

XAVIER UNIVERSITY OF LOUISIANA

SEXUAL MISCONDUCT POLICY

Introduction:

Students, faculty, staff and third parties of Xavier University of Louisiana (hereafter referred to as University) have a right to be free from all forms of gender and sex-based discrimination, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The University adheres to a zero tolerance policy for gender and sex based misconduct. When an allegation of gender or sex-based misconduct is brought to the Title IX Coordinator's attention, and respondent is found to have violated this policy, sanctions will be implemented to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define the University's expectations and to establish a process for determining when those expectations have been violated. This policy should not be construed as creating any kind of contract because, among other reasons, Xavier retains the right to prospectively add, change, delete or modify policies it deems appropriate without obtaining another person's consent or agreement.

I. Policy on Sexual Misconduct

Xavier University is committed to complying with Title IX and the Clery Act by providing an environment that is free of discrimination on the basis of sex and gender in its programs and activities. Gender and sex based discrimination includes harassment and all forms of sexual violence as described in the Clery Act and as discussed in Section II below. Title IX and this policy also prohibit retaliation for asserting claims of gender and sex based discrimination, sexual violence, stalking and relationship violence which can have a profound impact on an individual's learning, working and personal life. To reduce the occurrence of these acts and/or behaviors, the University provides a variety of resources and educational programs designed to prevent these behaviors. The University provides information about what to do when an incident has occurred, and increases awareness of campus and community resources for support and response.

The Title IX Coordinator will ensure that relevant information is disseminated to students, faculty and staff on the University's Sexual Misconduct Policy and its implementation.

If a student, faculty, staff or third party believes that there is a violation of this policy, he or she must file a complaint with the Title IX Coordinator. All complaints will be investigated in a prompt, thorough, and equitable manner.

Upon notice, and as described in more detail below, the University will take prompt and effective steps to end gender and sex based discrimination, sexual violence, eliminate the hostile environment, and take effective action to prevent its recurrence.

The University complies with all federal mandates related to Title IX. Additional information about the federal mandates and compliance requirements can be found in the following documents:

The Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act of 1990

Violence against Women Act of 1994

U.S. Department of Education’s Office of Civil Rights (OCR) “Dear Colleague” letter (April, 2011)

OCR’s “Questions and Answers on Title IX and Sexual Violence” (April, 2014)

The Campus Sexual Violence Elimination Act (March, 2013)/VAWA

II. THIS POLICY PROHIBITS ALL FORMS OF SEXUAL MISCONDUCT WHICH INCLUDES, BUT NOT LIMITED TO:

1. Sexual Harassment
2. Sexual Assault
3. Nonconsensual Assault
4. Sexual Exploitation
5. Relationship Violence
6. Other Prohibited Conduct
7. Retaliation

III. DEFINITIONS:

1. **Sexual Harassment** is unwelcome conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment or education, 2) submissions to or rejection of such conduct by a person is used as the basis for a decision affecting that person’s employment or education; or 3) such conduct has the purpose or effect of unreasonably interfering with a person’s employment or education or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. Sexual Harassment also includes gender based harassment and harassment based on an individual’s failure to conform to gender stereotype.

2. **Sexual Assault** is having or attempting to have sexual intercourse or oral sex (cunnilingus or fellatio) without consent. Sexual intercourse is defined as anal or vaginal penetration (however slight) by a penis, finger or an object.
3. **Non-consensual Sexual Contact** is the touching or attempted touching of another's breasts, genitals, or buttocks (over or under clothes), for the purpose of sexual gratification, without consent. Nonconsensual sexual contact also includes forcing or attempting to force another to touch the breasts, genitals or buttocks of the person, for the purpose of sexual gratification, without consent.
4. **Sexual Exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or for the benefit or advantage of another person, and that behavior constitutes one or more sexual misconduct offenses. Sexual exploitation includes but is not limited to, causing the incapacitation of another person for sexual purposes, causing a person to engage in prostitution, electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images of another person or allowing third parties to observe sexual acts without the permission of the person engaged in sexual activity.
5. **Relationship Violence includes the following violations:**
 - **Domestic Violence:** Include but is not limited to sexual or physical abuse or the threat of such abuse committed by a current or former spouse or intimate partner or any other person from whom the alleged victim is protected under Federal or Louisiana Law.
 - **Dating Violence:** Includes but is not limited to sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of romantic nature with the alleged victim. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.
 - **Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. A course of conduct means two or more acts in which a person 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.
6. **Other Prohibited Conduct:** Complicity, assisting, facilitating or encouraging the commission of a violation of this Policy.
7. **Retaliation:** Title IX and this policy prohibit retaliation. Acts or attempted acts for the purpose of interference with any report, investigation, or proceeding under

