employed by Regis University.

Gender expression: External appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender identity: Refers to an individual's internal sense of gender. A person's gender identity maybe different from or the same as the person's sex assigned at birth.

Genetic Information: includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Harassment: Unwelcome conduct that is based on an actual or perceived protected class. Harassment becomes unlawful where unwelcome 1) offensive conduct becomes a condition of the continued employment or an education environment, or 2) the conduct is severe or pervasive enough to create either (a) a work environment that a reasonable person would consider intimidating, hostile, or offensive or (b) denies or limit a student's ability to participate in or benefit from education programs and activities.

Hostile Environment: The determination of whether an environment is "hostile" includes whether it is based on a protected class and the totality of the circumstances. These circumstances could include:

1. The frequency of the conduct;
2. The nature and severity of the conduct;
3. Whether the conduct was physically threatening;
4. Whether the conduct was humiliating;
5. The effect of the conduct on the complainant's mental or emotional state;
6. Whether the conduct was directed at more than one person;
7. Whether the conduct arose in the context of other discriminatory conduct;
8. Whether the conduct unreasonably interfered with the complainant's educational or work performance; and
9. Whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness.

Incapacitation: Incapacitation is a state where a person lacks the ability to make rational reasonable decisions including an inability to understand the who, what, when, where, why or how of sexual activity, or an inability to fully understand the details of sexual interaction.

Incapacity can result from alcohol or drug consumption, illness, unconsciousness, blackout, sleep, mental disability, and other circumstances.

Sexual activity with someone who one should know to be - or based on the circumstances should reasonably have known to be - mentally or physically incapacitated constitutes a violation of this policy.

Marital Status: A relationship or a spousal status of an individual, including but not limited to being single, cohabitating, engaged, widowed, married, in a civil union, or legally separated, or a relationship or a spousal status of an individual who has had or is in the process of having a marriage or civil union dissolved or declared invalid.

National Origin: Discrimination because an individual (or his or her ancestors) is from a certain place or has the physical, cultural, or linguistic characteristics of a particular national origin group.

Nonconsensual Sexual Contact:

1. an intentional sexual touching, however slight;
2. with any body part or object;
3. by a man or a woman upon a man or a woman;
4. that is without effective consent and/or by force; and
5. that can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse.

Nonconsensual Sexual Penetration:

1. any sexual penetration (anal, oral or vaginal), however slight;
2. with any body part or an object; or
3. sexual intercourse by any individual upon any individual that is without consent and/or by force.

Parental status: Whether or not a person is a parent. In addition to a mother and father, a parent includes a step-parent, adoptive parent, foster parent and guardian.

Pregnancy: Relates to pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.

Protected Class: The groups protected from discrimination by law. These groups include race, color, national origin, sex, gender, disability, age, religion, veteran status, marital status, pregnancy, parental status, gender identity, sexual orientation, genetic information or any other groups protected by federal, state or local statutes.

Race: Race discrimination involves treating someone unfavorably because that individual is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Race discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race.

Relationship Violence: Relationship violence, often referred to as intimate partner violence, domestic and dating violence means any act of violence or threatened act of violence when used as a method of coercion, control, punishment, intimidation or revenge against a person with whom the individual was previously or is currently involved in a sexual, romantic, parenting or dating relationship. This includes relationships between spouses, former spouses, past or present unmarried couples, dating relationships and sexual partners. Relationship violence includes, but is not limited to, physical violence, emotional abuse, economic abuse and other forms of sexual misconduct (stalking, nonconsensual sexual contact, nonconsensual sexual penetration and sexual exploitation). Relationship violence includes threats, assault, property damage, violence or threat of violence to one's self, or to family, friends, coworkers or pets of the sexual or romantic partner. Relationship violence may consist of one act of misconduct or an ongoing pattern of behavior.

Religion: All aspects of religious observance and practice as well as belief. Religion includes not only traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism, but also religious beliefs that are new, uncommon, not part of a formal church or sect, only subscribed to by a small number of people, or that seem illogical or unreasonable to others.

Reporting party: An individual different from the complainant who reports to the University an occurrence of discrimination of sexual misconduct.

Respondent: An individual whose alleged conduct is the subject of a complaint.

Responsible Employee: An employee who has the authority to take action to redress discrimination, harassment, violence or misconduct, or is perceived as being in a position of authority to do so and has the duty to report disclosures of discrimination and/ or sexual misconduct.

