

Bradley University Interim Title IX Policy

Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation Policy for All Faculty, Students, Employees, and Third Parties

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Purpose

Bradley University is committed to providing an educational and employment environment that is free from Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation for engaging in protected activity.

Bradley University values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the University Resolution Process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local sex discrimination laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the Education Program or Activity, Bradley University has developed Policies and Procedures that provide for prompt, fair, and impartial resolution of allegations of Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation.

Notice of Non-Discrimination

Bradley University reaffirms its Core Values through a commitment to maintaining a community in which students, faculty, and staff are free from discrimination of any kind. This includes, but is not limited to, any unfair or inappropriate treatment based on age, color, creed, disability, ethnicity, gender identity and expression, marital status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, veteran status, or any other characteristic protected by applicable law.

Bradley University does not tolerate such discrimination and is dedicated to educating its community about these critical issues. This commitment aligns with the Bradley Core Curriculum's goal to provide students with diverse knowledge and skills for lifelong learning and success in a complex world. By promoting understanding and sensitivity, Bradley University lays the groundwork for continuous intellectual growth.

Bradley University complies with all applicable laws regarding non-discrimination, harassment, and equal opportunity. Any member of the University community who believes they have been subjected to discrimination is encouraged to seek redress through established University procedures and resources. The University is committed to addressing such concerns promptly and effectively.

Further, Bradley University does not discriminate on the basis of sex and prohibits sex discrimination in any educational program or activity that it operates, as required by Title IX and its regulations, including in admission and employment. To report concerns that may constitute sex discrimination or to make a Formal Complaint of sex discrimination under Title IX, please contact Bradley University's Title IX Coordinator, the [U.S. Department of Education's Office for Civil Rights](#), or both. Bradley University's Title IX Coordinator is Jocelyn Watkins, titleixcoordinator@bradley.edu, (309) 677-2081, or Bradley Hall 246.

Key Definitions and Parties' Rights

The following definitions apply to the Bradley University Interim Title IX Policy and Procedures:

- **Advisor.** Any person chosen by a Party, or appointed by the institution, who may accompany the Party to all meetings related to a University Resolution Process and advise the Party on that Process.
- **Appeal Decision-maker.** The person or panel who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs responsive action(s) accordingly.
- **Complainant.** An individual who has allegedly been subjected to conduct that could constitute Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation under the Policy.
- **Confidential Employee.**
 - An employee whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
 - An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation. The employee's confidential status only applies with respect to information received while conducting the study.
- **Day.** A business day when the university is in normal operation. All references in the Policy to days refer to business days unless specifically noted as calendar days.
- **Decision-maker.** The person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether Policy has been violated and/or assigns Sanctions.

- **Directly Related Evidence.** Evidence connected to the allegations, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) which cannot be relied upon by the Decision-maker(s). Compare to Relevant Evidence below.
- **Education Program or Activity.** Locations, events, or circumstances where the university exercises substantial control over the context in which the Sex Discrimination, Sex-Based Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation occurs and also includes any building owned or controlled by a student organization that the university officially recognizes.
- **Employee.** A person, including faculty and staff, employed by Bradley University either full- or part-time, including student employees when acting within the scope of their employment.
- **Faculty.** Any member of the university community who is responsible for academic activities, teaching, research, or the academic evaluation of students.
- **Final Determination.** A conclusion by the standard of proof (preponderance of evidence) that the alleged conduct did or did not violate Policy.
- **Finding.** A conclusion by the standard of proof (preponderance of evidence) that the conduct did or did not occur as alleged (as in a “Finding of fact”).
- **Formal Complaint.** A document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation under the Policy and requesting that the university investigate the allegation(s).
- **Formal Grievance Process.** A structured resolution track that includes investigation, live hearing, and appeal.
- **Informal Resolution.** A resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a Final Determination, available as appropriate depending on the type of case.
- **Investigation Report.** The Investigator’s summary of all Relevant Evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.
- **Investigator.** The person(s) authorized by university to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report.
- **Knowledge.** When Bradley University receives Notice of conduct that reasonably may constitute Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation.
- **Mandated Reporter.** A Bradley University employee who is obligated by Policy to share Knowledge, Notice, and/or reports of Sex Discrimination, Sex-Based Harassment, Sexual

Harassment, Sexual Violence, Sexual Misconduct, and Retaliation with the Title IX Coordinator.¹

- **Notice.** When an employee, student, or third party informs the Title IX Coordinator of the alleged occurrence of Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation.
- **Parties.** The Complainant(s) and Respondent(s), collectively.
- **Policy-Based Resolution Process (Process B).** The procedures for resolving Formal Complaints of Sex Discrimination, Sex-Based Harassment, Sexual Misconduct, Retaliation, or other covered conduct outside the scope of Title IX, which may proceed either through the Policy-Based Formal Grievance Process (investigation, hearing, and appeal) or through Policy-Based Informal Resolution.
- **Policy-Based Sex Discrimination and Misconduct.** Conduct that violates this Policy but falls outside Title IX Sexual Harassment jurisdiction, including Sex Discrimination, Sex-Based Harassment, Sexual Misconduct, Sexual Violence, Retaliation, Title VII Sexual Harassment, and conduct that meets the Title IX Sexual Harassment definitions but occurs outside the university's Education Program or Activity or outside the United States. Such conduct is addressed through the Policy-Based Resolution Process (Process B).
- **Pregnancy or Related Conditions.** Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.
- **Process A.** The Title IX Resolution Process detailed in the procedures and defined below.
- **Process B.** The Policy-Based Resolution Process detailed in the procedures and defined above that only applies when Process A does not, as determined by the Title IX Coordinator.
- **Reasonable Person.** A reasonable person under similar circumstances and with similar identities to the Complainant.
- **Relevant Evidence.** Evidence that tends to prove or disprove any element of an offense or any issue materials to resolving a Formal Complaint. Decision-makers may rely only on relevant evidence.
- **Remedies.** Typically, post-resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to the university's Education Program and Activity.
- **Resolution Process Pool.** A roster of trained, impartial individuals (internal or external) eligible to serve in any procedural role (investigator, informal-resolution facilitator, hearing officer, appeal decision-maker) in the University Resolution Process. Pool members receive annual training and may not hold more than one adjudicative role in the same case.

¹ Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of persons with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility under this Policy.

- **Respondent.** A person who is alleged to have engaged in conduct that could constitute Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation under this Policy.
- **Sanction.** A consequence imposed on a Respondent who is found to have violated this Policy.
- **Sex.** Birth Sex (under Title IX). Outside Title IX, Sex can include gender identity, gender expression, sexual orientation, sex characteristics, and sex stereotypes.
- **Sexual Violence.** A collective, colloquial term, used to describe serious, non-consensual sexual acts or attempts, that encompasses all conduct defined in this Policy as:
 - Sexual Assault (including rape, fondling, incest, and statutory rape)
 - Dating Violence
 - Domestic Violence
 - Stalking when the conduct is sex-based

Although “Sexual Violence” itself is not an additional, stand-alone violation, all forms of Sexual Violence listed above are prohibited under this Policy and are addressed through the applicable University Resolution Process.

- **Staff.** Employees of the university who are not classified as faculty, including administrative, professional, technical, clerical, maintenance, and service personnel, whether full-time, part-time, temporary, or seasonal, acting within the scope of their employment. For purposes of this Policy, “staff” does not include student employees unless expressly stated.
- **Student.** Any individual who has accepted an offer of admission, or who is registered for or enrolled in for-credit or non-credit-bearing coursework, and who maintains an ongoing educational relationship with the university.
- **Title IX Coordinator.** An official designated by the university to ensure ultimate oversight of compliance with Title IX. References to the Coordinator throughout the Policy may also encompass a designee of the Coordinator for specific tasks.
- **Title IX Resolution Process (Process A).** The procedures for resolving Formal Complaints of Title IX Sexual Harassment, which may proceed either through the Title IX Formal Grievance Process (investigation, hearing, and appeal) or through Title IX Informal Resolution Options.
- **Title IX Team.** The Title IX Coordinator, Deputy Coordinators, and any member of the Resolution Process Pool.
- **University Resolution Process.** The University’s procedures for resolving Formal Complaints under this Policy, which include the Title IX Resolution Process (Process A) and the Policy-Based Resolution Process (Process B).

Under this Policy and Procedures, the Parties have the right to:

- An equitable investigation and resolution of all credible allegations of prohibited Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation, when reported in good faith to university officials.
- Timely written Notice of all alleged violations, including the identity of the Parties involved (if known), the specific misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated Policies and Procedures, and possible Sanctions.
- Timely written Notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants) by updating the Notice of Investigation and Allegation(s) (NOIA) as needed to clarify potentially implicated Policy violations.
- Be informed in advance of any university public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- Have all personally identifiable information protected from the university's release to the public without consent, except to the extent permitted by law.
- Be treated with respect by university officials.
- Have university Policy and these Procedures followed without material deviation.
- Voluntarily agree to resolve allegations under this Policy through Informal Resolution without university pressure, if Informal Resolution is approved by the Title IX Coordinator and permitted by the regulations.
- Not to be discouraged by university officials from reporting Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation to both on-campus and off-campus authorities.
- Be informed of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by the university in notifying such authorities, if the Party chooses. This also includes the right to not be pressured to report.
- Have allegations of violations of this Policy responded to promptly and with sensitivity by university law enforcement, security, and/or other university officials.
- Be informed of available supportive measures, such as counseling, advocacy, health care, student financial aid, visa and immigration assistance, and/or other services, both on-campus and in the community.
- A university-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- Be informed of available assistance in changing academic, living, and/or employment situations after an alleged incident of Sex Discrimination, Sex-Based Harassment, Sexual

Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur for this option to be available. Such actions may include, but are not limited to:

- Relocating a residential student's housing to a different on-campus location
 - Assistance from university staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation assistance
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and provide a pro-rated refund
 - Rescheduling or adjusting an exam, paper, and/or assignment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options (if available)
- Have the university maintain supportive measures for as long as necessary, ensuring they remain confidential, provided confidentiality does not impair the university's ability to provide the supportive measures.
 - Identify and have the Investigator(s) and/or Decision-maker(s) question relevant available witnesses, including expert witnesses.
 - Provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant and permissible by the Investigator(s)/Decision-maker(s), may be asked of any party or witness.
 - Have Complainant's inadmissible sexual interests/prior sexual history or any Party's irrelevant character evidence excluded by the Decision-maker(s).
 - Access the Relevant Evidence obtained and respond to that evidence.
 - A fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- Receive a copy of all Relevant and Permissible Evidence obtained during the investigation, subject to privacy limitations imposed by federal and state law, and be given ten (10) business days to review and comment on the evidence.
- The right to receive a copy of the Final Investigation Report, including all factual, Policy, and/or credibility analyses performed, and to have at least ten (10) business days to review the report prior to the determination.
- Be informed of the names of all witnesses whose information will be used to make a Finding, in advance of that Finding, when relevant.
- Regular status updates on the University Resolution Process.
- Have reports of alleged Policy violations addressed by Resolution Process Pool members who have received relevant annual training as required by law.
- Preservation of confidentiality/privacy, to the extent possible and permitted by law.
- Meetings, interviews, and/or hearings that are closed to the public.
- Petition that any university representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the University Resolution Process.
- Apply the appropriate standard of proof, preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all Relevant and Permissible Evidence.
- Be present, including presence via remote technology, during all testimony given and evidence presented during any live hearing.
- Be promptly informed of the Formal Grievance Process Finding(s) and Sanction(s) (if any) and be given a detailed rationale of the decision in a written outcome letter delivered to the Parties simultaneously (without undue delay).
- Be informed in writing of when a university decision is considered final and any changes to the Final Determination or Sanction(s) that occur post outcome letter delivery.
- Be informed of the opportunity to appeal the Formal Grievance Process Finding(s) and the procedures for doing so in accordance with the university's grounds for appeal.
- A fundamentally fair resolution as defined in these procedures.

Title IX Contacts

The university has appointed the following individuals, to coordinate the university's compliance with federal, state, and local sex discrimination laws and ordinances:

For Students and Employees:

Jocelyn Watkins (she/her)
Title IX Coordinator
Office of Title IX Compliance
Bradley Hall 246
(309) 677-2081
jmetzger@fsmail.bradley.edu or
titleixcoordinator@bradley.edu

As Title IX Coordinator, Jocelyn Watkins manages all aspects of Title IX compliance for members of the Bradley University community. This includes responding to reports, implementing supportive measures, processing Formal Complaints, and overseeing grievance procedures.

Jessica Spelman (she/her)
Title IX Deputy Coordinator
Office of Title IX Compliance
Bradley Hall 244
(309) 677-4170
jspelman@fsmail.bradley.edu or
titleixcoordinator@bradley.edu

As Title IX Deputy Coordinator, Jessica Spelman assists with all aspects of Title IX compliance for members of the Bradley University community. This includes responding to reports, implementing supportive measures, and overseeing pregnancy-related reasonable modifications and campus lactation spaces.

For Students:

Anne Hollis (she/her)
Executive Director for Student Support Services | Title IX Deputy Coordinator
Office of Student Support Services
Sisson Hall 101
(309) 677-3910
ahollis@fsmail.bradley.edu

As Title IX Deputy Coordinator, Anne Hollis can respond to reports and facilitate supportive measures for students.

For Employees:

Crystal Elliott (she/her)
Director of Human Resources | AA-EEO Officer | Title IX Deputy Coordinator
Human Resources Department
Sisson Hall 215
(309) 677-3222

celliott@fsmail.bradley.edu

As Title IX Deputy Coordinator, Crystal Elliott can respond to reports and facilitate supportive measures for faculty and staff.

Collectively, these individuals are responsible for providing comprehensive Sex Discrimination education and training; coordinating the university's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related procedures to ensure an education and employment environment free from Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation.