this Policy, or as retribution or revenge against anyone who has reported Sexual Misconduct or who has participated (or is expected to participate) in any manner in an investigation or proceedings under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination.

IV. **ADDITIONAL APPLICABLE DEFINITIONS:**

Consent is clearly, knowingly and voluntarily agreeing to engage in a sexual activity. Consent is active and not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in sexual activity. Consent to one form of sexual activity cannot automatically imply consent to another form of sexual activity. Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent to engage in sexual activity may be withdrawn by a person at any time. Once withdrawal of consent has been expressed, the sexual activity must cease. Previous relationships or prior consent cannot imply consent to future sexual acts.

In order to give effective consent, a person must be of legal age and have the mental capacity to know that he or she is consenting to sexual activity. Sexual activity with someone, who is mentally or physically incapacitated (either by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.

Incapacitation an individual is considered to be incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Someone who is intoxicated is not necessarily incapacitated. Individuals who are asleep, unresponsive or unconscious are considered to be incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.

An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain consent.

V. **Reporting Gender Based Harassed And Sexual Misconduct Including Violence or Assault**

If a person believes that he or she is the victim of gender based harassment or sexual misconduct as defined in one of the definitions of Sexual Misconduct he or she may

choose to disclose the behavior to a confidential staff or faculty member or make an official report to a non-confidential resource.

VI. Confidential Disclosure

The University will seek to protect the privacy and confidentiality of the individuals involved in any report of alleged Sexual Misconduct to the extent possible and allowed by law. The Title IX Coordinator will evaluate any request for confidentiality in the context of the University's responsibility to provide a safe environment to all members of its community. The University will complete any publicly available record-keeping, including Clery Act reporting and disclosure, without the inclusion of identifying information about the alleged victim.

If a complainant (accuser) of Sexual Misconduct desires that details of the incident be kept completely confidential, the complainant should speak with one of the counselors in the Counseling and Wellness Center (504) 520-7315, St. Joseph Academic and Health Resource Center, 2nd Floor, Suite 202, the University Chaplain, Administration Building, 1st Floor, Suite 101A, (504) 520-7593, or an authorized person at an off campus sexual assault crisis resource center such as the New Orleans Family Justice Center, 701 Loyola Avenue, Suite 201, New Orleans, LA (504) 866-9554.

VII. Non Confidential Disclosure

All University community members are encouraged to report an incident of Sexual Misconduct to the Title IX Coordinator or Deputy Title IX Coordinator. Employees in the following positions have been designated as "responsible employees of the University:" all Senior Vice Presidents, Vice Presidents, Associate and Assistant Vice Presidents, Deans and Associate Deans, Administrative Directors, Associate and Assistant Directors, University Police Officers and Faculty members. A report of Sexual Misconduct to any of these responsible employees is an official notice to the University that an incident has occurred. The person can expect to have all incidents of sexual misconduct taken seriously by the University when formally reported to a responsible employee and to have those incidents investigated and properly resolved through administrative procedures.

VIII. Responsible Employee Reporting

All responsible employees, as described above, who become aware of an instance of alleged Sexual Misconduct, through a report or otherwise, must promptly, report that information to the Title IX Coordinator.