Retaliation: Any intentional action taken by an accused individual or allied third party

1. that harms an individual; and as reprisal for filing a complaint under this policy or participating in a civil rights complaint proceeding.

Sex: Refers to a person's biological status and is typically categorized as male, female, intersex. For purposes of this policy, "sex" encompasses biological status, gender, gender identity and gender expression.

Sexual Exploitation: Refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Nonconsensual Sexual Penetration or Nonconsensual Sexual Contact.

Sexual exploitation includes, but is not limited to, sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed), invasion of sexual privacy, taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity,

prostitution, exposing one's genitals in non-consensual circumstances, administering alcohol or drugs to another person without his or her knowledge or consent.

Sexual Harassment: Unwelcome verbal, written, online and/or physical conduct that is of an implicitly or overtly sexual nature, and is based on a person's actual or perceived sex, gender, sexual orientation, or gender identity. Sexual harassment can involve persons of the same or opposite sex, and includes any unwelcome sexual advance, request for sexual favors, or other conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education or participation in a University activity;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for, or a factor in, decisions affecting that individual's employment, education or participation in a University activity;
3. Submission to such conduct is based on retaliation; or
4. Such conduct is (a) sufficiently severe, persistent or pervasive and either (a) (i) has the purpose or effect of unreasonably interfering with an individual's ability to participate in or benefit from the University's educational program and/or activities, or (ii) the effect of creating an intimidating, offensive or hostile environment for that individual's employment, education or participation in a University activity.

Sexual Misconduct: is an umbrella term that includes (but is not limited to):

1. Sexual Harassment
2. Nonconsensual Sexual Contact
3. Nonconsensual Sexual Penetration
4. Sexual Exploitation
5. Relationship Violence (including Domestic and Dating Violence)
6. Stalking

Sexual Orientation: An inherent or immutable enduring emotional, romantic or sexual attraction to other people.

Stalking: Engaging in a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear or suffer emotional distress.

1. Course of Conduct: Two or more acts, including, but not limited to, acts in which the stalker 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.
2. Emotional distress: mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
3. Reasonable person: A reasonable person under similar circumstances and with similar identities to the complainant.

Veteran Status: A person who served in the active military, naval or air service and who was released under conditions other than dishonorable.

APPENDIX B – Examples

Examples of Discrimination:

- A Muslim student who wears a hijab applies for a receptionist work study position. She does not receive the position despite her qualifications because she is Muslim and is told by staff that her presence may frighten office visitors.
- At the beginning of the semester, a pregnant student informs her professor that she is due to give birth shortly after midterms and will need to make arrangements to make up coursework when she has the baby. The professor tells her that attendance and participation is worth 50% of her grade and that she should take the course next semester.
- A student is quietly removed from the debate team contact list and is unable to obtain the practice schedule because he is Black. When he inquires, the debate team president tells him that he “was not a good fit” and was encouraged to join the Black Student Alliance.

Examples of Harassment

- On multiple occasions, a group of Desmet residents yell disparaging names about transgender individuals when they pass by a transgender resident’s door. Anonymous whiteboard messages referencing the resident’s genitalia are left several times a week.
- A staff member makes race-based jokes about Mexicans in front of a coworker, a Mexican immigrant. He has also used racial slurs to describe Mexicans and has told the worker, “I’m going to report you to ICE.”

Examples of Nonconsensual Sexual Contact:

- A student is walking on a campus sidewalk and a staff member pats or pinches the student’s buttocks as they go by.
- A student grabs another student by the head and kisses him on his mouth by surprise.
- A staff member touches a coworker’s breast while walking to the bathroom.

Examples of Nonconsensual Sexual Penetration:

- A student ignores a sexual partner who verbally stated their sexual boundary for the evening is kissing, and proceeds to remove clothing and penetrate the person with their fingers.
- An employee slips a drug into another employee’s drink during happy hour and later sexually penetrates them.
- A student reports that an ex-partner “had sex” with the student while sleeping after a night of drinking alcohol.
- A professor is jogging early in the morning and a group of students attack and sexually assault the jogger.

Examples of Relationship Violence:

- A staff member’s ex-partner waits in the parking lot, follows the staff member to a car, shakes and pushes the staff member away from the car.
- A co-worker tells you that their spouse is a “control freak” and doesn’t want the co-worker to have friends or meet with family. Lately, you have noticed scratches and bruises on your coworker’s arms, which they explain is the result of a marital argument.