Bradley University recognizes that allegations under this Policy may include multiple forms of Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation, as well as violations of other university policies; may involve various combinations of students, employees, and other members of the university community; and may require the simultaneous attention of multiple university departments. Accordingly, all university departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable university policies, to provide uniform, consistent, efficient, and effective responses to alleged Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation.

External Contact Information

Concerns about the university's application of this Policy and compliance with Title IX of the Education Amendments of 1972 may also be addressed to:

Office for Civil Rights (OCR)
U.S. Department of Education (Headquarters)
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
Facsimile: (202) 453-6012
TDD: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

For Complaints involving Employee-on-Employee conduct:

[Equal Employment Opportunity Commission](#) (EEOC)
Chicago District Office
JCK Federal Building
230 S Dearborn Street (Suite 1866)
Chicago, IL 60604
Telephone: (312) 872-9777
Facsimile: (312) 588-1260

TTY: 1-800-669-6820

ASL Video Phone: (844) 234-5122

In addition to Bradley's internal procedures set forth herein, the Illinois Human Rights Act provides formal procedures for the filing, investigation, and adjudication of sexual harassment Formal Complaints. In the event Bradley's internal procedures prove unsatisfactory, any student or employee with a report of sexual harassment may initiate charges under the Illinois Human Rights Act by contacting the Illinois Department of Human Rights (IDHR) or the Illinois Human Rights Commission at the offices of such agencies, located in Chicago or Springfield. Under the Act, a charge must be filed with the IDHR within 180 days of the alleged unlawful conduct, which, after IDHR investigation, may result in adjudication before the Illinois Human Rights Commission or in a court of law. Further details on this process may be obtained from the IDHR or the Illinois Human Rights Commission.

[Illinois Department of Human Rights](#)

Springfield Office

524 S. 2nd Street, Suite 300

Springfield, IL 62701

Telephone: (217) 785-5100

Facsimile: (217) 785-5160

TTY: (866) 740-3953

Chicago Office

555 West Monroe Street, Suite 700

Chicago, IL 60661

Telephone: (312) 814-6200

Facsimile: (312) 814-6251

TTY: (866) 740-3953

[Illinois Human Rights Commission](#)

Springfield Office

300 West Jefferson Street, Suite 108

Springfield, Illinois 62702

Telephone: (217) 785-4350

TDD: (866) 832-2298

Chicago Office

Michael A. Bilandic Building

160 North LaSalle Street, Suite N-1000

Chicago, Illinois 60601

Telephone: (312) 814-6269

Facsimile: (312) 814-6517

TDD: (866) 832-2298

Mandated Reporting and Confidential Employees

All university faculty and staff, other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation to appropriate officials immediately, although there are some limited exceptions. Supportive measures may be offered as the result of such disclosures without formal university action.

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

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or Policy violations. These employees will promptly notify the Title IX Coordinator (and/or police, if desired by the Complainant or required by law) of the incident, ensuring that the Title IX Coordinator can take appropriate action.

The following sections describe the university's reporting options for a Complainant or third party (including parents/guardians when appropriate):

Confidential Employees

There are two categories of Confidential Employees: 1) Those with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and mental health counselors; and 2) Those conducting human subjects research as part of a study approved by the university's Institutional Review Board (IRB). For those in category 1), above, to be able to respect confidentiality, the Confidential Employee must be in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the Notice. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

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

Confidential Employees (for students only):

- [Bradley University Counseling Center](#) licensed professional counselors and staff
- [Bradley University Health Services](#) providers and staff

Employees who have confidentiality as described above, and who receive Notice within the scope of their confidential roles, will timely submit anonymous statistical information for Clery Act statistical reporting purposes unless they believe it would be harmful to their client or patient.

Failure of a Mandated Reporter, as described above in this section, to report an incident of Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation of which they become aware is a violation of this Policy and can be subject to disciplinary

action for failure to comply/failure to report. This also includes situations when a harasser is a Mandated Reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Policy.

A Mandated Reporter who is themselves a target of Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

In addition, Complainants may speak with individuals unaffiliated with Bradley University without concern that Policy will require them to disclose information to the institution without permission. Examples of these types of professional positions are:

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

Bradley University requires that all non-Confidential Employees complete annual Mandated Reporter training. Failure to complete this training may result in disciplinary action, up to and including termination of employment. The University will take appropriate steps to ensure that all employees fulfill this requirement, thereby supporting our commitment to maintaining an environment free from sex-based discrimination.

Scope

This Policy applies to all students, employees, and other individuals participating in or attempting to participate in Bradley University's Education Program or Activities, including education and employment.

This Policy prohibits all forms of Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation, and may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this Policy.

Jurisdiction

This Policy applies to Bradley University's Education Programs and Activities (defined as including locations, events, or circumstances in which the university exercises substantial control over both the Respondent and the context in which the conduct occurred), circumstances where the university has disciplinary authority, and to misconduct occurring within any building owned or controlled by a university-recognized student organization.²

² Education Program and Activity includes the university's Employees' work environment.

This Policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to Bradley University's Education Program or Activities. The university may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial university interest.

A substantial university interest may include:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- Any situation in which it is determined that the Respondent poses an imminent and serious threat to the health or safety of any student, employee, or other individual.
- Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- Any situation that substantially interferes with the university's educational interests or mission.

For disciplinary action to be issued for Title IX Sexual Harassment under the Process A of this Policy, the Respondent must be a Bradley University student or employee at the time of the Formal Complaint.

For allegations other than Title IX Sexual Harassment, the university may issue disciplinary action under Process B of this Policy if the Respondent was a Bradley University student or employee at the time of the alleged misconduct.

If the Respondent is unknown or is not a member of the Bradley University community, the Title IX Coordinator will offer to assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., barring a person from campus). The university can also assist in contacting local or institutional law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving Bradley University through third-party contracts are subject to the policies and procedures of their employers and/or to these Policies and Procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another educational institution, the Title IX Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation in an externship, study abroad program, or other environment external to the university where sexual harassment or non-discrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational

environment, those effects can often be addressed remedially by the Title IX Coordinator if brought to their attention.

Supportive Measures

Bradley University will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the university's Education Program or Activity, including measures designed to protect the safety of all Parties and/or the university's educational environment and/or to deter Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving Notice/Knowledge or a Formal Complaint. At the time that supportive measures are offered, if a Formal Complaint has not been filed, the university will inform the Complainant that they may file a Formal Complaint with the university either at that time or in the future. The Title IX Coordinator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The university will maintain the privacy of the supportive measures, provided that privacy does not impair the university's ability to provide those supportive measures. Bradley University will act to ensure as minimal an academic/occupational impact on the Parties as possible. The university will implement measures in a way that does not unreasonably burden any party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact restrictions (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments as appropriate and reasonably available, provided they do not unreasonably burden the other party or fundamentally alter the nature of the education program or activity
- No Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings

- Reasonable class schedule modifications, approved course withdrawals, or temporary leaves of absence when needed to restore or preserve a student's access (so long as the change does not fundamentally alter degree or course requirements or impose an undue burden on the University or the other party)
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Formal Complaint under this Policy.

Online Harassment and Misconduct

Bradley University policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the university's Education Program and Activities, or when they involve the use of Bradley University networks, technology, or equipment.

Although Bradley University may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to the university, it will engage in means, where available, to address and mitigate the effects.

Inclusion Related to Gender Identity/Expression

Bradley University strives to ensure that all individuals are safe, included, and respected in their education and employment environments, regardless of their gender identity or expression, including intersex, nonbinary, transgender, agender, two-spirit, and gender-diverse students and employees.

Sex Discrimination and Sex-Based Harassment on the basis of gender identity or expression are prohibited by this Policy, by the Illinois Human Rights Act (775 ILCS 5)³, and by binding Seventh Circuit precedent (*Whitaker v. Kenosha U.S.D.*, 858 F.3d 1034 (7th Cir. 2017))⁴. If a member of the university community believes they have been subjected to Sex Discrimination or Sex-Based Harassment under this Policy, they should follow the appropriate reporting process described herein.

In upholding the principles of equity and inclusion, Bradley University supports the full integration and healthy development of those who are gender diverse and seeks to eliminate any stigma related to gender identity and expression.

The university is committed to fostering a climate where all identities are valued, contributing to a more vibrant and diverse community. Bradley University will administratively address issues that

³ Illinois Human Rights Act, 775 ILCS 5/1-103(O-1) defining "sexual orientation" to include "gender-related identity, whether or not traditionally associated with the person's designated sex at birth" and 5/5-102 prohibiting such discrimination in education and employment.

⁴ *Whitaker v. Kenosha Unified School District No. 1 Board of Education*, 858 F.3d 1034, 1051-53 (7th Cir. 2017) holding that denying a transgender student access to the restroom matching his gender identity likely violates Title IX and the Equal Protection Clause.

some students and employees, including those identifying as intersex, transgender, agender, nonbinary, and gender diverse, may confront as they navigate systems originally designed around the assumption that gender is binary.

Concepts like misgendering and deadnaming may not be familiar to all but understanding them is essential to Bradley University's goal of being as welcoming and inclusive a community as possible.

Misgendering or mispronouncing is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual. Deadnaming means the intentional or unintentional use of someone's birth-assigned (cisgender) name, rather than the name they have chosen. Intentional misgendering and/or deadnaming are inconsistent with the type of community Bradley University fosters and may constitute a violation of this Policy .

This Policy should be interpreted consistent with the goals of maximizing the inclusion of intersex, transgender, transitioning, agender, nonbinary, two spirit, and gender-diverse students and employees, including:

- Maintaining the privacy of all individuals consistent with law
- Ensuring all students have equal access to educational programming, activities, and facilities, including general-use restrooms and locker rooms
- Ensuring all employees have equal access to employment opportunities and work, service, or health-related facilities
- Encouraging all students and employees to respect the pronoun usage and identities of all members of the Bradley University community

Bradley University uses a number of interventions to address concerns that are raised related to Sex Discrimination or Sex-Based Harassment, including problem-solving, intervention, confrontation, investigation, and Policy enforcement. When conflicts arise between the right of members of the community to be free from gender-identity discrimination and those exercising their right to religious freedom, the university will try to balance rights and interests to find mutually agreeable outcomes or compromises. When that is not possible, Bradley University will offer remedial solutions or enforce its Policies while also respecting the rights of all members of its community.

Prohibited Conduct

Students and employees are entitled to an educational and employment environment that is free of Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by academic freedom.

The sections below describe the specific forms of prohibited Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and Retaliation. When speech or conduct is protected by academic freedom, it will not be considered a violation of university Policy, though supportive measures will be offered to those impacted.

All offense definitions below encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance Sanctions, accordingly.

Sex Discrimination

Sex Discrimination is different treatment with respect to a person's employment or participation in an Education Program or Activity based, in whole or in part, upon the person's actual or perceived sex. Sex Discrimination can take two primary forms:

I. Disparate Treatment

- Any intentional differential treatment of a person or persons that is based on a person's actual or perceived sex and that:
 - Excludes a person from participation in;
 - Denies a person benefits of; or
 - Otherwise adversely affects a term or condition of a person's participation in a Bradley University program or activity.

II. Disparate Impact

- Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on the basis of sex that:
 - Excludes a person from participation in;
 - Denies a person benefits of; or
 - Otherwise adversely affects a term or condition of a person's participation in a Bradley University program or activity.

Sex-Based Harassment

- Unwelcome conduct directed at a person because of that person's sex or gender,
- based on the totality of the circumstances,
- that is subjectively and objectively offensive, and
- is so severe or pervasive,
- that it limits or denies a person's ability to participate in or benefit from the university's programs or activities.

Title IX Sexual Harassment

As an umbrella category, this includes the offenses of Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. This definition applies to all Formal Complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Sexual Harassment includes conduct that is sexual in nature and satisfies one or more of the following:

I. Quid Pro Quo Harassment

- An employee of the university,
- conditions⁵ the provision of an aid, benefit, or service of the university,
- on an individual's participation in unwelcome sexual conduct.

II. Hostile Environment Harassment

- Unwelcome conduct,
- determined by a Reasonable Person,
- to be so severe, and
- pervasive⁶, and
- objectively offensive,
- that it effectively denies a Complainant equal access to the university's program or activity.⁷

The university reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not prohibited by law. Addressing such conduct will not result in the imposition of discipline under Bradley University Policy, but may be addressed through respectful conversation, remedial actions, education, and/or other Informal Resolution mechanisms.

III. Sexual Assault

A. Rape

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

B. Fondling

⁵ Implicitly or explicitly.

⁶ In *Arana v. Board of Regents of the University of Wisconsin System* (7th Cir. 2025), the U.S. Court of Appeals for the Seventh Circuit clarified that even a single incident of egregious student-on-student harassment may satisfy the "pervasive" requirement under Title IX. As Bradley is within the Seventh Circuit, the university will interpret this standard consistent with that ruling.

⁷ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent), though a Decision-maker may consider compelling evidence that rebuts an assertion of unwelcomeness. Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a Reasonable Person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

- The intentional touching of the clothed or unclothed body parts of the Complainant,
- or the forced touching by the Complainant of the Respondent's clothed or unclothed body parts,
- without the Complainant's consent,
- for the purpose of sexual gratification, sexual degradation, or sexual humiliation,
- including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.⁸

C. Incest

- Sexual intercourse,
- between persons who are related to each other,
- within the degrees wherein marriage is prohibited by Illinois law.

D. Statutory Rape

- Sexual intercourse,
- with a person who is under the statutory age of consent of 17.

IV. Dating Violence

- Violence⁹,
- on the basis of sex,
- committed by a person,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

⁸ This definition reflects the June 23, 2025, FBI update to the National Incident-Based Reporting System (NIBRS) definition of "Criminal Sexual Contact," which replaced the prior "Fondling" definition. The term "Fondling" is retained here to align with the terminology used in the Clery Act and VAWA, while incorporating the updated definition.

