

University of Valley Forge
Grievance Procedures for Title IX Complaints
(Revised February 2025)

Policy Statement

The University of Valley Forge (UVF) has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

These procedures, along with the University's Sexual Misconduct and Violence Policy will be made available to all applicants for admission and employment, students, and parents or legal guardians of students or student applicants. This will include how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the University will respond to such complaints.

The Title IX Coordinator and Title IX Team

The Title IX Coordinator at the University of Valley Forge is responsible to:

- Coordinate all efforts to comply with Title IX University-wide
- Notify all applicants for admission and employment, students, parents or legal guardians of the University's sexual harassment, misconduct and violence policy and grievance procedures
- Coordinate the effective implementation of supportive measures for those who report complaints and those who respond to complaints
- Coordinate the effective implementation of any remedies to sexual discrimination, including sexual harassment.

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Reporting

Any person may make a report of sex discrimination, including sexual harassment by contacting the Title IX Coordinator or any member of the Title IX Care Team (above). The report can be made:

- In person, by mail, by telephone, or email
- Using the contact information listed above
- Or by any other means that results in the Title IX Coordinator receiving the verbal or written report
- At any time (including during non-business hours) at valleyforge.edu. Links to a formal complaint form and an anonymous reporting form are located on the University's Title IX page

Inquiries about the application of Title IX to the University of Valley Forge may be referred to our Title IX Coordinator or to the Assistant Secretary for Civil Rights at the U.S. Department of Education. For instructions on making an inquiry, call 1-800-USA-LEARN (1-800-872-5327).

The University will respond when it has knowledge of conduct that reasonably may constitute sex discrimination, in its education program or activity, in the United States. The University will respond promptly and effectively to end sex discrimination in the University's program or activity, prevent it recurrence, and remedy its effects, in accordance with Title IX regulations.

Title IX Training Requirements

The University provides training for employees on the school's obligation to address sex discrimination, as well as employees' obligations to notify or provide contact information for the Title IX Coordinator or Care Team.

Title IX Coordinators, investigators, decisionmakers, persons with authority to modify or terminate supportive measures, and any person who facilitates an informal resolution process, receive training relative to their roles which includes the University's obligation to respond to sex discrimination and the definition of sexual harassment, the scope of the university's education program or activity, how to conduct an investigation, the University's grievance procedures, the meaning and application of the term 'relevant' and types of impermissible evidence, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, facilitators of the University's informal resolution process receive training on the rules and practices associated with the institution's informal resolution process. Decisionmakers receive training on any technology to be used at a live hearing. Investigators receive training on creating an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Materials used to train employees and the Title IX Care Team are available through the Title IX Coordinator.

Complaints

A complaint is an oral or written request to the University that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations. Complaints should be directed to the Title IX Coordinator.

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the University of Valley Forge investigate and make a determination about alleged discrimination under Title IX:

- a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- a person other than a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the University's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The University's Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person.

The Title IX Coordinator may also initiate a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v). In determining whether to initiate a complaint, the Title IX Coordinator will make a fact-specific determination that will take into consideration information such as: the complainant's request not to proceed with the initiation of a complaint, the complainant's reasonable safety concerns, risk of additional acts of discrimination occurring, severity of the alleged discrimination, age and relationship of the parties, scope of the alleged discrimination, availability of evidence, and whether the University could end the alleged discrimination and prevent its recurrence without initiating its grievance procedures.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of the University of Valley Forge; or
- Any person other than a student or employee who was participating or attempting to participate in the University of Valley Forge's education program or activity at the time of the alleged sex discrimination.

The University may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

General Response to Complaints

The Title IX Coordinator will coordinate the response of the University when it has actual knowledge of a complaint of sexual harassment in an education program or activity of the University against a person in the United States.

An education program or activity includes locations or events over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

The Title IX Coordinator, on behalf of the University, will:

- Respond promptly and in a manner that is not deliberately indifferent
- Treat complainants and respondents equitably by offering supportive measures to the complainant and by following the grievance procedures process before the imposition of any disciplinary sanctions or other measures that are not supportive against a respondent.
- Promptly contact the complainant to:
 - Discuss availability of supportive measures.
 - Consider the complainant's wishes in regard to supportive measures.
 - Inform the complainant that supportive measures are available without a formal complaint.
 - Explain the process of filing a formal complaint.

