

Name of Procedure	RESOLUTION PROCEDURES FOR TITLE IX POLICY
Governing policy	Title IX Policy Prohibiting Sexual Misconduct
Description of Procedure	The procedures outlined herein are designed to address and resolve alleged violation(s) of Alcorn State University’s (“Alcorn”) Policy Prohibiting Sexual Misconduct that afford both the Complainant and the Respondent due process as well as appeal options and other procedural rights as outlined in Alcorn policy. The grievance procedure and process will be used to investigate and adjudicate Formal Complaints of sexual harassment. <i>The procedures for resolution of such Complaints may be subject to review by Alcorn’s Title IX Coordinator.</i>
Procedure applies to	<input checked="" type="checkbox"/> University-wide <input type="checkbox"/> Specific (<i>outline location, campus, organizational unit, etc</i>)
	<input type="checkbox"/> Staff only <input type="checkbox"/> Students only <input checked="" type="checkbox"/> Staff and students
Procedure status	<input type="checkbox"/> New procedure <input checked="" type="checkbox"/> Revision of existing procedure

Approval authority	
Governing authority	
Responsible officer	Alcorn’s Title IX Coordinator shall be responsible for administering this policy across the Alcorn community.

Approval date	
Effective date	August 14, 2020 pursuant to federal guidelines
Approval date of last revision	
Effective date of last revision	
Date of governing procedural review*	As a University-wide procedure, this procedure is subject to an annual review cycle or as necessary to comply with legislative or regulatory changes. <i>Estimated date of review: August 2021</i>

**unless otherwise indicated, this procedure will still apply beyond the review date*

Related legislation, policies, procedures, guidelines and local protocols	These procedures are adopted and published as required in the <i>Final Rule</i> under Title IX of the Education Amendments of 1972 , which prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance issued by the U.S. Department of Education Office for Civil Rights. Alcorn’s related Title IX Policy Prohibiting Sexual Misconduct; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; and Mississippi laws that prohibit discrimination on the basis of sex, sexual orientation, and gender identity.
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Governing Policy

Consistent with Alcorn State University (“Alcorn”) *Title IX Policy Prohibiting Sexual Misconduct*, the university has implemented a Formal Resolution process in a manner consistent with the law and due process. Through these procedures Alcorn strives to prevent acts of sexual misconduct and sex discrimination plus take prompt and appropriate action to investigate and effectively sanction those found to have engaged in such conduct.

Scope/Application

The Formal Resolution Process is the procedure by which allegations are presented in a formal hearing for a determination as to whether this policy was violated.

Formal Resolution

The Formal Resolution Process is the procedure by which allegations are presented in a formal hearing for a determination as to whether this policy was violated.

A. Pre-Hearing Conference

1. A pre-hearing conference shall be coordinated by the Title IX Coordinator and chaired by a Hearing Panel chair. Parties and Advisors are encouraged, but not required, to be present.
2. This conference shall be conducted at least three (3) business days prior to a scheduled hearing panel and ten (10) business days post the finalized investigative report being sent to the parties and Advisors, if applicable.
3. The purpose of the pre-hearing conference shall be to:
 - a. Identify the panelists and address any objections to members of the panel;
 - b. Address evidentiary issues or questions to be posed at the hearing (i.e. numbers of witnesses, use of documents, expected length of hearing, etc.);
 - c. Ensure parties will have Advisors available to conduct cross examination and that the advisor is familiar with the hearing process under this policy;
 - d. Provide a forum to address any questions related to the hearing panel process and procedures.

B. Hearing Panel

The panel shall consist of one chair and two other Alcorn employees trained in adjudication. It shall afford each party an opportunity to present evidence and question opposing parties and witnesses.

C. Advisors

The parties are permitted to be represented by an Advisor. If a party does not have an Advisor at the hearing, one shall be provided by Alcorn at no cost to the party. The Advisor may be, but is not required to be, an attorney. The Advisor is the only person who may conduct direct or cross examination on behalf of a Complainant or Respondent.

D. Direct and Cross Examination

1. At the hearing, the questioning of witnesses or opposing parties must be conducted directly, orally and in real time by the party’s Advisor and never by a party personally.
2. Each party’s Advisor will be permitted to ask the other party and any witness’s relevant questions and follow-up questions, including those challenging credibility.
3. Only questions relevant to determining the veracity of the allegations will be allowed.
4. Questions or evidence about a Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless: (1) offered to prove that someone other than the Respondent committed

the conduct alleged in the complaint, (2) concern specific incidents of the Complainant's prior sexual behavior with Respondent and are offered to prove consent.

5. The panel chair will have the sole authority to determine whether the question is relevant and whether it will be permitted. The chair must explain any decision to exclude a question as not relevant.

E. Failure to Appear/Answer

1. If a party or witness does not submit questioning at the hearing, the panel must not rely on any statement of that party or witness in reaching a determination regarding responsibility.
2. The Panel cannot draw an inference about the determination regarding responsibility based solely on:
 - a. A party's or witness's absence from the hearing; or
 - b. Refusal to answer questions.

F. Deliberations

1. The panel shall deliberate in closed session with only panelists present.
2. The panel shall make a finding of responsible, not responsible or insufficient evidence based on the Clear and Convincing Standard of Evidence.
3. Upon reaching a decision, the panel will invite the parties and Advisors to return to hear of the panel's finding regarding responsibility for a violation of this policy.
4. If the Respondent is found in violation, the panel shall move to address sanctions.