⁹ For purposes of the Policy, violence includes situations where the Respondent intentionally or recklessly causes the Complainant serious physical, emotional, or psychological harm.

- Intent is evidenced when a Reasonable Person would be more likely to act with the purpose of causing serious harm rather than for any other reason
- Recklessness is evidenced by a disregard of obvious risk to the safety of the Complainant
- Legitimate use of violence for self-defense is not chargeable under the Policy because the purpose is safety, not harm. It may also be used as a defense if it is not clear at the time of charging whether the use of violence was for self-defense or not. Self-defense is only to be considered if it is prompted by physical violence or the threat thereof.
- Consensual use of violence, such as in kink relationships, would also not meet this definition, in most circumstances
- Threats to seriously harm the Complainant or people they care about may be chargeable under this definition if doing so causes serious emotional or psychological harm
- Threats to harm oneself, even if made to cause emotional or psychological harm, are not considered violence under this definition

- (ii) Dating violence does not include acts covered under the definition of domestic violence.

V. Domestic Violence¹⁰

- Violence¹¹,
- on the basis of sex,
- committed by a current or former spouse or intimate partner of the Complainant,
- by a person with whom the Complainant shares a child in common, or
- by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Illinois, or
- by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Illinois.

VI. Stalking

- Engaging in a course of conduct,
- on the basis of sex,
- directed at the Complainant, that
 - would cause a Reasonable Person to fear for the person's safety, or
 - the safety of others; or
 - suffer substantial emotional distress.

For the purposes of this definition—

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

Sexual Misconduct

I. Sexual Exploitation¹²

- A person taking non-consensual or abusive sexual advantage of another, that does not constitute Sexual Harassment as defined above,

¹⁰ To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

¹¹ As defined in the footnote for Dating Violence

¹² This offense is not classified as Sexual Harassment under Title IX, but it is included here in this Policy as a tool to address a wider range of behaviors.

- for their own benefit or for the benefit of anyone other than the person being exploited.

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

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) a person's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another person in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)

Retaliation

- Adverse action, including intimidation, threats, coercion, or discrimination,
- against any person,

- by the university, a student, employee, or a person authorized by the university to provide aid, benefit, or service under the university's Education Program or Activity,
- for the purpose of interfering with any right or privilege secured by law or Policy, or
- because the person has engaged in protected activity, including reporting information, making a Formal Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or University Resolution Process under this Policy, including an Informal Resolution process, or in any other appropriate steps taken by the university to promptly and effectively end any Sex Discrimination, Sex-Based Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation in its Education Program or Activity, prevent its recurrence, and remedy its effects.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for the university to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under this Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Consent, Force, and Incapacitation

As used in this Policy, the following definitions and understandings apply:

I. Consent

Consent is defined as:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.¹³

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

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is evaluated from the perspective of what a Reasonable Person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent.

¹³ The state definition of consent is "a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent," which is applicable to criminal prosecutions for sex offenses in Illinois but may differ from the definition used by the university to address Policy violations.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, sexual activity must cease immediately.

Silence or the absence of resistance alone should not be interpreted as consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Consent to some sexual contact (such as kissing or fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected. If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of sexual assault.

Proof of consent or non-consent is not a burden placed on either party involved in a Formal Complaint. Instead, the burden remains on the university to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a Reasonable Person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence, domestic violence, or sexual assault.¹⁴

II. Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

¹⁴ Consent in relationships must also be considered in context. When Parties consent to BDSM (bondage, discipline, sadism, masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual.

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

III. Incapacitation

Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

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

Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of this Policy. "Should have known" is an objective, Reasonable Person standard that assumes that a Reasonable Person is both sober and exercising sound judgment.

Standard of Proof

Bradley University uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that the university will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s).

Potential Sanctions

The following Sanction ranges apply for Prohibited Conduct under this Policy. Sanctions can be assigned outside of the specified ranges based on aggravating or mitigating circumstances, or the Respondent's cumulative conduct record. Sanctions may include educational or restorative actions, such as mandated counseling, in addition to or instead of the Sanctions listed below:

- **Sex Discrimination:** warning through dismissal or termination.
- **Sex-Based Harassment:** warning through dismissal or termination.
- **Quid Pro Quo Sexual Harassment:** warning through dismissal or termination.
- **Hostile Environment Sexual Harassment:** warning through dismissal or termination.
- **Rape:** suspension through dismissal or termination.

- **Fondling:** warning through suspension (termination for employees).
- **Incest:** warning through probation.
- **Statutory Rape:** warning through suspension (termination for employees).
- **Dating/Domestic Violence:** probation through dismissal or termination.
- **Stalking:** probation through dismissal or termination.
- **Sexual Exploitation:** warning through dismissal or termination.
- **Retaliation:** warning through dismissal or termination.
- **Unauthorized Disclosure:** warning through dismissal or termination.
- **Failure to Comply/Process Interference:** warning through dismissal or termination.

Reports/Formal Complaints of Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct and/or Retaliation

A Report provides Notice to the university of an allegation or concern about Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. A Formal Complaint provides Notice to the university that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Formal Complaint. Reports or Formal Complaints of Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation may be made using any of the following options:

- 1) Make a Report or file a Formal Complaint with the Title IX Coordinator. Such a Report or Formal Complaint may be made in person (during business hours) or at any time (including during non-business hours) by using the telephone number, email address, or by mail to the Title IX Coordinator.

Jocelyn Watkins (she/her)
 Title IX Coordinator
 Office of Title IX Compliance
 Bradley Hall 246
 (309) 677-2081
jmetzger@fsmail.bradley.edu or
titleixcoordinator@bradley.edu

- 2) Submit online via the [Office of Title IX Compliance website](#) or [EthicsPoint](#). Anonymous Notice is accepted, but the Notice may give rise to a need to try to determine the Parties' identities. Anonymous Notice typically limits the university's ability to investigate, respond, and provide Remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to Complainants who are the subject of anonymous Notice.

Reporting carries no obligation to initiate a Formal Complaint, and in most situations, Bradley University is able to respect a Complainant's request to not initiate a University Resolution Process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where the university may need to initiate a University Resolution Process. If a Complainant does not wish to file a Formal Complaint, the university will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by giving Notice that allows the university to discuss and/or provide supportive measures, in most circumstances.

Time Limits on Reporting

There is no time limitation on providing Notice/Formal Complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the university's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide Remedies may be more limited or impossible.

Acting on Notice/Formal Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title IX Coordinators discretion; they may document allegations for future reference, offer supportive measures and/or Remedies, and/or engage in informal or formal action, as appropriate.

False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or University Resolution Process can be subject to discipline under appropriate university policies.

Privacy

Bradley University makes every effort to preserve the Parties' privacy. The university will not publicly share the identity of any individual who has made a Formal Complaint of Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation; any Complainant; any individual who has been reported to be the perpetrator of Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or University Resolution Process proceeding arising under these Policies and Procedures or where required by law.^{15,16} Additional information regarding confidentiality and privacy can be found in [Appendix D](#).

¹⁵ 20 U.S.C. 1232g

¹⁶ 34 C.F.R. § 99

Privacy of Evidentiary Materials

The University provides Parties and Advisors with investigative records and reports solely for the purpose of participating in the University Resolution Process. The University encourages Parties and Advisors to safeguard the privacy of those materials, consistent with federal and state privacy laws.

Emergency Removal/Interim Actions/Leaves

The university can act to remove a student Respondent accused of Title IX Sexual Harassment from its Education Program or Activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Behavioral Intervention Team (BIT) using its standard objective violence risk assessment procedures. Student Respondents accused of other forms of Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation are subject to interim suspension, which can be imposed for safety reasons.

Employees are subject to existing procedures for interim actions and leaves.

Federal Timely Warning Obligations

Bradley University must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the university community.

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

Amnesty

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

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

To encourage reporting and participation in the process, Bradley University offers Parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by the university, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

I. Students

The university maintains an amnesty policy for students in addition to witnesses who offer help to others in need. The university's amnesty rule is contained in the Good Samaritan Policy, which can be found [here](#).

II. Employees

The university may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident.

Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. The university will inform the Complainant as soon as reasonably possible of the importance of preserving evidence by taking actions such as the following:

Sexual Assault

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement)
- Seeking medical treatment can be essential, even if it is not for the purpose of collecting forensic evidence.

Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
 - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
 - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take time-stamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

Federal Statistical Reporting Obligations

Certain institutional officials (those deemed Campus Security Authorities) have a duty to report the following for federal statistical reporting purposes (Clery Act):

- I. All “primary crimes,” which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- II. Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
- III. Violence Against Women Act (VAWA-based crimes), which include sexual assault, domestic violence, dating violence, and stalking¹⁷
- IV. Arrests and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus or in the surrounding area, but no addresses are given) must be shared with Bradley University’s Clery Compliance Coordinator for publication in the Annual Security Report and daily campus crime log. Campus Security Authorities includes student affairs/student conduct staff, campus law enforcement/public safety/security, local police, coaches, athletic directors, residence life staff, student activities staff, advisors to student organizations, and any faculty member or other university official with significant responsibility for student and campus activities.

Independence and Conflicts of Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these Procedures. The members of the Resolution Process Pool are vetted and trained to ensure they are not biased for or against any party in a specific Formal Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the President of the University (or their designee). Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Resolution Process Pool member should be raised with the Title IX Coordinator.

Revision of this Policy

This Policy succeeds any previous university policies addressing Sex Discrimination, Sex-Based Harassment, Sexual Harassment, Sexual Violence, Sexual Misconduct, and/or Retaliation, though previous policies and procedures remain in force for sexual harassment incidents occurring before August 14, 2020. The Title IX Coordinator reviews and updates these policies and procedures regularly. The university reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

¹⁷ 42 U.S.C. Sections 13701 through 14040.

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

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

APPENDIX A: RESOLUTION PROCESS OVERVIEW

Overview

Bradley University will act on any Notice, Formal Complaint, or Knowledge of a potential violation of the Bradley University Interim Title IX Policy (“the Policy”) that the Title IX Coordinator or any other Mandated Reporter receives. The University Resolution Process is the framework with which the university responds to Formal Complaints, offering both Formal and Informal Resolution options. The university uses two sets of University Resolution Process procedures, known as Process A and Process B.

Process A applies to Formal Complaints that fall within the jurisdiction of the federal Title IX regulations (34 C.F.R. § 106.45) and to Title IX Sexual Harassment occurring within the university’s Education Program or Activity.

Process B applies to all other Formal Complaints covered by this Policy, including those that occur outside the university’s Title IX jurisdiction.

Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

All Bradley University employees are answerable to the Title IX Coordinator. No employee may avoid an inquiry by failing to respond in a reasonable period to a Notice from the Coordinator. Failure to comply with an administrative directive in this area may result in disciplinary action up to, and including, termination of employment, regardless of status or standing at the university.

Shared Procedural Elements

The following procedural elements apply to both Process A and Process B:

Intake and Assessment

Upon receipt of a report, the Title IX Coordinator conducts an initial assessment, provides outreach to affected Parties, and determines the appropriate next steps under this Policy.

Supportive Measures

Supportive Measures are available to all Parties, regardless of whether a Formal Complaint is filed and regardless of which process applies.

Advisor of Choice

Each Party has the right to be accompanied by an Advisor of their choosing at all stages of the process, including meetings, interviews, and hearings.

Informal Resolution

Informal Resolution may be available under both processes, although eligibility criteria and available options differ depending on whether Process A or Process B applies.

Hearing Requirement

A live hearing is required under both processes prior to the issuance of a determination of responsibility under the applicable Formal Grievance Process.

Process Split

Formal Complaints will proceed under either Process A or Process B, as determined by the Title IX Coordinator.

Process A (Title IX Resolution Process)

Applies to Formal Complaints alleging Title IX Sexual Harassment within the University's Title IX jurisdiction.

Process B (Policy-Based Resolution Process)

Applies to all other Formal Complaints under this Policy, including allegations of Sex Discrimination, Sex-Based Harassment, Sexual Misconduct, Retaliation, and conduct that otherwise meets the definition of Title IX Sexual Harassment but occurs outside the University's Title IX jurisdiction.

When a Formal Complaint includes allegations that fall within both processes, the Title IX Coordinator has discretion to determine which process will apply. In most instances, Process A will be used to address all allegations collectively.

Appendix B: Process A (Title IX Resolution Process)

Notice/Formal Complaint

Upon receipt of Notice, a Formal Complaint, or Knowledge of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial evaluation to determine the university's next steps. The Title IX Coordinator will contact the Complainant/source of the Notice to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

Collateral Misconduct

Collateral misconduct is defined to include potential violations of other university policies not incorporated into the Bradley University Interim Title IX Policy that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with university officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the discretion of the Title IX Coordinator. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the student, faculty, and staff handbooks.

Initial Evaluation

The Title IX Coordinator conducts an initial evaluation, typically within ten (10) business days of receiving Notice/Formal Complaint/Knowledge of alleged misconduct.¹⁸ The initial evaluation typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy.
 - If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the [dismissal provision](#) in these procedures. It may then be referred to another process, if applicable.
- Determining whether Bradley University has jurisdiction over the reported conduct, as defined in the Policy.

¹⁸ If circumstances require, the President or Title IX Coordinator will designate another person to oversee the University Resolution Process should an allegation be made about the Title IX Coordinator or the Title IX Coordinator be otherwise unavailable, unable to fulfill their duties, or have a conflict of interest.

- If the conduct is not within the university's jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate university office for resolution.
- Offering and coordinating supportive measures for the Complainant.
- Offering and coordinating supportive measures for the Respondent, as applicable.
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options.
- Determining whether the Complainant wishes to initiate a Formal Complaint.
- Notifying the Respondent of the available resolution options if a Formal Complaint is made.