A responsible employee must report to the University's Title IX Coordinator, all relevant details about the sexual misconduct or sexual harassment incident that the complainant has shared so that the University may proceed with an appropriate response and or resolution. Failure to report an incident of sexual misconduct or sexual harassment to the University's Title IX Coordinator may result in disciplinary action.

IX: INVESTIGATING REPORTS OF SEXUAL DISCRIMINATION INCLUDES SEXUAL MISCONDUCT OR HARASSMENT

The University will investigate reports of violations of this Policy to the extent appropriate.

Investigations must begin no later than five days after a complaint has been given to an Investigator by the Title IX Coordinator or Deputy Title IX Coordinator. Generally, investigations of complaints must conclude within fifteen work days. Extensions may be granted by the Title IX or Deputy Title IX Coordinator.

Resolution of all complaints made under this Policy will be conducted in a prompt and equitable manner by an investigator who has received appropriate Title IX training for Investigators. The Title IX Investigator will be appointed by the Title IX Coordinator.

To initiate an Investigation, the complainant or a Responsible employee must submit a written statement to the Title IX Coordinator that contains:

- The name of the respondent, if known,
- A description of the alleged policy violation and,
- The date, approximate time, and location of the alleged violation, if known.

The Title IX Coordinator will provide the complainant with a copy of this policy, review University procedures, and inform the Complainant of available resources, support services, and options, including the option to be assisted by an adviser of choice.

The Title IX Coordinator will meet with the respondent to notify the respondent that a complaint has been filed and will be investigated. The Title IX Coordinator will provide the respondent with a copy of this Policy, review University procedures, and inform the Respondent of available resources, support services and options, including the option to be assisted by an Advisor of choice.

The advisor of choice may be an attorney to advise the complainant's or respondent. An advisor may participate as a silent observer in any meeting or proceeding outlined in the Policy's process.

Investigative Report: After a complaint is filed, the Investigator will conduct an investigation and prepare an Investigative Report, which may be accompanied by supporting documentation or items (for example, statements, photographs, etc.). If the Investigator determines that a hearing should be held the Investigator will inform the Title IX Coordinator, complainant and respondent in writing of their decision.

Acceptance of Responsibility: If the respondent chooses to accept responsibility for the alleged violation(s), the respondent will provide the Investigator with a written statement identifying the specific violation(s) and/or conduct to which the respondent admits. The Investigator will share the respondent's statement with the complainant and the Hearing Panel. Sanctions will be determined by the Hearing Panel, which may hold a hearing solely for the purpose of determining sanctions.

The Title IX Coordinator has sole discretion to change the time frames provided in this Policy for good cause and with written notice of the reason for the change to the Complainant and respondent (hereafter referred to as Parties or Party). Prior to the hearing, the Title IX Coordinator will offer to meet with each Party to review hearing procedures, the alleged violation(s), and the list of witnesses and other information that will be presented at the hearing to the Hearing Panel Chairperson.

X. **Hearings**

When the Title IX Investigator(s) submit their report to the Title IX Coordinator with a recommendation that a complaint of sexual discrimination (including sexual misconduct) sexual harassment, relationship violence or stalking should be heard by the Title IX Hearing Panel, the Title IX Coordinator will select a Title IX Hearing Panel consisting of the Title IX Hearing Panel Chairperson and three Hearing Panel members from the pool of Hearing Panel members. The Hearing Panel will be faculty and staff members who have received training in the Title IX hearing process and procedures. The Title IX Hearing Panel may consist of all faculty members, all staff employees or a combination of faculty and staff members. Title IX Hearing Panel members will receive ongoing training to ensure they are current in all Title IX regulations and guidelines.

The complainant and the respondent shall have an opportunity to challenge Hearing Panel members for bias or conflict of interest. The challenge must be rooted in a specific bias or conflict of interest (e.g., the proposed Hearing Panel member has had

a previous conflict or relationship with the complainant or respondent) rather than a general objection (race, religion, gender, etc.) A challenge must be made in writing to the Title IX Coordinator within two (2) calendar days of notification of the composition of the Hearing Panel. The Title IX Coordinator in his/her sole discretion shall determine whether a Hearing Panel member will be removed for possible bias or conflict of interest.