No Conflict of Interest: The University requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

Assumption that the Respondent is Not Responsible: The University presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Timeframes: The University will take reasonable steps to maintain a reasonable timeframe for the grievance process. Any party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Title IX Coordinator may also modify timelines in cases where information is not clear or judged to be incomplete, relevant parties are not available for interview, absence of an advisor, concurrent law enforcement activity, the need for language assistance or disability accommodation, and/or other circumstances that may arise.

The following represent general timeframes that the University believes to be reasonable in following its grievance processes. Parties will be given specific deadlines throughout the process.

- Response to a report: 0-1 week
- Response to a complaint, including meeting with the complainant: 1-2 weeks
- Dismissal of a complaint or emergency measures, if warranted: 1-2 weeks

- Notice of allegations, including meeting with the respondent: 1-2 weeks
- Investigation and evaluation of evidence, including opportunities for both parties to inspect the evidence, and interviews of witnesses: 2-4 weeks
- Production of the investigative report and inspection by both parties, including responses: 1-3 weeks
- Hearing or Informal Resolution process
 - Hearing process: 1-3 weeks
 - Informal Resolution Process: 1-3 weeks
- Determination and Opportunity to Appeal: 1-2 weeks
- Appeal Process: 2-3 weeks
- Final Determination: 1 week

Protection of Privacy: The University will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Formal Complaints and Written Notice of Allegations

When a formal complaint is filed with the Title IX Coordinator will provide the following written notice to the parties who are known, the University will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- The University's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence; and
- The University's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, the University decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint

The University will investigate allegations in a formal complaint. For the purposes of a Title IX investigation, the complaint MUST be dismissed if:

- The conduct alleged would not constitute harassment as defined, even if proved, or
- The conduct did not occur in an educational program or activity, or
- Did not occur against a person in the United States.

The University may dismiss a complaint of sex discrimination if:

- The University is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the University's education program or activity and is not employed by the University;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the University determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The University determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the University will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the University will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the University will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The University will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the University will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the University will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the University will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the University's education program or activity.

Dismissal of a formal complaint does not mean that the University will not review the complaint through other student conduct processes.

Emergency Measures or Administrative Leave

The University may remove a respondent from the University's education program or activity on an emergency basis provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

The University may place a non-student employee respondent on administrative leave during the pendency of a grievance process that complies with title IX rules and regulations.

Grievance Process

For the purpose of addressing formal complaints of sexual harassment, the University's grievance process will:

- Ensure that any provisions, rules, or practices other than those required by Title IX that the University adopts as part of its grievance process for handling formal complaints of sexual harassment will apply equally to both parties.
- Provide a grievance process (whether formal or informal) before a determination of remedies or disciplinary action.
- Provide remedies that are designed to restore or preserve equal access to the University's education program or activity.
- Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
- Require that any individual designated by a University as a Title IX Coordinator, investigator, decision-maker, or any person designated by a University to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Include a reasonably prompt timeframe for filing and resolving appeals, for the informal resolution process, if offered
- Provide process for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to all parties of the delay or extension and the reason or the action. Good cause can include: the absence of a party, a party's advisor, or a

witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

- Describe the range of disciplinary sanctions and remedies that may be implemented after any determination of responsibility.
- State the standard of evidence is preponderance of the evidence and that the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment.
- Describe procedures and permissible bases for an appeal
- Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Evidence

The University will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Investigation

The University will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on the University - not on the parties - to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The University will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

The University will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- The University will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- The University may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

The University will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

The University will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The University will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The University will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- The University will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence.
- The University will provide a reasonable opportunity to review and respond to the evidence or the investigative report. If UVF conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing; and
- The University will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Hearings

The University will provide for a live hearing in which the decision maker will provide for each party's advisor to ask the other party and any witnesses all relevant questions and follow up questions, including challenging credibility. The University will provide a party with an advisor of their choice, from a list of UVF advisors, if the party does not have one.

The University will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. Although the University may consult parties as to availability when scheduling hearings, parties, witnesses, and advisors are expected to rearrange their schedules to participate in the hearing as scheduled.

All participants in a hearing will sign a participant's consent form which will include an agreement of confidentiality, acknowledgement of hearing procedures, and, for those testifying, waiver of right to privacy.

The hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision makers and parties to simultaneously see and hear the party or the witnesses answering questions.

Live hearings may take place in the same geographic location, or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously to hear and see each other.

During the hearing, only relevant cross examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question, the decision maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The University will make all evidence available at any hearing to give each party equal opportunity to refer to the evidence during the hearing.