Helping a Complainant to Understand Resolution Options

If the Complainant indicates they wish to initiate a Formal Complaint, the Title IX Coordinator will work with the Complainant to determine which resolution option they prefer. The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for the Title IX Resolution Process, and the Title IX Coordinator has determined the Policy applies and that the university has jurisdiction, they will provide the Parties with a Notice of Investigation and Allegation(s) and will initiate an investigation consistent with these Procedures.

If any Party indicates that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and refer the matter accordingly. Informal Resolution cannot be used to resolve a Formal Complaint of Title IX Sexual Harassment involving an employee Respondent and a student Complainant.¹⁹

If the Complainant indicates that they do not want any action taken, no Title IX Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator), though the Complainant can elect to initiate one later, if desired.

Title IX Coordinator Authority to Initiate a Formal Complaint

If the Complainant does not wish to file a Formal Complaint, the Title IX Coordinator, who has ultimate discretion as to whether a Formal Complaint is initiated, will offer supportive measures and determine whether to initiate a Formal Complaint themselves. To make this determination, the Title IX Coordinator will evaluate that request to determine if there is a serious and immediate threat to someone's physical safety or if the university cannot ensure equal access without initiating a Formal Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Formal Complaint:

- The Complainant's request not to initiate a Formal Complaint.
- The Complainant's reasonable safety concerns regarding initiating a Formal Complaint.
- The Campus' reasonable safety concerns regarding not initiating a Formal Complaint.

¹⁹34 C.F.R. § 106.45.

- The risk that additional acts of Title IX Sexual Harassment would occur if a Formal Complaint is not initiated.
- The severity of the alleged Title IX Sexual Harassment, including whether the harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary Sanction to end the harassment and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is a university employee or student.
- The scope of the alleged Title IX Sexual Harassment, including information suggesting a pattern, ongoing harassment, or harassment alleged to have impacted multiple individuals.
- The availability of evidence to assist a Decision-maker in determining whether Title IX Sexual Harassment occurred.
- Whether the university could end the alleged Title IX Sexual Harassment and prevent its recurrence without initiating the Title IX Resolution Process.

If deemed necessary, the Title IX Coordinator may consult with appropriate university employees, and/or initiate a violence risk assessment to aid their determination whether to initiate a Formal Complaint.

When the Title IX Coordinator initiates a Formal Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

Dismissal (Mandatory and Discretionary)²⁰

The university **must** dismiss a Formal Complaint or any allegations therein if, at any time during the Title IX Resolution Process, it is determined that:

- The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined above, even if proven.
- The sex-based conduct did not occur in the university's Education Program or Activity (including buildings or property controlled by recognized student organizations) and/or the university does not have control of the Respondent
- The sex-based conduct did not occur against a person in the United States
- The Complainant alleging sex-based conduct is not participating in or attempting to participate in the university's Education Program or Activity at the time of filing the Formal Complaint, and based on the available information, the Title IX Coordinator has determined that they do not need to sign a Formal Complaint on behalf of the university

The university **may** dismiss a Formal Complaint or any allegations therein if, at any time during the Title IX Resolution Process, one or more of the following grounds are met:

- The university is unable to identify the Respondent after taking reasonable steps to do so
- The Respondent is no longer enrolled in or employed by the university
- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any of the allegations therein

²⁰ These dismissal requirements are mandated by 34 CFR § 106.45.

- Specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein

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

Upon any dismissal, the university will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the university will also notify the Respondent of the dismissal.

This dismissal decision is appealable by any party.

When the Title IX Coordinator has signed a Formal Complaint and later determines that the basis for signing is no longer compelling, the Title IX Coordinator may rescind the Formal Complaint and notify the Parties accordingly. This is not a dismissal, and there is no opportunity to appeal because the Complainant may still file a Formal Complaint if they wish to, in most circumstances.

Appeal of Dismissal

The Complainant may appeal a dismissal of their Formal Complaint. The Respondent may also appeal the dismissal of the Formal Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within ten (10) business days of the notification of the dismissal.

The Title IX Coordinator will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Formal Complaint, the Title IX Coordinator must then provide the Respondent with a NOIA and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, the university will:

- Implement dismissal appeal procedures equally for the Parties.
- Assign the Vice President for Legal Affairs (or their designee) as the trained Dismissal Appeal Decision-maker, ensuring they did not participate in the investigation of the allegations or the dismissal of the Formal Complaint.
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal.
- Notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

- A procedural irregularity that affected the outcome of the matter.
- There is new, relevant evidence that was not reasonably available at the time of the dismissal that could affect the outcome of the matter.
- The Title IX Coordinator, Investigator, or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.

The appeal request should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the Title IX Coordinator will share the request with all other Parties and provide ten (10) business days for other Parties and/or the Title IX Coordinator to respond to the request. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response provided by the other Parties and/or the Title IX Coordinator to the Dismissal Appeal Decision-maker for consideration.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the Dismissal Appeal Decision-maker will deny the request, and the Parties, their Advisors (if applicable), and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Dismissal Appeal Decision-maker will notify all Parties, their Advisors (if applicable), and the Title IX Coordinator of their decision and rationale in writing. The effect will be to reinstate the Formal Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original dismissal determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Decision-maker has ten (10) business days to review and decide on the appeal, though extensions can be granted at the Title IX Coordinator's discretion, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed.

Emergency Removal of a Student

The university may remove a student accused of Title IX Sexual Harassment on an emergency basis upon receipt of Notice/Knowledge, a Formal Complaint, or at any time during the Title IX Resolution Process. Prior to an emergency removal, Bradley University will conduct an individualized risk assessment and may remove the student if that assessment determines that an immediate threat to the physical health or safety of a Complainant or any students, employees, or other persons arising from the allegations justifies such action.

When an emergency removal is imposed, the affected student will be notified of the action and the option to challenge the emergency removal within two (2) business days of the notification.

Placing an Employee on Leave

When the Respondent is an employee, or a student-employee accused of misconduct in the course of their employment, existing provisions outlined in the applicable employee handbook, or collective

bargaining agreement for union employees, are typically applicable instead of the above emergency removal process.

Counter-Complaints

The university is obligated to ensure that the Title IX Resolution Process is not abused for retaliatory purposes. Although the university permits the filing of counter-Formal Complaints, the Title IX Coordinator will use an initial evaluation, described above, to assess whether the allegations in the counter-Formal Complaint are made in good faith. When counter-Formal Complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-Formal Complaints determined to have been reported in good faith will be processed using the Title IX Resolution Process contained herein. At the Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Formal Complaint.

Advisors in the Title IX Resolution Process

Who Can Serve as an Advisor?

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews, and hearings within the Title IX Resolution Process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.²¹ Parties have the right to choose not to have an Advisor in the initial stages of the Title IX Resolution Process, prior to a hearing.

Prior to having an Advisor present for any portion of the process, the Party must inform the Title IX Coordinator who their Advisor is and provide the Advisor's contact information, along with a release to share information with the Advisor.

The university cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the university is not obligated to provide an attorney to advise that party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes an Advisor, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

Advisor's Role in the Resolution Process

²¹ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. The Advisor cannot have institutionally conflicting roles, such as being an administrator who has an active role in the matter, or a supervisor who must monitor and implement Sanctions. Additionally, choosing an Advisor who is also a witness in the process creates potential for bias and conflicts of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker(s).

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Title IX Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, except for conducting cross-examination during a Formal Grievance Process hearing, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Title IX Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

The Title IX Regulations require a form of indirect questioning during a Formal Grievance Process hearing, which must be conducted by the Parties' Advisors. The Parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the university will appoint a trained Advisor for the limited purpose of conducting any questioning of the Parties and witnesses.

Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to receive copies of the Draft and Final Investigation Reports, as well as the Directly Related Evidence file. Parties will be asked to sign releases for the university to share materials with an Advisor. Advisors are expected to maintain the [privacy of the evidentiary materials](#) the university shares with them.

Advisor Expectations

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

The university may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

All Advisors are subject to the same university policies and procedures, whether they are attorneys or not, and whether they are selected by a Party or appointed by the university. Advisors are expected to advise without disrupting proceedings.

Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the university's established rules of decorum will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including the university requiring the Party to use a different Advisor or

providing a different university-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Title IX Resolution Process Options Overview

The Formal Grievance Process is the university's primary resolution approach unless all Parties and the university agree to an Informal Resolution. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion.

Title IX Resolution Process proceedings are private. All individuals present at any time during the Title IX Resolution Process are expected to maintain the privacy of the proceedings in accordance with Bradley University Policy.

Informal Resolution²²

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a Final Determination, or the Title IX Coordinator may offer the option to the Parties. The university will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. To engage in Informal Resolution, a Complainant must first submit a Formal Complaint.

Bradley University offers two approaches to Informal Resolution:

Supportive Resolution

When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.

Supportive Resolution involves only the Party who opts for it and is most commonly offered once a Formal Complaint is filed (whereas [supportive measures](#) are offered in response to Notice). The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to the university's Education Program and Activity. Such measures can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options.

Alternative Resolution

When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, shuttle negotiation, restorative practices, facilitated dialogue, etc.).

²²Informal Resolution cannot be used to resolve a Formal Complaint of Title IX Sexual Harassment involving an Employee Respondent and a Student Complainant. 34 C.F.R. § 106.45.

The institution offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community Remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction between the Parties with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate university officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX Coordinator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history
- Whether an emergency removal or other interim action is needed
- Skill of the facilitator with this type of Formal Complaint
- Formal Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator will determine whether additional individual or community Remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Title IX Coordinator maintains records of any resolution that is reached. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Formal Grievance Process, referral to another conduct process for failure to comply, application of the enforcement terms of the agreement). Where the failure to abide by the Informal Resolution agreement terms results in a failure to remedy a Policy violation, the Title IX Coordinator must consider whether to dissolve the agreement and reinstate the Formal Grievance Process to remedy the impact as required by law. The results of Formal Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, the university will initiate or continue an investigation and subsequent Formal Grievance Process to determine whether the Policy has been violated.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Formal Grievance Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Formal Grievance Process should an Informal Resolution not be successful.

If an investigation is already underway, the Title IX Coordinator has discretion to determine if the investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Resolution Process Pool

The university relies on a pool of personnel (“the Pool”) to carry out the resolution options.²³

Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the discretion of the Title IX Coordinator:

- Appropriate intake of and initial guidance pertaining to Formal Complaints
- Advisor to Parties
- Informal Resolution Facilitator
- Perform or assist with initial evaluation
- Investigator
- Hearing Facilitator
- Decision-maker
- Appeal of Dismissal Decision-maker
- Appeal Decision-maker

Pool Member Appointment

The Title IX Coordinator, in consultation with senior administrators as necessary, appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Formal Complaints, the university can also designate permanent roles for individuals in the Pool.

Notice of Investigation and Allegations (NOIA)

Upon commencement of the Title IX Resolution Process, the Title IX Coordinator will provide the Parties with a detailed written Notice of Investigation and Allegations (the “NOIA”). Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes

²³ External, trained third-party neutral professionals may also be used to serve in Pool roles.

available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

The NOIA will include:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Parties are entitled to an equal opportunity to access the Relevant and Directly Related and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator of any conflict of interest the Investigator(s) may have in advance of the interview process
- A statement that the university presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a Final Determination that the Policy has been violated
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all Relevant and Directly Related Evidence obtained
- A statement of potential Sanctions/responsive actions that could result
- A statement that retaliation is prohibited
- Information about the privacy of the process
- Information on the need for the Parties to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the Parties that the university's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Title IX Resolution Process
- Information about how a party may request disability accommodations or other support assistance during the Title IX Resolution Process
- An instruction to preserve any evidence that is directly related to the allegations

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

Resolution Timeline

The university will make a good faith effort to complete the Title IX Resolution Process within 120-180 business days, including any appeals, which the Title IX Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Title IX Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within 120 business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

If a party or witness chooses not to participate in the Title IX Resolution Process or becomes unresponsive, the university reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Title IX Resolution Process.

The university may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, University final exam periods, and/or health conditions. The university will promptly resume its Title IX Resolution Process as soon as feasible. During such a delay, Bradley University will implement and maintain supportive measures for the Parties as deemed appropriate.

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

The university will make a good faith effort to complete the Title IX Resolution Process as promptly as circumstances permit and will regularly communicate with the Parties to update them on the progress and timing of the process.

Ensuring Impartiality

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

The Title IX Coordinator will vet the assigned Investigator(s), Decision-maker(s), and Appeal Decision-maker(s) for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Title IX Resolution Process, the Parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Bradley University President (or their designee).

The Formal Grievance Process involves an objective evaluation of all Relevant Evidence obtained, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses

and questions, to provide evidence, and to receive a written Investigation Report that accurately summarizes this evidence.

Investigator Appointment

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. These Investigators may be members of the Resolution Process Pool, or any other properly trained Investigator, whether internal or external to the university's community.

Witness Role and Participation in the Investigation

Witnesses cannot be required to participate but are encouraged to cooperate with university investigations and to share what they know about a Formal Complaint.

Witness interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, Google Meet), or, in limited circumstances, by telephone. The university will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

Interview Recording

It is standard practice for Investigators to create a record of all interviews pertaining to a Formal Grievance Process. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. The transcript of those meetings will be provided to the Parties for their review, after which the Parties may suggest additional questions to be asked of another Party or witness or additional witnesses. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.

Evidentiary Considerations

The Investigator(s) and the Decision-maker(s) will only consider Relevant or Directly Related Evidence.

Neither the investigation nor the hearing will consider:

- Questions or evidence about the Complainant's sexual predisposition²⁴
- Questions or evidence about the Complainant's prior sexual behavior²⁵, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that

²⁴ The university defines "predisposition" in alignment with its commonly understood and dictionary definition of being inclined toward a thing, action, or person. Predisposition does not encompass an aversion, or being disinclined to a thing, action, or person.