Title IX hearings will take place in a private location, and are not open to members of the University community or the public. Witnesses will be kept in a separate room, only entering the hearing room to present information. The complainant and the respondent are to make their presentations and answer questions from the Hearing Panel separately. An audio tape will be used by the Hearing Panel to record the presentations of the complainant, respondent or witnesses, however neither the complainant nor respondent may record the hearing. Neither the complainant nor the respondent will be allowed to be present when the presentation of the other is made before the Hearing Panel.

Irrelevant information that is not pertinent to the incident involving the complainant and respondent is not to be admitted in the Hearing. Likewise, information that is lacking in credibility will not be considered by the Hearing Panel.

Timeframes for Hearing: A hearing panel must be appointed by the Title IX Coordinator no later than ten days after receiving the Investigator's report that there is sufficient cause to move forward with the complaint to the Hearing Panel level.

The hearing panel will schedule their first meeting after receiving information, documents and instructions from the Title IX Coordinator.

Attendance at Hearings: If a complainant or respondent fails to attend a hearing, the hearing may be held in the complainant's or respondent's absence. The Hearing Panel Chairperson has discretion to reschedule a hearing if he/she determines that it is necessary in order to achieve a prompt and equitable resolution.

Standard of Proof: The Hearing Panel will find the respondent responsible if a preponderance of the evidence indicates that the respondent violated this Policy. This means the Hearing Panel must determine whether it is more likely than not, based on the information presented at the hearing, that the respondent is responsible.

Supplemental Material: If the Hearing Panel Chairperson believes further information is necessary to make an informed decision, the Chairperson may allow

additional information to be presented and/or call additional witnesses, regardless of whether or not such information or individuals were previously identified.

Audio Recording: The Hearing Panel Chairperson will audio-record the hearing, but not the deliberations of the Hearing Panel. The audio recording is created for two limited purposes only: for reference by the Hearing Panel during deliberations and for review by the Appeal Panel during an appeal. The audio recording is kept for thirty (30) days after all appeal options are exhausted. After that time, the audio recording is destroyed by the Hearing Panel Chairperson unless there is an obligation to preserve it.

Hearing Procedures: The following procedures are meant to be general guidelines for conducting a Title IX hearing. The Hearing Panel Chairperson may vary the procedures, including adjourning the hearing, if the Chairperson determines it is appropriate to do so in order to reach a full and fair understanding of the facts. Procedural issues that arise during the hearing (e.g. relevancy determinations) will be resolved by the Hearing Panel Chairperson, Who may consult with the Hearing Panel, the Investigator, and/or Title IX Coordinator before making a determinations.

The Hearing Panel Chairperson will review the Investigative Report with the Title IX Coordinator and will determine which witnesses, documentation, and other information will be called or presented at the hearing. No later than five (5) calendar days prior to the hearing, the Title IX Coordinator will provide the complainant, respondent and hearing panel members with a copy of the alleged violation(s), the Investigative Report, the list of witnesses, and any other information that will be presented at the hearing.

Hearing Panel members are required to keep the information learned in preparation for the hearing and at the hearing confidential. No copies of documents provided are to be made or shared with any third parties. All copies provided to hearing panel members must be returned to the Title IX Coordinator or deleted if provided in electronic form, at the conclusion of the hearing or, if applicable, the appeal. The Title IX Coordinator will advise when materials are to be returned or deleted.