- A student grabs his partner by the arms and shoves them against a wall.
- A student discloses that their partner often makes threats when the student tries to end the relationship, such as “if you break up with me I’ll kill myself, hurt your family and post your nude pictures on Snapchat.”

Examples of Retaliation:

- A student files a complaint of sexual assault, naming a fellow student as the respondent. The respondent retaliates by filing a baseless claim that the student is stalking them in order to “get revenge” for filing the sexual assault claim.
- A faculty member complains of gender inequity in pay within her department; the Department Chair then revokes his prior approval allowing her to attend a national conference without a legitimate business reason, citing the faculty member’s tendency to “ruffle feathers.”
- A student and RUSGA member participates in a sexual misconduct investigation against a respondent – also a member of RUSGA. The student is subsequently removed as a member of RUSGA because he participated in the investigation.

Examples of Sexual Exploitation:

- A librarian removes clothing and exposes their genitals to a student who is studying in the library.
- A student posts a video to social media engaging in sexual activity with another student without consent from the person depicted in the posting.
- A student lets a friend hide in the closet to watch the student and their partner having consensual sex.

Examples of Sexual Harassment:

- A student, staff, or faculty member widely spreads false stories about their sex life with a former partner to the clear discomfort of the former partner.
- A student sends explicit sexual pictures to a classmate’s e-mail or attaches them to text messages.
- A student experiences repeated advances from a professor asking for dates or just “to go out for drinks after class” and the professor won’t take “no” for an answer.

Examples of Stalking:

- A student continues to text another student multiple times per day, makes frequent posts about them on social media, and waits outside of their classroom in order to follow the other student from place to place on campus.
- A classmate shows up frequently at a student’s dorm, unannounced or uninvited, despite being told to stop.
- A staff member initiates communication with a co-worker, anonymously or otherwise by telephone, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or that is obscene.

APPENDIX C – Reporting Options

University Officials to whom EO & Title IX reports can be made:

Karin Ranta-Curran – Interim EO & Title IX Coordinator
Office of the President
Main Hall 204
Northwest Denver Campus B-4
(303) 964-6435
krantacurran@regis.edu

Julie Tacker– Deputy EO & Title IX Coordinator
Director, Human Resources
West Hall 107D
Northwest Denver Campus K-4
(303) 964-6005
jtacker@regis.edu

Kate Whalen – Deputy EO & Title IX Coordinator
Associate Director of Athletics
Field House 210B
Northwest Denver Campus F-20
kwhalen002@regis.edu

Patrick Romero-Aldaz – Deputy EO & Title IX Coordinator
Associate Vice President and Dean of Students
Office of the Vice President
Student Center 219
Northwest Denver Campus J-8
(303) 458-4086
promeroaldaz@regis.edu

Title IX Advisors:

Fernando Alvarez-Lara, S.J.
Assistant Professor
Religious Studies
Northwest Denver Campus E-4
Loyola Hall, 23E
(303) 964.5362
falvarezlara@regis.edu

Eric Barnes
Associate Director
Student Housing & Residential Engagement

Northwest Denver Campus J-16
O'Connell Hall, 1C
(303) 964-3628
ebarnes002@regis.edu

Michael Chiang
Assistant Professor
History & Politics
Northwest Denver Campus G-16
Carrol Hall 215
(303) 964-5277
mchiang@regis.edu

Meghan Sobel
Assistant Professor
Communication
Northwest Denver Campus E-8
Carrol Hall, 218
303-964-5458
msobel@regis.edu

Chad Weber
Accommodations Coordinator
Student Disability Services & University Testing
Northwest Denver Campus G-18
Clarke Hall, 225
(303) 964-5726
cweber003@regis.edu

Andy Wheeler
Assistant Athletics Director, Sports Medicine
Athletics
Northwest Denver Campus F-20
Field House 119D
(303) 964-6401
wwheeler@regis.edu

APPENDIX D – Frequently Asked Questions for Complainants and Preservation of Evidence in Sexual Misconduct Cases

What should I do immediately after experiencing sexual misconduct?