If a party or witness does not submit to cross examination at the live hearing, the decision maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

Determination

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the University will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;

- Information about the policies and procedures that the University used to evaluate the allegations;
- The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
- When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the University will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the University to the complainant, and, to the extent appropriate, other students identified by the University to be experiencing the effects of the sex-based harassment; and
- The University's procedures and permissible bases for the complainant and respondent to appeal.
- The University will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a complainant and other people the University identifies as having had equal access to UVF's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the University's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals

The University will offer an appeal from a dismissal of a complaint or a determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal of a complaint or a determination whether sex-based harassment occurred, the University will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that the University will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal the University offers will be equally available to all parties.

Informal Resolution

An informal resolution process cannot be offered by the University until a formal complaint is filed; however, at any time prior to reaching a determination regarding responsibility the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

Before the initiation of an informal resolution process, the University will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the University will maintain and whether and how the University could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

The University will obtain the parties voluntary written consent to the informal resolution process.

The University does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Maintenance of Records

The Title IX Office of the University of Valley Forge will maintain for seven (7) years a record of each sexual harassment investigation, any appeal and the result, and any informal resolution and the result.

For each response to a formal complaint, the Title IX Office will maintain for seven (7) years a record of any action taken, including supportive measures in response to a report or formal complaint of sexual

harassment, documented basis for its conclusion that the response was not deliberately indifferent, documented measures taken designed to restore or preserve equal access to education programs or activities. If the University does not provide supportive measures to the complainant, then it will also document the reasons why such a response was clearly not unreasonable in light of the known circumstances.

The University will maintain all materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process. The training materials will be publically available on valleyforge.edu or available upon request for inspection by members of the public.

Retaliation

No member of the University community or any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The University will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, or as required by law, or to carry out the purposes of resolving Title IX complaints, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination as described in these grievance procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Supportive Measures

The University will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the University's education program or activity or provide support during the University's Title IX grievance procedures or during the informal resolution process.

Supportive measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to

protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures may not be imposed for punitive or disciplinary reasons.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The University will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

Parties have a right to request modification or reversal of decisions regarding the supportive measures applicable to them. An impartial employee, not involved in the original decision will consider the request. Parties also can seek additional modification or termination of the supportive measures applicable to them if their circumstances change materially.

Disciplinary Sanctions and Remedies

The University may impose various disciplinary sanctions for student or employee respondents who are found to be responsible for sex-based discrimination as prohibited by Title IX. The full range of disciplinary sanctions may be found in the Student Handbook- "Disciplinary Levels and Sanctions," the Staff Handbook- "Hiring, Recruitment, Discipline and Termination" and "Community Life Standards and General Standards of Conduct," and the Faculty Handbook- "Faculty Discipline." An overview of the disciplinary process and possible sanctions, including sanctions for sexual violence and harassment may also be found in the UVF Sexual Misconduct and Violence Policy.

The range of disciplinary sanctions include warnings, fines, reduction of community privileges, probation, suspension, removal, withdrawal, dismissal and termination as appropriate for a student or employee.

Remedies are measures that are provided to restore or preserve that person's access to the recipient's education program or activity after the University determines that sex discrimination occurred. Remedies may be similar to supportive measures. Remedies may include a review of or change in policies or procedures, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar remedies.

Grievance Procedures Definitions

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a UVF's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. The University considers that it has actual knowledge of a report when it has been received by the Title IX Coordinator, the Deputy Coordinator, or a member of the Title IX Care Team.

Complainant means:

- A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Consent means words or overt actions by a person who is competent to give informed consent indicating freely given agreement to have sexual intercourse or sexual contact.

- Silence is not a guarantee of consent
- Consent to one activity or one event in time does not imply consent to future sexual actions
- In order to give consent, one must be of legal age
- A person cannot give consent when they are mentally or physically incapacitated

Disciplinary sanctions mean consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

Respondent means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- Quid pro quo harassment. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, 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 recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in the recipient's education program or activity; or
- Specific offenses.
 - Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - Dating violence meaning violence committed by a person:
 - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship;
 - Domestic violence meaning felony or misdemeanor crimes committed by a person who:
 - Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
 - Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - Shares a child in common with the victim; or
 - Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
 - Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person's safety or the safety of others; or
 - Suffer substantial emotional distress.

Supportive measures mean individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- Provide support during the recipient's grievance procedures or during an informal resolution process.