²⁵ The university defines "prior sexual behavior" to include only sexual actions taken by or involving a Complainant prior to the reported incident(s), not the absence of such actions.

someone other than the Respondent committed the alleged conduct, or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent

- Questions or evidence about a party or witness's records that are made or maintained by a physician, psychologist, or psychiatrist unless the party or witness provides voluntary, written consent for the records to be considered

Previous disciplinary action of any kind involving the Respondent may not be considered in the decision making unless there is an allegation of a pattern of misconduct. Such information may be considered in determining an appropriate Sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the Sanction stage of the process.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Investigation

All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and witnesses, obtaining Relevant Evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the transcript of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the transcript will be deemed to have been waived, and no changes will be permitted.

The university may consolidate Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the transcript of the Relevant Evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses.

- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a Finding.
- Ask the Parties to provide a list of questions they would like asked of the other party or any witnesses.
- Write a draft Investigation Report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and party and witness interviews, and provides all Relevant Evidence.
- Compile a Directly Related Evidence File.
- Via the Title IX Coordinator, provide the Parties and their respective Advisors an electronic copy of the Draft Investigation Report as well as an opportunity to inspect and review all evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the university does not intend to rely in reaching a determination, for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- Incorporating any new, Relevant Evidence and information obtained through the Parties' review of the Draft Investigation Report and any follow-up meetings into the Final Investigation Report.
- Responding in writing (typically within the Final Investigation report) to the relevant elements of the Parties' responses to the Draft Investigation Report.
- Sharing the Final Investigation Report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- Providing the Title IX Coordinator with the Final Investigation Report and Directly Related Evidence File.

Referral for Hearing

Provided that the Formal Complaint is not resolved through Informal Resolution, once the Final Investigation Report is shared with the Parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be held less than ten (10) business days from the conclusion of the investigation - when the Final Investigation Report is transmitted to the Parties and the Decision-maker(s) - unless all Parties and Decision-maker(s) agree to an expedited timeline.

The Title IX Coordinator will select (an) appropriate Decision-maker(s) from the Pool and provide a copy of the Final Investigation Report and the file of Directly Related Evidence.

Live Hearing Requirements

The following provisions apply to a live hearing:

Hearing Venue Options and Recordings

The live hearing may occur in person or via video technology. The Decision-maker(s) and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Title IX Coordinator's discretion.

- The Parties may make a request to the Title IX Coordinator that the hearing be held in person or via video technology, but they must do so at least ten (10) business days prior to the hearing. The Title IX Coordinator retains discretion to determine whether the hearing will occur in person or via video technology.
- All hearings will be recorded, and Parties may request a copy of the recording from the Title IX Coordinator following the live hearing.
- No unauthorized recordings are permitted.

Scheduling

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet the university's resolution timeline and ensure a prompt resolution. Student hearings will not take place between Study Day and the conclusion of finals in the Fall and Spring terms. Employees, including Parties and witnesses, who do not have 12-month contracts are still expected to participate in Resolution Processes that occur during months between contracts.

Hearing Participants

Persons who may be present for a hearing include the Decision-maker(s), hearing facilitator, Investigator(s), the Parties and their Advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the Decision-maker(s). Witnesses who are present are only present during their portion of the testimony.

Advisors

The Parties may have the assistance of an Advisor of their choosing at the hearing or can request that the university appoint an Advisor for them. Appointed Advisors are not attorneys. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves.

- During the pre-hearing meeting and live hearing, Parties may only be accompanied by their Advisor. No other persons (e.g., additional support persons, Advisors, friends, family) may accompany, attend, or listen in on the pre-hearing meeting or live hearing unless explicitly authorized by the Title IX Coordinator, with each party being provided the same opportunity.
- Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a manner consistent with Policy (e.g., technology may not be used to record the hearing or to provide another person with access to the hearing).
- During the hearing, all questions that a party wishes to ask must be posed by the Advisor, not the Parties.
- If the party does not have an Advisor, the Title IX Coordinator will provide the party with an Advisor for the purpose of Advisor-conducted questioning.

Disability Accommodations and Other Assistance

Parties should contact the Title IX Coordinator at least ten (10) business days, if possible, prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing.

Conflicts of Interest or Bias

The Decision-maker(s) must not have a bias for or against Complainants or Respondents generally or the individual Complainant or Respondent in particular.

- The Decision-maker(s) must recuse themselves if such bias or conflict of interest exists.
- If a Decision-maker believes there is possible conflict of interest or bias, they will consult with the Title IX Coordinator about possible recusal or removal.
- The Parties may raise challenges that a Decision-maker is biased or has a conflict of interest. The Parties must raise challenges with the Title IX Coordinator within two (2) business days of receiving the hearing Notice.
- The Title IX Coordinator will only remove and replace a Decision-maker in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
- If a Decision-maker recuses themselves as the result of a conflict of interest or bias, or is removed, the Title IX Coordinator will promptly appoint a new Decision-maker who does not have a conflict of interest or bias and notify the Parties accordingly.

Evidence Provided to Decision-maker(s) and Parties.

- The Decision-maker(s) will be provided electronic copies of the Final Investigation Report and all relevant but not impermissible evidence, including the names of all Parties, witnesses, and Advisors, at least ten (10) business days in advance of the hearing.
- The Parties will be provided with electronic copies of all the materials provided to the Decision-maker(s) as part of the hearing Notice, unless those materials have already been provided.

Hearing Notice

The Title IX Coordinator will send the Parties a Notice of hearing letter no less than ten (10) business days prior to the hearing. Once mailed, emailed, and/or received in-person, Notice will be presumptively delivered. The hearing Notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential Sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- A description of any technology that will be used to facilitate the hearing.
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the identity of the Decision-maker(s), the role of Advisors, and how to request disability accommodations or other assistance.

Investigator Participation

Investigator(s) typically do not attend the hearings unless specifically requested by one or more of the Parties and/or the Decision-maker(s). If Parties wish for the Investigator(s) to be present for questioning, they must notify the Title IX Coordinator at least ten (10) business days prior to the hearing.

Witness Participation

Witnesses are encouraged to participate in, and make themselves reasonably available for, the hearing. Witnesses may participate in-person or via video technology that allows the Decision-maker(s) and the Parties to see and hear the witness while that person is speaking. Witnesses are not permitted to be accompanied by an Advisor without the Title IX Coordinator's express permission. At the discretion of the Decision-maker(s), a witness may join by phone if no other reasonable alternative is available.

The Decision-maker(s) and/or Title IX Coordinator will work with the Parties to finalize a witness list for the hearing, and the Title IX Coordinator will notify any witnesses of the hearing's logistics.

Parties are responsible for securing their relevant witnesses for the hearing. The Decision-maker(s), in conjunction with the Title IX Coordinator, will determine a date and time prior to the pre-hearing meetings by which all Parties must submit their lists of secured, relevant witnesses for the hearing.

If any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Title IX Coordinator may reschedule the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed or otherwise engaged by the Investigator(s).

Pre-Hearing Meetings

The Decision-maker(s) and/or Title IX Coordinator will convene separate pre-hearing meeting(s) with the Parties and their Advisors and invite them to submit the questions or topics they wish to ask or discuss at the hearing. This allows the Decision-maker(s) to consider their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Advisors from asking a question at the hearing for the first time or asking for a reconsideration on a Decision-maker's pre-hearing decision based on any new information or testimony offered at the hearing.

Pre-hearing meetings will not be recorded. If necessary, the pre-hearing meetings can be done remotely or as a written communication exchange.

Hearing Procedures

Evidentiary Considerations

The Parties must provide all evidence to the Investigator(s) prior to completing the Final Investigation Report.

Collateral Misconduct

The Decision-maker has the authority to hear and make determinations on all allegations of Title IX Sexual Harassment under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the Title IX Sexual Harassment, even though those collateral allegations may not specifically fall within the Policy.

Joint Hearings

In Formal Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

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

Introductions and Hearing Procedure Explanation

The Decision-maker(s) will explain the hearing procedures and introduce the participants. The Decision-maker(s) will answer any procedural questions prior to and as they arise throughout the hearing.

Testimony and Questioning

The Parties and witnesses may provide relevant information in turn, beginning with the Complainant's opening statement, then the Respondent's, and then questioning in the order determined by the Decision-maker(s). The Decision-maker(s) will facilitate questioning of the Parties and witnesses first by the Decision-maker(s) and then by the Parties through their Advisors.

All questions are subject to the Decision-maker(s)' relevance determination. The Advisor will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted). The proceeding will pause to allow the Decision-maker(s) to consider the question (and state it if it has not already been stated aloud), and the Decision-maker(s) will determine whether the question will be permitted, disallowed, or rephrased. The Decision-maker(s) will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker(s) will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive. The Decision-maker(s) has final say on all questions and determinations of relevance and appropriateness. The Decision-maker(s) may consult with the Title IX Coordinator and/or legal counsel on any questions of admissibility.

If the Parties raise an issue of bias or conflict of interest of an Investigator(s) or Decision-maker(s) at the hearing, the Decision-maker(s) may elect to address those issues, consult with legal counsel, refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not an issue at the hearing, the Decision-maker(s) should not permit irrelevant questions that probe for Investigator bias.

The Decision-maker(s) will allow witnesses who have relevant and not impermissible information to appear at a portion of the hearing to respond to specific questions from the Decision-maker(s) and the Advisors, and the witnesses will then be excused.

Refusal to Submit to Questioning and Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on the available Relevant Evidence in making a Final Determination. The Decision-maker(s) may not draw any inference **solely** from a party's or witness's absence from the hearing or refusal to answer any or all questions.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

Hearing Recordings

The university records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recording of any kind is permitted during the hearing.

The Decision-maker(s), the Parties, their Advisors, Appeal Decision-maker(s), and other appropriate university officials will be permitted to review the recording upon request to the Title IX Coordinator. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

Deliberation and Determination

After closing statements from the Parties, the Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the standard of evidence. If a panel is used, a simple majority vote is required to determine the Finding. Deliberations are not recorded.

The Decision-maker(s) will then prepare and provide the Title IX Coordinator with a written outcome letter detailing all Findings and Final Determinations, the rationale(s) explaining the decision(s), the evidence used in support of the Determination(s), any credibility assessments, and any Sanction(s) and rationales explaining the Sanction(s).

This outcome letter is typically submitted to the Title IX Coordinator within ten (10) business days from the conclusion of the hearing, unless the Title IX Coordinator grants an extension. The Title IX Coordinator will notify the Parties of any extension.

Sanctions

Factors the Decision-maker(s) may consider when determining Sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for Sanctions/responsive actions to bring an end to the Title IX Sexual Harassment
- The need for Sanctions/responsive actions to prevent the future recurrence of Title IX Sexual Harassment
- The need to remedy the effects of the Title IX Sexual Harassment on the Complainant and the community
- The impact on the Parties
- The Respondent's acknowledgment of their actions and understanding of their impact
- Any other information deemed relevant by the Decision-maker(s)

The Sanctions will be implemented as soon as it is feasible once a Determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

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

Student Sanctions

The following are the common Sanctions that may be imposed upon students singly or in combination:

- *Parental Notification:* A student who is dismissed or suspended will be required to notify his/her parent or legal guardian of the fact and the reasons. If the parent or legal guardian is not notified by the student within a reasonable amount of time, the Executive Director of Residential Living and Student Conduct will make the notification. A student under the age of 21 who is found in violation of the University's policies on the use and/or possession of illegal drugs or paraphernalia will be required to notify his/her parents or legal guardian. A student under the age of 21 who is found responsible for a violation involving alcohol misuse or abuse may also be required to notify his/her parent or legal guardian.
- *Campus or Community Assistance Requirement:* An individual or group may be assigned to perform a task or spend a specified number of hours in a supervised campus or community project.
- *Referrals:* A student may be referred to an appropriate University or community resource for special assistance or information if it is felt there may be a possibility of altering the student's unacceptable behavior.
- *Fines or Restitution:* A student may be fined or assessed restitution for violating a University regulation.

- *Censure*: Censure indicates misconduct more serious than a warning, but not serious enough for probation and loss of good standing, and shall continue for a specified time. Another violation while under censure can lead to more serious Conduct Sanctions.
- *Banning*: An individual student or group of students may be banned, when appropriate, from any or all buildings or grounds owned or operated by the University, or from any University program or activity, for a specified amount of time. Any student suspended or dismissed from the University is banned from the University during the period of his/her Sanction. (For a definition of these properties owned or operated by the University, contact the Bradley Police Department.)
- *Disciplinary Probation*: Disciplinary probation is a status between good standing and suspension or dismissal from the University. It specifies a time period during which the student is not considered to be in good standing in terms of personal conduct but may remain enrolled under specified conditions according to University policies. If the conditions are fulfilled during the time period, probation is lifted and the student is returned to good standing. If the conditions are not fulfilled, the student will be dismissed, suspended, or the probation may be extended, as appropriate in a given case. Students found in violation of further infractions of the Conduct Policy while on disciplinary probation may face suspension or dismissal. Rulings in these instances shall be made by Residential Living and Student Conduct.
- *Suspension from the University*: University suspension is an involuntary separation of a student from the University that specifies a time limit and the conditions to be met before a student may request reinstatement. A student suspended for Conduct reasons is not considered to be in good standing in terms of personal conduct by the University. Students returning to the University after suspension may be placed on disciplinary probation. Students returning to the University after suspension may be required to live in the residence halls for up to one full academic year.
- *Dismissal from the University*: University dismissal is an involuntary permanent separation of a student from the University. A student dismissed for Conduct reasons is not considered, in terms of personal conduct, to have left the University in good standing. A student who is dismissed or suspended is subject to the refund policy as stated in the Undergraduate Catalog under Complete Official Withdrawal.
- *Other Actions*: In addition to, or in place of, the above Sanctions, the university may assign any other Sanctions as deemed appropriate.

Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in Title IX Sexual Harassment include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*

- *Demotion*
- *Transfer*
- *Shift or schedule adjustments*
- *Reassignment*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Assignment to a New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above Sanctions/responsive actions, the university may assign any other responsive actions as deemed appropriate.

Notice of Outcome

The Title IX Coordinator will notify and provide the Parties with the written outcome upon receipt from the Decision-maker(s). The outcome notification will specify the Finding for each alleged Policy violation, all applicable Sanctions that the university is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker(s), supporting the Findings to the extent the university is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The Title IX Coordinator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official university records, or emailed to the Parties' Bradley University-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

Withdrawal or Resignation Before Complaint Resolution

Students

Should a student Respondent decide not to participate in the Title IX Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from the university, the Title IX Resolution Process typically ends with a dismissal, as the university has lost primary disciplinary jurisdiction over the withdrawn student. However, the university may continue the Title IX Resolution Process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged Title IX Sexual Harassment.

Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Title IX Resolution Process, the university will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Title IX Sexual Harassment.

When a student withdraws or takes a leave of absence while the process is pending, the student may not return to the university in any capacity until the Formal Complaint is resolved and any Sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Formal Complaint and bar the student from returning. The Registrar, Office of Admissions, Student Conduct Office, and Human Resources may be notified accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Title IX Resolution Process may continue remotely.

Employees

Should an employee Respondent refuse to participate in the Title IX Resolution Process, the process will proceed without their participation to a reasonable resolution. If an employee Respondent leaves their employment with the university while allegations remain unresolved, the Title IX Resolution Process typically ends with dismissal, as the university has lost primary disciplinary jurisdiction over the former employee. However, the university may continue the Title IX Resolution Process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged Title IX Sexual Harassment.

Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Title IX Resolution Process, the university will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Title IX Sexual Harassment.

When an employee Respondent resigns, and if the Formal Complaint is dismissed, the employee may not return to the university in any capacity. The Registrar, Office of Admissions, and Human Resources will be notified accordingly. A note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the university. The records retained by the Title IX Coordinator will reflect that status.

If the employee Respondent takes a leave for a specified period of time, the Title IX Resolution Process may continue remotely.

Appeal of the Final Determination

The Title IX Coordinator will designate an Appeal Decision-maker to hear the appeal. No Appeal Decision-maker(s) will have been previously involved in the Title IX Resolution Process for the Formal Complaint. If a panel is used, a voting chair will be designated by the Title IX Coordinator.

Appeal Grounds

Appeals are limited to the following grounds:

- A procedural irregularity that affected the outcome of the matter.
- There is new, relevant evidence that was not reasonably available at the time of the Final Determination regarding responsibility that could affect the outcome of the matter.

- The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the specific Complainant or Respondent, that affected the outcome of the matter.

Request for Appeal

Any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within ten (10) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-maker(s) will be provided a copy of the Request for Appeal with the approved grounds and then be given ten (10) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses, if any, within ten (10) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original Determination, making changes to the Final Determination only when there is clear error and to the Sanction(s)/responsive action(s) only if there

is a compelling justification to do so. All decisions apply the preponderance of the evidence standard of proof.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the Finding and/or Sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed.

Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker(s) with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker(s) or the Title IX Coordinator (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new hearing with new Pool members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter (“Appeal Outcome”) will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the Finding on each appeal ground, any specific instructions for remand or reconsideration, and the rationale supporting the essential Findings to the extent the university is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official university records, or emailed to the Parties’ Bradley University-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision is changed on remand (except in the case of a new determination). When appeals result in no change to the Finding, that decision is final. When an appeal results in a new Finding, that Finding can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new Finding that is different from the original Finding, that new Finding can be appealed, once, on any of the three (3) available appeal grounds.

Sanction Status During the Appeal

Any Sanctions imposed as a result of the Final Determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

Long-Term Remedies/Other Actions

Following the conclusion of the Title IX Resolution Process, and in addition to any Sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term Remedies or actions with respect to the Parties and/or the university community that are intended to stop the Title IX Sexual Harassment, remedy the effects, and prevent recurrence.

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

- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

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

Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned Sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker(s), including the Appeal Decision-maker(s) or the Informal Resolution agreement.

Failure to abide by the Sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional Sanction(s)/action(s), including suspension, expulsion, and/or termination from the university.

Supervisors are expected to enforce the completion of Sanctions/responsive actions for their employees.

A suspension or other probationary-type Sanctions imposed for non-compliance with Sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

Recordkeeping

For a period of at least seven (7) years following the conclusion of the Title IX Resolution Process, the university will maintain records of:

- Each Title IX Sexual Harassment Resolution Process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.
- Any disciplinary Sanctions imposed on the Respondent.

- Any supportive measures provided to the Parties and any Remedies provided to the Complainant or the community designed to restore or preserve equal access to the university's Education Program or Activity.
- Any appeal and the result therefrom.
- Any Informal Resolution and the result therefrom.
- All materials used to provide training to the Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitators, and any person who is responsible for implementing the Title IX Resolution Process.
- Any other action taken in response to a report or Formal Complaint including:
 - I. The basis for all conclusions that the response was not deliberately indifferent
 - II. Any measures designed to restore or preserve equal access to the university's Education Program or Activity

The university will also maintain any and all records in accordance with federal and state laws.

Accommodations and Support During the Title IX Resolution Process

Disability Accommodations

Bradley University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the Title IX Resolution Process. Anyone needing such accommodations or support should contact the Title IX Coordinator.

Other Support

Bradley University will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Title IX Resolution Process
- Other support as deemed reasonable and necessary to facilitate participation in the Title IX Resolution Process

Revision of These Procedures

These procedures succeed any previous procedures addressing Title IX Sexual Harassment for incidents occurring on or after August 1, 2024. The Title IX Coordinator will regularly review and update these procedures. The university reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

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

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

Appendix C: Process B (Policy-Based Resolution Process)

Notice/Formal Complaint

Upon receipt of Notice, a Formal Complaint, or Knowledge of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial evaluation to determine the university's next steps. The Title IX Coordinator will contact the Complainant/source of the Notice to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

Collateral Misconduct

Collateral misconduct is defined to include potential violations of other university policies not incorporated into the Bradley University Interim Title IX Policy that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with university officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the discretion of the Title IX Coordinator. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the student, faculty, and staff handbooks.

Initial Evaluation

The Title IX Coordinator conducts an initial evaluation, typically within ten (10) business days of receiving Notice/Formal Complaint/Knowledge of alleged misconduct.²⁶ The initial evaluation typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy.
 - If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the [dismissal provision](#) in these procedures. It may then be referred to another process, if applicable.
- Determining whether Bradley University has jurisdiction over the reported conduct, as defined in the Policy.
 - If the conduct is not within the university's jurisdiction, the matter is typically dismissed from this process, consistent with the [dismissal provision](#) in these procedures. If applicable, the conduct will be referred to the appropriate university office for resolution.
- Offering and coordinating supportive measures for the Complainant.
- Offering and coordinating supportive measures for the Respondent, as applicable.
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options.
- Determining whether the Complainant wishes to initiate a Formal Complaint.
- Notifying the Respondent of the available resolution options if a Formal Complaint is made.

Helping a Complainant to Understand Resolution Options

If the Complainant indicates they wish to initiate a Formal Complaint, the Title IX Coordinator will work with the Complainant to determine which resolution option they prefer. The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for the Policy-Based Resolution Process, and the Title IX Coordinator has determined the Policy applies and that the university has jurisdiction, they will provide the Parties with a Notice of Investigation and Allegation(s) and will initiate an investigation consistent with these Procedures.

If any Party indicates that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and refer the matter accordingly.

If the Complainant indicates that they do not want any action taken, no Policy-Based Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator), though the Complainant can elect to initiate one later, if desired.

Title IX Coordinator Authority to Initiate a Formal Complaint

²⁶ If circumstances require, the President or Title IX Coordinator will designate another person to oversee the Resolution Process should an allegation be made about the Title IX Coordinator or the Title IX Coordinator be otherwise unavailable, unable to fulfill their duties, or have a conflict of interest.

If the Complainant does not wish to file a Formal Complaint, the Title IX Coordinator, who has ultimate discretion as to whether a Formal Complaint is initiated, will offer supportive measures and determine whether to initiate a Formal Complaint themselves. To make this determination, the Title IX Coordinator will evaluate that request to determine if there is a serious and imminent threat to someone's safety or if the university cannot ensure equal access without initiating a Formal Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Formal Complaint:

- The Complainant's request not to initiate a Formal Complaint.
- The Complainant's reasonable safety concerns regarding initiating a Formal Complaint.
- The Campus' reasonable safety concerns regarding not initiating a Formal Complaint.
- The risk that additional acts of Policy-Based Sex Discrimination and/or Misconduct would occur if a Formal Complaint is not initiated.
- The severity of the alleged Policy-Based Sex Discrimination and/or Misconduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary Sanction to end the discrimination and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is a university employee or student.
- The scope of the alleged Policy-Based Sex Discrimination and/or Misconduct, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals.
- The availability of evidence to assist a Decision-maker in determining whether Policy-Based Sex Discrimination and/or Misconduct occurred.
- Whether the university could end the alleged Policy-Based Sex Discrimination and/or Misconduct and prevent its recurrence without initiating the Policy-Based Resolution Process.

If deemed necessary, the Title IX Coordinator may consult with appropriate university employees, and/or initiate a violence risk assessment to aid their determination whether to initiate a Formal Complaint.

When the Title IX Coordinator initiates a Formal Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

Dismissal

The university **may** dismiss a Formal Complaint or any allegations therein if, at any time during the Policy-Based Resolution Process, one or more of the following grounds are met:

- The university is unable to identify the Respondent after taking reasonable steps to do so
- The Respondent is no longer enrolled in or employed by the university
- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any of the allegations therein
- The university determines the conduct alleged in the Formal Complaint would not constitute a Policy violation, if proven

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

Upon any dismissal, the university will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the university will also notify the Respondent of the dismissal.

This dismissal decision is appealable by any party.

When the Title IX Coordinator has signed a Formal Complaint and later determines that the basis for signing is no longer compelling, the Title IX Coordinator may rescind the Formal Complaint and notify the Parties accordingly. This is not a dismissal, and there is no opportunity to appeal because the Complainant may still file a Formal Complaint if they wish to, in most circumstances.

Appeal of Dismissal

The Complainant may appeal a dismissal of their Formal Complaint. The Respondent may also appeal the dismissal of the Formal Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within ten (10) business days of the notification of the dismissal.

The Title IX Coordinator will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Formal Complaint, the Title IX Coordinator must then provide the Respondent with a NOIA and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, the university will:

- Implement dismissal appeal procedures equally for the Parties.
- Assign the Vice President for Legal Affairs (or their designee) as the trained Dismissal Appeal Decision-maker, ensuring they did not participate in the investigation of the allegations or the dismissal of the Formal Complaint.
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal.
- Notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

- 1) A procedural irregularity that would change the outcome of the matter.
- 2) There is new, relevant evidence that was not reasonably available at the time of the dismissal that would change the outcome of the matter.
- 3) The Title IX Coordinator, Investigator, or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that directly caused the outcome of the matter.

The appeal request should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request

from one or more Parties, the Title IX Coordinator will share the request with all other Parties and provide ten (10) business days for other Parties and/or the Title IX Coordinator to respond to the request. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response provided by the other Parties and/or the Title IX Coordinator to the Dismissal Appeal Decision-maker for consideration.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the Dismissal Appeal Decision-maker will deny the request, and the Parties, their Advisors (if applicable), and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Dismissal Appeal Decision-maker will notify all Parties, their Advisors (if applicable), and the Title IX Coordinator of their decision and rationale in writing. The effect will be to reinstate the Formal Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original dismissal determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Decision-maker has ten (10) business days to review and decide on the appeal, though extensions can be granted at the Title IX Coordinator's discretion, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed.

Interim Suspension of a Student

The university may suspend a student accused of Policy-Based Sex Discrimination and/or Misconduct on an interim basis upon receipt of Notice/Knowledge, a Formal Complaint, or at any time during the Policy-Based Resolution Process. Prior to an interim suspension, Bradley University will conduct an individualized risk assessment and may remove the student if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations justifies such action.

When an interim suspension is imposed, the affected student will be notified of the action and the option to appeal the interim suspension within two (2) business days of the notification.

Placing an Employee on Leave

When the Respondent is an employee, or a student-employee accused of misconduct in the course of their employment, existing provisions outlined in the applicable employee handbook, or collective bargaining agreement for union employees, are typically applicable instead of the above interim suspension process.

Counter-Complaints

The university is obligated to ensure that the Policy-Based Resolution Process is not abused for retaliatory purposes. Although the university permits the filing of counter-Formal Complaints, the Title IX Coordinator will use an initial evaluation, described above, to assess whether the allegations in the counter-Formal Complaint are made in good faith. When counter-Formal Complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-Formal Complaints determined to have been reported in good faith will be processed using the Policy-Based Resolution Process herein. At the Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Formal Complaint.

Advisors in the Policy-Based Resolution Process

Who Can Serve as an Advisor?

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews, and hearings within the Policy-Based Resolution Process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.²⁷ Parties have the right to choose not to have an Advisor during the Policy-Based Resolution Process.

Prior to having an Advisor present for any portion of the process, the Party must inform the Title IX Coordinator who their Advisor is and provide the Advisor's contact information, along with a release to share information with the Advisor.

The university cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the university is not obligated to provide an attorney to advise that party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes an Advisor, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

Advisor's Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

²⁷ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. The Advisor cannot have institutionally conflicting roles, such as beSanctionadministrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. Additionally, choosing an Advisor who is also a witness in the process creates potential for bias and conflicts of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker(s).

The Parties are expected to ask and respond to questions on their own behalf throughout the Policy-Based Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Policy-Based Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to receive copies of the Draft and Final Investigation Reports, as well as the Relevant Evidence file. Parties will be asked to sign releases for the university to share materials with an Advisor. Advisors are expected to maintain the [privacy of the evidentiary materials](#) the university shares with them.