1. Get to a safe location. Dial 911 or Campus Safety at (303) 458-4122 to assist with safety and medical concerns.
2. Contact someone you trust for support. Be aware that some staff members, faculty, and your RA will need to report some information you share with them. If you would like confidential and privileged support, please contact:
 - a. Asst. Director of Victim Advocacy & Violence Prevention (303) 458-4029
 - b. Office of Counseling and Personal Development: (303) 458-3507
 - c. University Ministry: (303) 458-4153
 - d. Blue Bench 24-Hour Hotline: (303) 322-7273
3. Consider seeking medical attention. It is best to seek out a hospital or emergency room with a Sexual Assault Nurse Examiner (SANE) program.
4. At SANE program locations, you have the option to receive a medical forensic examination, even if you do not want to report the incident to law enforcement at the time. Any collected evidence will be preserved for at least two years, in case you decide to report to the police at a later date. *See a list of Hospitals that provide SANE examinations in Appendix E, Resources.*
5. Regardless of your choice to receive a medical forensic exam, it is important to seek medical attention in order to treat injuries and exposure to Sexually Transmitted Infections (STIs). Testing for possible drugs used to facilitate a sexual assault may also be available.

How can I best preserve any evidence of sexual assault?

Preserving evidence, such as clothing, sheets, text messages, social media messages, or other communication is helpful if you are considering an investigation, criminal case or obtaining a protection order. Though your first thought may be to dispose of these items or to shower, hold onto the evidence and wait to shower until after the SANE/SAFE exam. Most importantly, even if you decide to shower or dispose of evidence, you still have the option to report to the police and evidence may still be collected. In addition:

- Go as soon as possible, preferably within the next 72 hours to the nearest local hospital with an appropriate Sexual Assault Nurse Examiner program (SANE). You have the option to complete a medical forensic exam to collect evidence, evaluate and treat injuries and/or receive preventative care for Sexually Transmitted Infections (STIs). At SANE program locations, you have the option to receive a medical forensic examination, even if you do not want to report the incident to law enforcement at the time. Any collected evidence will be preserved for at least two years, in case you decide to report to the police at a later date. *See a complete list of hospitals with SANE programs that can provide the exam in Appendix E under “off-campus resources.”*
- The University has signed an agreement with a local transportation service and will give you a voucher that you can use to get to the hospital and to come back to campus, if appropriate. Campus Safety, Residence Life staff, Student Health Services or the Asst. Director of Victim Advocacy & Violence Prevention are able to assist you.

- If you have changed your clothes since the assault, bring the clothing you had at the time of the assault to the hospital in a paper grocery bag or wrap them in a clean sheet (do not use plastic bags). The Hospital will request to collect the clothes you were wearing as evidence.
- If you want to preserve the evidence of a sexual assault try not to:
 - Bathe or shower
 - Brush your teeth
 - Use the restroom
 - Change clothes
 - Comb hair
 - Clean up the area where the assault occurred
- Move anything the respondent may have touched. You may also consider preserving text messages and/or other electronic communications with the respondent. They may serve as evidence in your case.
- Even if you choose do these things (like shower) evidence may still be collected and you are encouraged to seek assistance accordingly.

How can I best preserve any evidence of relationship violence and stalking?

Properly documenting all incidents is important to illustrate a pattern of behavior necessary for an investigation or for obtaining a Civil Protection Order. A victim advocate or advisor may assist you with gathering all relevant information. You may consider:

1. Keeping an incident or behavior log to document stalking or relationship violence. An example of a log can be found here:
 - http://victimsofcrime.org/docs/src/stalking-incident-log_pdf.pdf?sfvrsn=4
2. Contacting witnesses who saw the stalking behavior, abuse, or your injuries. These individuals may testify in your hearing.
3. Preserve evidence and documentation of stalking or abuse, including:
 - Text messages, e-mails, social media content and other screenshots;
 - Copies of police reports or medical reports;
 - Photographs of injuries, damage to objects or other items within your residence;
 - Threatening voicemails or other audio/video; and
 - Anything else that might help the judge make a decision.

What is a Civil Protection Order?

Civil Protection Orders, also known as restraining orders, are civil court orders to stop specific acts against protected individuals (called a “Protected Person”). A “Restrained Person” can be restrained from: contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, sexually assaulting or abusing any Protected Person. A Restrained Person may also be prohibited from coming within a specified distance of a protected person or premise, such as the protected person’s home, school or place of employment.

How do I obtain a Civil Protection Order?