G. Determination and Sanctions

1. If the Respondent is found responsible, the panel may choose to hear from the parties or ask questions of the parties in evaluating possible sanctions. Prior conduct history of the Respondent will be considered in sanctioning.
2. Upon reaching a sanctioning decision, the panel will share with the parties and Advisors any sanctions imposed. The panel will prepare and provide to the Title IX Coordinator, within five (5) business days of the hearing, a written determination which must include:
 - a. Identification of the allegations constituting sexual misconduct;
 - b. A description of the procedural steps taken from receipt of the Formal Complaint through determination, including any notifications to the parties, interviews with parties and witnesses, evidence gathered and hearings held;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of the policy to the facts;
 - e. A statement explaining the sanction for each policy violation found "responsible";
 - f. Whether additional remedies designed to restore or preserve equal access will be provided by Alcorn to the Complainant.
3. The Title IX Coordinator is responsible for effective implementation of any remedies and sharing of outcomes. The written determination prepared by the panel chair shall be shared electronically by the Title IX Coordinator with the parties and Advisors within three (3) business days of receipt from the panel chair.
4. The determination regarding responsibility and sanctions becomes final either:
 - a. If appealed, the date written notice is provided to the parties of the appeal result; or
 - b. If not appealed, the date on which an appeal would no longer be considered timely.
5. An audio or audiovisual recording, or transcript, shall be created and available to the parties for inspection and review.

H. Possible Corrective Actions

1. Students found responsible for violating this policy may expect the range of sanctions to include, but not be limited to:
 - a. Disciplinary probation;
 - b. Deferred suspension;
 - c. Suspension;
 - d. Expulsion;
 - e. Psychological assessment;
 - f. Counseling, social restrictions;
 - g. Limited presence on campus; and
 - h. Revocation of admission.

NOTE: Additional sanctions may also be imposed when appropriate.

2. An employee found responsible for violating this policy may expect the range of sanctions to include, but not be limited to:
 - a. Suspension;
 - b. Administrative leave;
 - c. Demotion;
 - d. Psychological assessment;
 - e. Counseling;
 - f. Restricted presence on campus; or
 - g. Termination of employment.
3. Both the Complainant and Respondent will be informed of the outcome of any corrective action or disciplinary process.

Appeal

- A.** An appeal is equally available to both parties and either party may appeal a Hearing Panel determination. An appeal may only be based on the following grounds:
 1. Evidence of bias by the hearing panel member(s);
 2. New evidence has become available since the hearing panel's hearing that was not previously available with due diligence;
 3. There was a significant and prejudicial departure from the procedures and standards in this policy;
 4. The outcome was clearly erroneous based the facts and evidence presented to the hearing panel;
 5. The sanctions imposed were inappropriate for the violation.

B. Appeal Procedures

1. Written Notice of Appeal shall be forwarded to the Title IX Coordinator within ten (10) business days of email notification of the hearing panel decision. The Notice of Appeal shall contain the following information:
 - a. Name of the Complainant and Respondent;
 - b. A copy of the hearing panel outcome report;
 - c. Ground(s) for appeal and if appeal is based upon discovery of new information, a description/documentation of the new information and reason(s) it was not discoverable prior to the hearing panel hearing.
2. Upon receipt of the Notice of Appeal, the Title IX Coordinator, within three (3) business days of receipt of the Notice of Appeal, shall:
 - a. Confirm receipt of the Notice of Appeal to the appealing party;
 - b. Notify the other party of the appeal; and
 - c. Contact the Executive Director for the Office of University Compliance ("OUC") (if appeal went to a Title IX Coordinator).

3. The Executive Director of UOC, or designee, shall, within ten (10) business days of notice, review the Notice of Appeal and determine if grounds for appeal exists. If no grounds for appeal exist, the Executive Director of OUC, or designee shall notify the parties and Advisors and close the file. If grounds for appeal exists, the Executive Director of OUC, or designee shall:
 - a. Determine scope of review;
 - b. Notify the parties of the scope of review; and
 - c. Provide the parties five (5) days to challenge for conflict of interest or bias. (Alcorn's President, or designee in conjunction with the Title IX Coordinator will determine if cause exists to excuse the Executive Director of OUC, or designee.)
4. The Title IX Coordinator shall forward the appellate record to the reviewer within five (5) business days. The record shall include, but is not limited to:
 - a. All evidence introduced at the hearing;
 - b. Any pre-hearing determinations from the hearing officer;
 - c. The written findings of the hearing panel; and
 - d. The recording or transcript of the formal hearing.
5. Within ten (10) business days of receipt of the record, the Executive Director of OUC, or designee shall consider the appellate record, render a written decision including finding and rationale and forward to the Title IX Coordinator. The Executive Director of OUC, or designee may:
 - a. Uphold the Hearing Panel outcome; or
 - b. Modify the Hearing Panel outcome for responsibility and/or sanctions; or
 - c. Overturn the Hearing Panel outcome and remand for a new hearing.
6. The Executive Director of OUC, or designee shall notify the Title IX Coordinator who shall then notify the parties and Advisors within two (2) business days of receipt of the decision.
7. Appeal decisions are final. In the event of remand for rehearing, the subsequent hearing panel outcome may be appealed in accordance with the provisions herein. Any appeal right exercised under this policy shall complete the process.