Advisor Expectations

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

The university may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

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

Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the university's established rules of decorum will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Policy-Based Resolution Options Overview

This Formal Grievance Process is the university's primary resolution approach unless all Parties and the university agree to an Informal Resolution. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion.

Policy-Based Resolution Process proceedings are private. All individuals present at any time during the Policy-Based Resolution Process are expected to maintain the privacy of the proceedings in accordance with Bradley University Policy.

Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a Final Determination, or the Title IX Coordinator may offer the option to the Parties. The university will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. To engage in Informal Resolution, a Complainant must first submit a Formal Complaint.

Bradley University offers three approaches to Informal Resolution:

Supportive Resolution

When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.

Supportive Resolution involves only the Party who opts for it and is most commonly offered once a Formal Complaint is filed (whereas [supportive measures](#) are offered in response to Notice). The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to the university's Education Program and Activity. Such measures can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options.

Educational Conversation

When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.

The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Title IX Coordinator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy.

Alternative Resolution

When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, shuttle negotiation, restorative practices, facilitated dialogue, etc.).

The institution offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community Remedies, including targeted or broad-based educational

programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate university officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX Coordinator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history
- Whether an interim suspension or other interim action is needed
- Skill of the facilitator with this type of Formal Complaint
- Formal Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator will determine whether additional individual or community Remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Title IX Coordinator maintains records of any resolution that is reached. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Formal Grievance Process, referral another conduct process for failure to comply, application of the enforcement terms of the agreement). Where the failure to abide by the Informal Resolution agreement terms results in a failure to remedy a Policy violation, the Title IX Coordinator must consider whether to dissolve the agreement and reinstate the Formal Grievance Process to remedy the impact as required by law. The results of Formal Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, the university will initiate or continue an investigation and subsequent Formal Grievance Process to determine whether the Policy has been violated.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Formal Grievance Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Formal Grievance Process should Informal Resolution not be successful.

If an investigation is already underway, the Title IX Coordinator has discretion to determine if the investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Resolution Process Pool

The university relies on a pool of personnel (“the Pool”) to carry out the resolution options.²⁸

Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the discretion of the Title IX Coordinator:

- Appropriate intake of and initial guidance pertaining to Formal Complaints
- Advisor to Parties
- Informal Resolution Facilitator
- Perform or assist with initial evaluation
- Investigator
- Hearing Facilitator
- Decision-maker
- Appeal of Dismissal Decision-maker
- Appeal Decision-maker

Pool Member Appointment

The Title IX Coordinator, in consultation with senior administrators as necessary, appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Formal Complaints, the university can also designate permanent roles for individuals in the Pool.

Notice of Investigation and Allegations (NOIA)

Upon commencement of the Policy-Based Grievance Process, the Title IX Coordinator will provide the Parties with a detailed written Notice of Investigation and Allegations (the “NOIA”). Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations

²⁸ External, trained third-party neutral professionals may also be used to serve in Pool roles.

that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

The NOIA will include:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Parties are entitled to an equal opportunity to access the Relevant and Directly Related and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator of any conflict of interest the Investigator(s) may have in advance of the interview process
- A statement that the university presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a Final Determination that the Policy has been violated
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all Relevant and Directly Related Evidence obtained
- A statement of potential Sanctions/responsive actions that could result
- A statement that retaliation is prohibited
- Information about the privacy of the process
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Policy-Based Resolution Process
- A statement informing the Parties that the university's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Policy-Based Resolution Process
- Information about how a party may request disability accommodations or other support assistance during the Policy-Based Resolution Process
- An instruction to preserve any evidence that is directly related to the allegations

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

Resolution Timeline

The university will make a good faith effort to complete the Policy-Based Resolution Process within 120-180 business days, including any appeals, which the Title IX Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Policy-Based Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within 120 business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

If a party or witness chooses not to participate in the Policy-Based Resolution Process or becomes unresponsive, the university reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Policy-Based Resolution Process.

The university may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, University final exam periods, and/or health conditions. The university will promptly resume its Policy-Based Resolution Process as soon as feasible. During such a delay, Bradley University will implement and maintain supportive measures for the Parties as deemed appropriate.

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

The university will make a good faith effort to complete the Policy-Based Resolution Process as promptly as circumstances permit and will regularly communicate with the Parties to update them on the progress and timing of the process.

Ensuring Impartiality

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

The Title IX Coordinator will vet the assigned Investigator(s), Decision-maker(s), and Appeal Decision-makers for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Policy-Based Resolution Process, the Parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Bradley University President (or their designee).

The Formal Grievance Process involves an objective evaluation of all available Relevant Evidence obtained, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process,

to suggest witnesses and questions, to provide evidence, and to receive a written Investigation Report that accurately summarizes this evidence.

Investigator Appointment

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. These Investigators may be members of the Resolution Process Pool, or any other properly trained Investigator, whether internal or external to the university's community.

Witness Role and Participation in the Investigation

Witnesses cannot be required to participate but are encouraged to cooperate with university investigations and to share what they know about a Formal Complaint.

Witness interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, Google Meet), or, in limited circumstances, by telephone. The university will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

Interview Recording

It is standard practice for Investigators to create a record of all interviews pertaining to a Formal Grievance Process. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. The transcript of those meetings will be provided to the Parties for their review, after which the Parties may suggest additional questions to be asked of another Party or witness or additional witnesses. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.

Evidentiary Considerations

The Investigator(s) and the Decision-maker(s) will only consider Relevant or Directly Related Evidence.

Neither the investigation nor the hearing will consider:

- Questions or evidence about the Complainant's sexual predisposition²⁹
- Questions or evidence about the Complainant's prior sexual behavior³⁰, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions or

²⁹ The university defines "predisposition" in alignment with its commonly understood and dictionary definition of being inclined toward a thing, action, or person. Predisposition does not encompass an aversion, or being disinclined to a thing, action, or person.

³⁰ The university defines "prior sexual behavior" to include only sexual actions taken by or involving a Complainant prior to the reported incident(s), not the absence of such actions.

evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent

- Questions or evidence about a party or witness's records that are made or maintained by a physician, psychologist, or psychiatrist unless the party or witness provides voluntary, written consent for the records to be considered

Previous disciplinary action of any kind involving the Respondent may not be considered in the decision making unless there is an allegation of a pattern of misconduct. Such information may be considered in determining an appropriate Sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the Sanction stage of the process.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Respondent Admits Responsibility

At any point in the proceedings, if a Respondent elects to admit to the charged violations and waive further process, the Decision-maker(s) is authorized to accept that admission, adopt it as their Finding/Final Determination, and administer Sanctions. This would waive the Respondent's right to appeal. If the Respondent rejects the Finding/Final Determination/Sanctions, or does not admit to all conduct charged, the Policy-Based Resolution Process continues to its conclusion. The Complainant retains their right to appeal a determination when a Respondent admits responsibility.

Investigation

All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and witnesses, obtaining Relevant Evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the transcript of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the transcript will be deemed to have been waived, and no changes will be permitted.

The university may consolidate Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.

- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the transcript of the Relevant Evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a Finding.
- Ask the Parties to provide a list of questions they would like asked of the other party or any witnesses.
- Write a draft Investigation Report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and party and witness interviews, and provides all Relevant Evidence.
- Compiles a Directly Related Evidence File.
- Via the Title IX Coordinator, provide the Parties and their respective Advisors an electronic copy of the Draft Investigation Report as well as an opportunity to inspect and review all evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the university does not intend to rely in reaching a determination, for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- Incorporating any new, Relevant Evidence and information obtained through the Parties' review of the Draft Investigation Report and any follow-up meetings into the Final Investigation Report.
- Responding in writing (typically within the Final Investigation report) to the relevant elements of the Parties' responses to the Draft Investigation Report.
- Sharing the Final Investigation Report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- Providing the Title IX Coordinator with the Final Investigation Report and Directly Related Evidence File.

Referral for Hearing

Provided that the Formal Complaint is not resolved through Informal Resolution, once the Final Investigation Report is shared with the Parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing will not be held less than ten (10) business days from the conclusion of the investigation - when the Final Investigation Report is transmitted to the Parties and the Decision-maker(s) - unless all Parties and Decision-maker(s) agree to an expedited timeline.

The Title IX Coordinator will select (an) appropriate Decision-maker(s) from the Pool and provide a copy of the Final Investigation Report and the file of Directly Related Evidence.

Live Hearing Requirements

The following provisions apply to a live hearing:

Hearing Venue Options and Recordings

The live hearing may occur in person or via video technology. The Decision-maker(s) and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Title IX Coordinators discretion.

- The Parties may make a request to the Title IX Coordinator that the hearing be held in person or via video technology, but they must do so at least ten (10) business days prior to the hearing. The Title IX Coordinator retains discretion to determine whether the hearing will occur in person or via video technology.
 - All hearings will be recorded, and Parties may request a copy of the recording from the Title IX Coordinator following the live hearing.
 - No unauthorized recordings are permitted.

Scheduling

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet the university's resolution timeline and ensure a prompt resolution. Student hearings will not take place between Study Day and the conclusion of finals in the Fall and Spring terms. Employees, including Parties and witnesses, who do not have 12-month contracts are still expected to participate in Resolution Processes that occur during months between contracts.

Hearing Participants

Persons who may be present for a hearing include the Decision-maker(s), hearing facilitator, Investigator(s), the Parties and their Advisors (if applicable), anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the Decision-maker(s). Witnesses who are present are only present during their portion of the testimony.

Advisors

The Parties may have the assistance of an Advisor of their choosing at the hearing. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves.

- During the pre-hearing meeting and live hearing, Parties may only be accompanied by their Advisor (if applicable). No other persons (e.g., additional support persons, Advisors, friends, family) may accompany, attend, or listen in on the pre-hearing meeting or live hearing unless explicitly authorized by the Title IX Coordinator, with each party being provided the same opportunity.

- Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a manner consistent with Policy (e.g., technology may not be used to record the hearing or to provide another person with access to the hearing).
- All questions during the hearing will be asked by the Decision-maker(s). Parties and Advisors may suggest questions to be posed by the Decision-maker(s) during the pre-hearing meetings or by submission of questions during the hearing. The method of submitting questions to the Decision-maker(s) will be specified by the Decision-maker(s) during the pre-hearing meetings.

Disability Accommodations and Other Assistance

Parties should contact the Title IX Coordinator at least ten (10) business days, if possible, prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing.

Conflicts of Interest or Bias

The Decision-maker(s) must not have a bias for or against Complainants or Respondents generally or the individual Complainant or Respondent in particular.

- The Decision-maker(s) must recuse themselves if such bias or conflict of interest exists.
- If a Decision-maker believes there is possible conflict of interest or bias, they will consult with the Title IX Coordinator about possible recusal or removal.
- The Parties may raise challenges that a Decision-maker is biased or has a conflict of interest. The Parties must raise challenges with the Title IX Coordinator within two (2) business days of receiving the hearing Notice.
- The Title IX Coordinator will only remove and replace a Decision-maker in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
- If a Decision-maker recuses themselves as the result of a conflict of interest or bias, or is removed, the Title IX Coordinator will promptly appoint a new Decision-maker who does not have a conflict of interest or bias and notify the Parties accordingly.

Evidence Provided to Decision-maker(s) and Parties

- The Decision-maker(s) will be provided electronic copies of the Final Investigation Report and all Relevant Evidence, including the names of all Parties, witnesses, and Advisors (if applicable), at least ten (10) business days in advance of the hearing.
- The Parties will be provided with electronic copies of all the materials provided to the Decision-maker(s) as part of the hearing Notice, unless those materials have already been provided.

Hearing Notice

The Title IX Coordinator will send the Parties a Notice of hearing letter no less than ten (10) business days prior to the hearing. Once mailed, emailed, and/or received in-person, Notice will be presumptively delivered. The hearing Notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential Sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- A description of any technology that will be used to facilitate the hearing.
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the identity of the Decision-maker(s), the role of Advisors, and how to request disability accommodations or other assistance.

Investigator Participation

Investigator(s) typically do not attend the hearings unless specifically requested by one or more of the Parties and/or the Decision-maker(s). If Parties wish for the Investigator(s) to be present for questioning, they must notify the Title IX Coordinator at least ten (10) business days prior to the hearing.

Witness Participation

Witnesses are encouraged to participate in, and make themselves reasonably available for, the hearing. Witnesses may participate in-person or via video technology that allows the Decision-maker(s) and the Parties to see and hear the witness while that person is speaking. Witnesses are not permitted to be accompanied by an Advisor without the Title IX Coordinator's express permission. At the discretion of the Decision-maker(s), a witness may join by phone if no other reasonable alternative is available.

The Decision-maker(s) and/or Title IX Coordinator will work with the Parties to finalize a witness list for the hearing, and the Title IX Coordinator will notify any witnesses of the hearing's logistics.

Parties are responsible for securing their relevant witnesses for the hearing. The Decision-maker(s), in conjunction with the Title IX Coordinator, will determine a date and time prior to the pre-hearing meetings by which all Parties must submit their lists of secured, relevant witnesses for the hearing.

If any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Title IX Coordinator may reschedule the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed or otherwise engaged by the Investigator(s).

Pre-Hearing Meetings

The Decision-maker(s) and/or Title IX Coordinator will convene separate pre-hearing meeting(s) with the Parties and their Advisors (if applicable) and invite them to submit the questions or topics they wish to ask or discuss at the hearing. This allows the Decision-maker(s) to consider their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Parties from submitting a question at the hearing for the first time or asking for a reconsideration on a Decision-maker's pre-hearing decision based on any new information or testimony offered at the hearing.

Pre-hearing meetings will not be recorded. If necessary, the pre-hearing meetings can be done remotely or as a written communication exchange.