Civil Protection Orders can be filed with the court in any county where the incident(s) occurred, or in any county where one of the parties resides, or in any county where one of the parties is

employed. For more information on filing a protection order in Colorado, visit:

https://www.courts.state.co.us/Self_Help/protectionorders/

You may also seek assistance with filing a Protection Order from Regis University's Victim Advocacy & Violence Prevention Program or from Project Safeguard, a local nonprofit. Please see Appendix E for program contact information. Should you file an order, you may provide a copy to Regis University's Department of Campus Safety to assist with enforcement of the order on University property.

What happens if I was under the influence of alcohol or drugs when the incident occurred?

As explained in this Policy, an individual who is incapacitated because of the use of drugs or alcohol cannot consent to sexual activity. The use of drugs and alcohol will be considered during the investigation for the purpose of analyzing whether or not sexual activity was consensual. As explained in this Policy, Regis University pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident to encourage good faith reporting.

On the other hand, alcohol and/or drug use is likely to affect the complainant's memory and, therefore, may affect the outcome of the complaint. If the complainant does not remember the circumstances of the alleged incident and cannot provide sufficient circumstantial evidence, physical evidence and/or witnesses to prove his/her complaint it may not be possible to impose sanctions on the accused without further corroborating information.

What happens if the respondent was under the influence of alcohol or drugs?

The use of alcohol and/or drugs by either party will not diminish an individual's responsibility for abstaining from violent behavior or their responsibility to obtain affirmative consent for sexual activity. For instance, an individual's responsibility is not diminished if they were severely intoxicated, drove drunk and caused harm to another driver.

Will my parents or family members be told?

No, not unless you tell them, however, University officials may disclose information if a life threatening health or safety concern exists. Whether you are the complainant or the respondent, the University's primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. University officials may also directly inform parents when requested to do so by a student. A student must make this request to the EO & Title IX Coordinator and sign appropriate consent forms to allow such communication.

Will the accused individual know my identity?

Yes, if you request the incident be investigated or action be taken against the respondent. Sexual misconduct is a serious allegation and the accused individual has the right to know the identity of the complainant and the opportunity to respond. No, if you choose to respond informally or request only interim measures such as housing assistance or arranging your class schedule (but you should consult the confidentiality sections in this policy to better understand the University's legal obligations depending on what information you share with different University officials).

Do I have to name the perpetrator?

Yes, if you want formal disciplinary action to be taken against the respondent. No, if you choose to respond informally and do not file a formal complaint (but you should consult the confidentiality sections in this policy to better understand the University's legal obligations depending on what information you share with different University officials). Complainants should be aware that not identifying the respondent may limit the institution's ability to respond comprehensively.

What should I do if I witness or know about sexual harassment, violence or misconduct of another person?

Witnessing sexual harassment, sexual violence or misconducts can be a very difficult experience and your response to it may be critical to the outcome of the situation. The first priority is to make sure that you and the complainant are safe. If needed, call 911 to get police assistance or call University Campus Safety at 303-458-4122. Listen carefully and compassionately to the complainant, don't touch them without their consent, and avoid making any judgmental comments. Make sure that the complainant has complete information about all the resources available and help complainants to understand their choices related to getting medical assistance, emotional support and reporting the incident. If you can, offer your help in getting the complainant to support resources. Write down detailed information about the allegation such as place, time, names of everybody involved, witnesses and what has happened. You may need it later. Remember not to assure confidentiality to the complainant, you may need to report it later. If you are unsure of what you should do, please contact the Asst. Director of Victim Advocacy & Violence Prevention.

APPENDIX E – Resources

Whether you are a recipient of discrimination or sexual misconduct or advocating for someone who has experienced discrimination or sexual misconduct, we highly recommend that you seek support. Experiencing or witnessing discrimination or sexual misconduct can be very distressing and traumatic, and appropriate support can be very helpful in the recovery process. The University provides multiple options for support including medical care through the Student Health Center, counseling through The Office of Counseling and Personal Development and University Ministry, and advocacy services through the Victim Advocacy & Violence Prevention Program (in instances of sexual misconduct only). The Asst. Director of Victim Advocacy & Violence Prevention can also help complainants of sexual misconduct select from the resources below based on individual needs. University personnel on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles. An employee's duty to report may vary based on the law, the situation and the employee's role.

On-Campus Resources

Privileged and Confidential Resources:

- Office of Counseling and Personal Development: (303) 458-3507
- University Ministry and Jesuits: (303) 458-4153
- Asst. Director of Victim Advocacy & Violence Prevention (complainants in sexual misconduct cases): (303) 458-4029
- Center for Counseling and Family Therapy, Thornton Campus: (303) 964-6295
- Center for Counseling and Family Therapy, Colorado Spring Campus: (719) 264-7027
- Student Health Services: (303) 458-3558
- Benefits eligible employees may be eligible to use the Employee Assistance Program.

Non-Confidential Resources:

- Campus Safety: (303) 458-4122
- EO & Title IX Coordinator: Michelle Spradling Tuggle (303) 964-6435
- Deputy EO & Title IX Coordinator: Julie Tacker (303) 964-6005
- Office of Diversity, Equity and Inclusive Excellence: (303) 964-5301
- Associate Vice President and Dean of Students: Patrick Romero-Aldaz (303) 458-4086
- Residence Life & Housing: (303) 458-4991
- Student Disability Services: (303) 458-4941

Financial Support:

- Financial Aid Counselors, Main Hall 400: (303) 458-4067
- Financial support for students may be available through the Student Emergency Fund. Please request assistance via e-mail to: studentaffairs@regis.edu.

Off-Campus Resources

Law Enforcement:

911 for Emergencies

- Denver Police Department Non-Emergency Line: (720) 913-2000
- Thornton Police Department: (720) 977-5150
- Colorado Springs Police Department: (719) 444-7000
- Greenwood Village Police Department: (303) 773-2525

Hospitals with SANE/SAFE Exams:

- Denver Health Medical Center: 777 Bannock Street, Denver, CO 80204; (303) 436-6000
- St. Anthony Hospitals
 - 84th Avenue Neighborhood Clinic: 2551 West 84th Avenue, Westminster, CO 80204; (303) 426-2151
 - St. Anthony Hospital: 11600 W. 2nd Place, Lakewood, CO 80228; (720) 321-0000
 - St. Anthony North Health Campus: 14300 Orchard Parkway Westminster, CO 80023; (720) 627-0000
- Porter Adventist Hospital: 2525 S. Downing Street, Denver, CO 80210; (303) 778-1955
- Littleton Adventist Hospital: 7700 S Broadway, Littleton, CO 80122; (303) 730-8900
- Memorial Hospital: 1400 E. Boulder St, Colorado Springs, CO 80909; (719) 365-1140
- For transportation assistance for SANE exams contact Campus Safety: (303) 458-4122

Local Community Agencies:

- The Blue Bench: (303) 322-7273 www.thebluebench.org
 - *24/7 support and advocacy for survivors of sexual assault. (Serves Denver and surrounding counties--metro area).*
- Rose Aandom Center (720) 337-4400 <http://roseandomcenter.org>
 - *Provides an array of services to victims and families experiencing relationship violence, including counseling, civil legal support, criminal justice information and more. M-F 8AM-5PM. (Serves those affected by victimization in the City and County of Denver).*
- The Center for Trauma & Resilience (303) 894-8000 www.traumahealth.org
 - *Provides 24/7 services to individuals who have been the victim of a crime. (Serves those affected by crime in Denver).*
- Safe House Denver: (303) 318-9989 <https://safehouse-denver.org/>
 - *24/7 services for individuals experiencing domestic violence and stalking. (Serves Denver).*
- Survivors Organizing for Liberation 1-888-557-4441 <http://solcolorado.org>
 - *24/7 services for LGBTQ survivors of sexual assault, relationship violence, stalking and hate crimes. (Serves individuals in the state of Colorado).*
- Women In Crisis—The Family Tree: (303) 420-6752 <http://www.thefamilytree.org/en/domestic-violence-services/106>
 - *Provides 24/7 services to individuals experiencing relationship violence and stalking. (Serves Jefferson County and surrounding areas).*
- Gateway Domestic Violence Services: (303) 343-1851 www.gateway2.org
 - *Provides 24/7 services to individuals experiencing relationship violence and stalking. (Serves Arapahoe County).*

- TESSA: 719-633-3819 www.tessacs.org/
 - *El Paso and Teller Counties (Colorado Springs): Provides 24/7 services to individuals experiencing sexual assault, relationship violence and stalking.*

National Resources:

- National Domestic Violence Hotline (24/7): (800) 799-7233
 - www.thehotline.org
- Rape, Abuse, & Incest National Network (RAINN) (24/7): (800) 656-467
 - www.rainn.org
- Stalking Resource Center:
 - <http://victimsofcrime.org/our-programs/stalking-resource-center>
- National Suicide Prevention Lifeline: 1 (800) 273-TALK (8255)
 - <https://suicidepreventionlifeline.org/>