Hearing Procedures

Evidentiary Considerations

The Parties must provide all evidence to the Investigator(s) prior to completing the Final Investigation Report.

Collateral Misconduct

The Decision-maker has the authority to hear and make determinations on all allegations of Policy-Based Sex Discrimination and Misconduct under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the Policy-Based Sex Discrimination and Misconduct, even though those collateral allegations may not specifically fall within the Policy.

Joint Hearings

In Formal Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

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

Introductions and Hearing Procedure Explanation

The Decision-maker(s) will explain the hearing procedures and introduce the participants. The Decision-maker(s) will answer any procedural questions prior to and as they arise throughout the hearing.

Testimony and Questioning

The Parties and witnesses may provide relevant information in turn, beginning with the Complainant's opening statement, then the Respondent's, and then questioning in the order determined by the Decision-maker(s). The Decision-maker(s) will facilitate questioning of the Parties and witnesses first by the Decision-maker(s) and then by the Parties through the Decision-maker(s).

All questions must be directed toward and asked through the Decision-maker(s) and are subject to a relevance determination before they are asked. The Decision-maker(s) will determine the method by which the Parties will submit their questions to the Decision-maker(s) for their review and, if

approved, to be posed. Questions that the Parties wish to have posed can be questions for that party themselves, another party, or witnesses.

The Decision-maker(s) will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker(s) will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive. The Decision-maker(s) has final say on all questions and determinations of relevance and appropriateness. The Decision-maker(s) may consult with the Title IX Coordinator and/or legal counsel on any questions of admissibility.

If the Parties raise an issue of bias or conflict of interest of an Investigator(s) or Decision-maker(s) at the hearing, the Decision-maker(s) may elect to address those issues, consult with legal counsel, refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not an issue at the hearing, the Decision-maker(s) should not permit irrelevant questions that probe for Investigator bias.

The Decision-maker(s) will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker(s) and the Parties, and the witnesses will then be excused.

Refusal to Submit to Questioning and Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on the available Relevant Evidence in making a Final Determination. The Decision-maker(s) may not draw any inference **solely** from a party's or witness's absence from the hearing or refusal to answer any or all questions.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

Hearing Recordings

The university records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recording of any kind is permitted during the hearing.

The Decision-maker(s), the Parties, their Advisors (if applicable), Appeal Decision-maker(s), and other appropriate university officials will be permitted to review the recording or review a transcript of the recording upon request to the Title IX Coordinator. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

Deliberation and Determination

After closing statements from the Parties, the Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the standard of evidence. If a panel is used, a simple majority vote is required to determine the Finding. Deliberations are not recorded.

The Decision-maker(s) will then prepare and provide the Title IX Coordinator with a written outcome letter detailing all Findings and Final Determinations, the rationale(s) explaining the decision(s), the evidence used in support of the Determination(s), any credibility assessments, and any Sanction(s) and rationales explaining the Sanction(s).

This outcome letter is typically submitted to the Title IX Coordinator within ten (10) business days from the conclusion of the hearing, unless the Title IX Coordinator grants an extension. The Title IX Coordinator will notify the Parties of any extension.

Sanctions

Factors the Decision-maker(s) may consider when determining Sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for Sanctions/responsive actions to bring an end to the Policy-Based Sex Discrimination and Misconduct
- The need for Sanctions/responsive actions to prevent the future recurrence of Policy-Based Sex Discrimination and Misconduct
- The need to remedy the effects of the Policy-Based Sex Discrimination and Misconduct on the Complainant and the community
- The impact on the Parties
- The Respondent's acknowledgment of their actions and understanding of their impact
- Any other information deemed relevant by the Decision-maker(s)

The Sanctions will be implemented as soon as it is feasible once a Determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

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

Student Sanctions

The following are the common Sanctions that may be imposed upon students singly or in combination:

- *Parental Notification:* A student who is dismissed or suspended will be required to notify his/her parent or legal guardian of the fact and the reasons. If the parent or legal guardian is not notified by the student within a reasonable amount of time, the Executive Director of Residential Living and Student Conduct will make the notification. A student under the age of 21 who is found in violation of the University's policies on the use and/or possession of illegal

drugs or paraphernalia will be required to notify his/her parents or legal guardian. A student under the age of 21 who is found responsible for a violation involving alcohol misuse or abuse may also be required to notify his/her parent or legal guardian.

- *Campus or Community Assistance Requirement:* An individual or group may be assigned to perform a task or spend a specified number of hours in a supervised campus or community project.
- *Referrals:* A student may be referred to an appropriate University or community resource for special assistance or information if it is felt there may be a possibility of altering the student's unacceptable behavior.
- *Fines or Restitution:* A student may be fined or assessed restitution for violating a University regulation.
- *Censure:* Censure indicates misconduct more serious than a warning, but not serious enough for probation and loss of good standing, and shall continue for a specified time. Another violation while under censure can lead to more serious Conduct Sanctions.
- *Banning:* An individual student or group of students may be banned, when appropriate, from any or all buildings or grounds owned or operated by the University, or from any University program or activity, for a specified amount of time. Any student suspended or dismissed from the University is banned from the University during the period of his/her Sanction. (For a definition of these properties owned or operated by the University, contact the Bradley Police Department.)
- *Disciplinary Probation:* Disciplinary probation is a status between good standing and suspension or dismissal from the University. It specifies a time period during which the student is not considered to be in good standing in terms of personal conduct but may remain enrolled under specified conditions according to University policies. If the conditions are fulfilled during the time period, probation is lifted and the student is returned to good standing. If the conditions are not fulfilled, the student will be dismissed, suspended, or the probation may be extended, as appropriate in a given case. Students found in violation of further infractions of the Conduct Policy while on disciplinary probation may face suspension or dismissal. Rulings in these instances shall be made by Residential Living and Student Conduct.
- *Suspension from the University:* University suspension is an involuntary separation of a student from the University that specifies a time limit and the conditions to be met before a student may request reinstatement. A student suspended for Conduct reasons is not considered to be in good standing in terms of personal conduct by the University. Students returning to the University after suspension may be placed on disciplinary probation. Students returning to the University after suspension may be required to live in the residence halls for up to one full academic year.
- *Dismissal from the University:* University dismissal is an involuntary permanent separation of a student from the University. A student dismissed for Conduct reasons is not considered, in terms of personal conduct, to have left the University in good standing. A student who is dismissed or suspended is subject to the refund policy as stated in the Undergraduate Catalog under Complete Official Withdrawal.
- *Other Actions:* In addition to, or in place of, the above Sanctions, the university may assign any other Sanctions as deemed appropriate.

Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in Policy-Based Sex Discrimination and Misconduct include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Shift or schedule adjustments*
- *Reassignment*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Assignment to a New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above Sanctions/responsive actions, the university may assign any other responsive actions as deemed appropriate.

Notice of Outcome

The Title IX Coordinator will notify and provide the Parties with the written outcome upon receipt from the Decision-maker(s). The outcome notification will specify the Finding for each alleged Policy violation, all applicable Sanctions that the university is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker(s), supporting the Findings to the extent the university is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The Title IX Coordinator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official university records, or emailed to the Parties' Bradley University-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

Withdrawal or Resignation Before Complaint Resolution **Students**

Should a student Respondent decide not to participate in the Policy-Based Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from the university, the Policy-Based Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Formal Complaint.

Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Policy-Based Resolution Process, the university will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Policy-Based Sex Discrimination and Misconduct.

When a student withdraws or takes a leave of absence while the process is pending, the student may not return to the university in any capacity until the Formal Complaint is resolved and any Sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Formal Complaint and bar the student from returning. The Registrar, Office of Admissions, Student Conduct Office, and Human Resources may be notified accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Policy-Based Resolution Process may continue remotely.

Employees

Should an employee Respondent refuse to participate in the Policy-Based Resolution Process, the process will proceed without their participation to a reasonable resolution. If an employee Respondent leaves their employment with the university while allegations remain unresolved, the Policy-Based Resolution Process may continue, and the employee may not return to the university in any capacity until the Formal Complaint is fully resolved and any imposed Sanctions are satisfied. Alternatively, the Title IX Coordinator may exercise discretion to dismiss the Formal Complaint.

If the Formal Complaint is dismissed, the university may still implement reasonable supportive or remedial measures as necessary to address safety concerns and/or mitigate any ongoing effects of the alleged Policy-Based Sex Discrimination and Misconduct.

Should an employee resign during the process, and the Formal Complaint is dismissed, the employee may not return to the university in any capacity. The Registrar, Office of Admissions, and Human Resources will be notified accordingly. A note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the university. The records retained by the Title IX Coordinator will reflect that status..

If the employee Respondent takes a leave for a specified period of time, the Policy-Based Resolution Process may continue remotely.

Appeal of the Final Determination

The Title IX Coordinator will designate an Appeal Decision-maker to hear the appeal. No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the Formal Complaint. If a panel is used, a voting chair will be designated by the Title IX Coordinator.

Appeal Grounds

Appeals are limited to the following grounds:

- A procedural irregularity that would change the outcome of the matter.
- There is new, relevant evidence that was not reasonably available at the time of the Final Determination regarding responsibility that would change the outcome of the matter.
- The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the specific Complainant or Respondent, and that directly caused the outcome of the matter.

Request for Appeal

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within ten (10) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

All other Parties and their Advisors (if applicable), the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given ten (10) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker(s) will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses, if any, within ten (10) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the Final Determination only when there is clear error and to the Sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions apply the preponderance of the evidence standard of proof.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the Finding and/or Sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed.

Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker(s) with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker(s) or the Title IX Coordinator (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new hearing with new Pool members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter ("Appeal Outcome") will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the Finding on each appeal ground, any specific instructions for remand or reconsideration, all Sanction(s) that may result which the university is permitted to share according to federal or state law, and the rationale supporting the essential Findings to the extent the university is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official university records, or emailed to the Parties' Bradley University-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision is changed on remand (except in the case of a new determination). When appeals result in no change to the Finding, that decision is final. When an appeal results in a new Finding, that Finding can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the three (3) available appeal grounds.

Sanction Status During the Appeal

Any Sanctions imposed as a result of the Final Determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

Long-Term Remedies/Other Actions

Following the conclusion of the Policy-Based Resolution Process, and in addition to any Sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term Remedies or actions with respect to the Parties and/or the university community that are intended to stop the Policy-Based Sex Discrimination and Misconduct, remedy the effects, and prevent recurrence.

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

- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

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

Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned Sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker(s), including the Appeal Decision-maker(s) or the Informal Resolution agreement.

Failure to abide by the Sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional Sanction(s)/action(s), including suspension, expulsion, and/or termination from the university.

Supervisors are expected to enforce the completion of Sanctions/responsive actions for their employees.

A suspension or other probationary-type Sanctions imposed for non-compliance with Sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

Recordkeeping

For a period of at least seven (7) years following the conclusion of the Resolution Process, the university will maintain records of:

- Each Policy-Based Resolution Process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.
- Any disciplinary Sanctions imposed on the Respondent.
- Any supportive measures provided to the Parties and any Remedies provided to the Complainant or the community designed to restore or preserve equal access to the university's Education Program or Activity.
- Any appeal and the result therefrom.
- Any Informal Resolution and the result therefrom.
- All materials used to provide training to the Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitators, and any person who is responsible for implementing the Policy-Based Resolution Processes.
- Any other action taken in response to a report or Formal Complaint including:
 - I. The basis for all conclusions that the response was not deliberately indifferent
 - II. Any measures designed to restore or preserve equal access to the university's Education Program or Activity.

The university will also maintain any and all records in accordance with federal and state laws.

Accommodations and Support During the Policy-Based Resolution Process

Disability Accommodations

Bradley University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the Policy-Based Resolution Process. Anyone needing such accommodations or support should contact the Title IX Coordinator.

Other Support

Bradley University will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Policy-Based Resolution Process
- Other support as deemed reasonable and necessary to facilitate participation in the Policy-Based Resolution Process

Revision of these Procedures

These procedures succeed any previous procedures addressing Policy-Based Sex Discrimination and Misconduct for incidents occurring on or after August 1, 2024. The Title IX Coordinator will regularly review and update these procedures. The university reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

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

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

APPENDIX D: PRIVACY, PRIVILEGE, AND CONFIDENTIALITY

For the purpose of this Policy, the terms *privacy*, *confidentiality*, and *privilege* have distinct meanings.

Privacy

Means that information related to a Formal Complaint will be shared with a limited number of university employees who “need to know” in order to assist in providing supportive measures or evaluating, investigating, or resolving the Formal Complaint. All employees who are involved in the university’s response to Notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law.

Privilege

Exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. Privilege is maintained by a provider unless a court orders release or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege. The university treats employees who have the ability to have privileged communications as Confidential employees.

Confidentiality

Exists in the context of laws or professional ethics (including Title IX) that protect certain relationships, including clinical care, mental health providers, and counselors. When a Complainant shares information with a Confidential employee, the Confidential employee does not need to disclose that information to the Title IX Coordinator. The Confidential Resource will, however, provide the Complainant with the Title IX Coordinator’s contact information, assist the Complainant in reporting, if desired, and provide them with information on how the Office of Title IX Compliance can assist them. With respect to Confidential employees, information may be disclosed when: (1) the reporting person gives written consent for its disclosure; (2) there is a concern that the person will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or persons with disabilities. Non-identifiable information may be shared by Confidential employees for statistical tracking purposes as required by the Clery Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.

The university reserves the right to determine which university officials have a legitimate educational interest in being informed about student-related incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the Formal Complaint. Information will be shared as necessary with Investigators, Decision-makers, Appeal Decision-makers, witnesses, the Parties, and the Parties’ Advisors. The circle of people with this knowledge will be kept as tight as possible to preserve the Parties’ rights and privacy, and release is governed by the institution’s unauthorized disclosure policy.

The university may contact students' parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student prior to doing so.

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