Legal Resources:

- Legal Information Network of Colorado (720) 583-2929 www.coloradolinc.org
 - *Provides confidential, no-cost comprehensive legal information services to victims of crime. (Serves the Denver metro area).*
- Denver’s Protection Order Courtroom is located in Denver’s City and County Building: 1437 Bannock Street, Courtroom 170: (720) 865-7275
- Project Safeguard (303) 219-7049 <https://psghelps.org/>
 - *Legal advocacy and support for individuals seeking protection orders for domestic violence and stalking through the courts. (Serves Denver, Adams, Arapahoe and Broomfield Counties).*
- TESSA (719) 633-3819 www.tessacs.org
 - *In addition to other services, TESSA provides assistance to individuals seeking protection orders for domestic violence and stalking. (Serves El Paso and Teller Counties—Colorado Springs).*
- Colorado Legal Services <http://coloradolegalservices.org/>
 - *Statewide, pro-bono civil legal services for low income individuals. (Serves individuals in the state of Colorado).*
- Rocky Mountain Victim Law Center (303) 295-2001
 - *Statewide legal representation for victims of violent crimes pursuing the criminal justice system. (Serves individuals in the state of Colorado).*
- Mi Gente VAWA Legal Solutions (303) 894-8000 <http://traumahealth.org/programs/mi-gente-vawa-legal-solutions-2/>
 - *Provides legal assistance to immigrants wishing to obtain a VAWA designation and/or U-visa (Serves individuals impacted by crime in Denver).*
- Rocky Mountain Immigrant Advocacy Network (303) 433-2812 <http://www.rmian.org/>
 - *Provides free legal services related to immigration. (Serves individuals in the state of Colorado).*

APPENDIX F: FAQs and Resources for Respondents

There are resources available to you to assist individuals accused of discrimination or sexual misconduct during the EO & Title IX process. An advisor or confidential resource can also help you navigate your options.

What do I do if I am accused of discrimination or sexual misconduct?

It is important that you do not contact the complainant.

In cases of sexual misconduct, you may immediately want to contact someone who can act as your advisor. Anyone may serve as your advisor or you may choose to select a University staff person trained as an advisor, which are listed below. *See Appendix G for information on the role of an advisor.*

As outlined through this policy, individuals accused of discrimination or sexual misconduct have rights under this Policy. Read the University Policy carefully and get informed about your rights. The EO & Title IX Coordinator is also available to explain the University's procedures for addressing discrimination and/ or sexual misconduct complaints and to answer any questions you may have.

Interim measures, depending on the circumstances, may be available to you during the course of an investigation. You are also encouraged to notify the EO & Title IX Coordinator of any concerns that arise as a result of the investigation, such as with your class schedule, University activities, coursework or housing arrangements.

If you feel you have been harassed as the result of these allegations, please promptly report these incidents to the EO & Title IX Coordinator.

It is important that you save any information you believe is relevant to disputing the allegations, such as text messages or social media messages. You will also have the opportunity to respond to the allegations, which may include presenting relevant information and requesting that the investigator speak with witnesses.

Emotional and confidential support is available to you on campus and in the community. See the resources below for more information.

Will my parents or family members be told?

No, not unless you tell them, however, University officials may disclose information if a life threatening health or safety concern exists. Whether you are the complainant or the respondent, the University's primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. University officials may also directly inform parents when requested to do so by a student. A student must make this request to the EO & Title IX Coordinator and sign appropriate consent forms to allow such communication.

What happens if I was under the influence of alcohol or drugs?

The use of alcohol and/or drugs by either party will not diminish an individual's responsibility for abstaining from violent behavior or their responsibility to obtain affirmative consent for sexual activity. For instance, an individual's responsibility is not diminished if they caused harm to another driver after driving while intoxicated.

Emotional Support & Counseling: We highly recommend that you seek support. The University provides multiple options for support including counseling through The Office of Counseling and Personal Development and University Ministry. University personnel on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles. An employee's duty to report may vary based on the law, the situation and the employee's role.

On-Campus Resources

Privileged and Confidential Resources:

- Office of Counseling and Personal Development: (303) 458-3507
- University Ministry and Jesuits: (303) 458-4153
- Center for Counseling and Family Therapy, Thornton Campus: (303) 964-6295
- Center for Counseling and Family Therapy, Colorado Spring Campus: (719) 264-7027
- Student Health Services: (303) 458-3558
- Benefits eligible employees may be eligible to use the Employee Assistance Program.

Non-Confidential Resources:

- Campus Safety: (303) 458-4122
- EO & Title IX Coordinator: Michelle Spradling (303) 964-6435
- Deputy EO & Title IX Coordinator: Kelly McLaughlin (303) 458-4071
- Associate Vice President and Dean of Students: Patrick Romero-Aldaz (303) 458-4086
- Residence Life & Housing: (303) 458-4991
- Student Disability Services: (303) 458-4941.

Title IX Advisors:

Fernando Alvarez-Lara, S.J.
Assistant Professor
Religious Studies
Northwest Denver Campus E-4
Loyola Hall, 23E
(303) 964.5362
falvarezlara@regis.edu

Eric Barnes
Associate Director
Student Housing & Residential Engagement
Northwest Denver Campus J-16
O'Connell Hall, 1C
(303) 964-3628
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Michael Chiang
Assistant Professor
History & Politics
Northwest Denver Campus G-16
Carrol Hall 215
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Chad Weber
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Student Disability Services & University
Testing
Northwest Denver Campus G-18
Clarke Hall, 225
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Meghan Sobel
Assistant Professor
Communication
Northwest Denver Campus E-8
Carrol Hall, 218
303-964-5458
msobel@regis.edu

Andy Wheeler
Assistant Athletics Director, Sports
Medicine
Athletics
Northwest Denver Campus F-20
Field House 119D
(303) 964-6401
wwheeler@regis.edu

Financial Support:

- Financial Aid Counselors, Main Hall 400: (303) 458-4067
- Financial support for students may be available through the Student Emergency Fund. Please request assistance via e-mail to: studentaffairs@regis.edu.

Off Campus Resources

Local Community Agencies:

- Rocky Mountain Crisis Partners: 1 (844) 493-TALK (8255) www.metrocrisiservices.org
 - 24/7 crisis intervention services and support (Serves individuals in the state of Colorado).

National Resources:

- National Suicide Prevention Lifeline: 1 (800) 273-TALK (8255)
 - <https://suicidepreventionlifeline.org>
 - Provides 24/7, free and confidential support for people in distress, prevention and crisis resources. (Serves individuals nationwide).
- Families Advocating for Campus Equality: (701) 491-8554
 - www.facecampusequality.org/
 - Advocates for due process for those accused of sexual misconduct and supports those students and their families.

Legal Resources:

- Colorado Legal Services <http://coloradolegalservices.org/>
 - Statewide, pro-bono civil legal services for low income individuals. (Serves individuals in the state of Colorado).

- University of Denver Student Law Office (303) 871-6140
<http://www.law.du.edu/index.php/law-school-clinical-program/the-clinic>
 - *Free legal services within the Denver community. Services include clinics specializing in criminal law (misdemeanors only) civil litigation and civil rights.*
- Denver Bar Association: (303) 698-0999 <http://www.denbar.org/>

APPENDIX G – The Role of an Advisor of Your Choice

An advisor of your choice is defined as any individual who provides the complainant or respondent support, guidance or advice in investigations of sexual misconduct. Both parties may have an advisor of their choice which could be, for example, a parent, friend, clergy member or attorney. An advisor may also be a Regis University employee, such as the Asst. Director of Victim Advocacy & Violence Prevention or a designated Title IX Advisor. *See Appendix C for a list of designated Title IX Advisors.* An advisor cannot be an individual who is also a witness in the investigation. The role of the advisor and the extent to which an advisor can participate in an investigation or appeal is limited to a supportive role. The advisor may not participate in the interview or other part of the process, s/he may not advocate or speak for the complainant or respondent, cross-examine witnesses, or address the decision maker. Witnesses other than the complainant or respondent are not entitled to an advisor of their choice.

Complainants and respondents are encouraged to inform the EO & Title IX Coordinator of the identity of an advisor as soon as possible and at least two (2) business days before the date of any meeting or investigative proceeding where the advisor will be in attendance. The parties' choice of an advisor or their availability for a meeting cannot delay the investigation.

An attorney acting as a lawyer may not serve as the student's or employee's advocate or formally represent the student or employee during any meetings related to the procedures outlined in this Policy. These procedures are entirely administrative in nature and are not considered legal proceedings. The investigator may remove an advisor or anyone disrupting the meeting. These rights and guidelines extend to both a complainant and respondent.