1. **Introduction:** The Hearing Panel Chair will call the hearing to order and introduce all of the hearing panel members present and provide an opportunity for the complainant and respondent to separately ask procedural questions. The Hearing Panel Chairperson will inform the complainant, respondent and witnesses that the hearing is being recorded.
2. **Reading of the Alleged Violation(s):** The Hearing Panel Chairperson will read the alleged violation(s) to the respondent. To each alleged violation, the respondent will either accept or deny responsibility. If the Respondent declines to answer, the hearing will still proceed. If the Respondent admits responsibility, the Hearing Panel Chairperson

may question the respondent to identify the conduct to which the Respondent is admitting.

If the respondent admits responsibility to the conduct giving rise to all of the alleged violations, the Hearing Panel will abbreviate the hearing and only consider information relevant to sanctioning.

If the respondent admits responsibility to some but not all of the alleged violations, the Hearing Panel may abbreviate the hearing, considering information is relevant both to responsibility and sanctioning on the disputed violation(s).

- 3. Presentation of Information:** The Hearing Panel Chairperson will call and question all witnesses. The complainant and respondent may ask the Hearing Panel Chairperson to pose additional questions or inquire further into specific matters by submitting these requests in writing or orally, at the discretion of the Hearing Panel Chairperson. The Hearing Panel Chairperson is empowered to reframe or disallow any questions that are irrelevant, redundant, or otherwise inappropriate. The Hearing Board Panel may pose additional questions or inquire further into specific matters.

The complainant, respondent and witnesses are expected to respond honestly, and to the best of their knowledge.

The Complainant and respondent have the option not to provide information at the hearing. The Hearing Panel will base its decision on the investigative Report and the information provided.

- 4. Complainant Presentation:** Generally, the complainant will be questioned first and is encouraged to provide all pertinent information to the Hearing Panel regarding the alleged violation(s). The complainant may also be questioned about written statements, documents, items, or oral information.
- 5. Respondent Presentation:** After the complainant has been questioned, the respondent will be questioned and encouraged to provide all pertinent information regarding the alleged violation(s) or any defense thereto. The Respondent may also be questioned about written statements, documents, items, or oral information.
- 6. Witness Presentations:** A similar process will be followed for each witness called by the Hearing Panel Chairperson.

Questions about the complainant's sexual history with anyone other than the respondent are not permitted.

The Hearing Panel Chairperson reserves the right to recall the complainant, respondent or witness for further questions and to seek additional information.

7. **Closing Statements:** After all information is presented, the complainant and respondent will have a separate opportunity to make a brief closing statement. The Hearing Panel Chairperson has the authority to limit lengthy or irrelevant statements.
8. **Determination of Responsibility:** After the closing statements, everyone will be dismissed from the hearing room and the audio-recording device will be turned off so that the Hearing Panel may deliberate in private. The Investigator is not an active member of deliberations but is available to answer questions during the deliberations. In determining responsibility, the Hearing Panel is not limited to a consideration of only the violations alleged, and may find the respondent responsible for other violations of this Policy. The Hearing Panel must reach a decision on responsibility by majority vote. The vote itself will not be shared with the parties.
9. **Determination of Sanction:** If the Hearing Panel finds the respondent responsible, it will immediately deliberate sanctions. Only the Hearing Panel members are present for the deliberations. The Investigator will share the respondent's prior disciplinary conduct record and the sanctioning statements with the Hearing Panel. Any sanction imposed upon the respondent must be selected from the sanctions identified in the Policy. The determination of sanctions is based upon a number of factors, including: the nature of the violation; the harm suffered by the complainant; any ongoing risk to either the complainant or the community posed by respondent; the impact of the violation on the University community; any previous conduct violations; and any mitigating or aggravating circumstances. The Hearing Panel will determine sanctions by majority vote.
10. **Notification of Outcome:** Within three (3) calendar days from the date of the conclusion of the hearing, the Investigator will communicate in writing to the complainant and respondent the results of the hearing (consistent with the University's obligations under federal law) and procedures for appeal.
11. **Relevant Information:** Information relevant to the alleged violation(s) or defenses may be presented at the hearing. Statements concerning the complainant or respondent's character do not constitute information.
12. **Statements Relevant to Sanctioning:** On or before the day of the hearing to determine sanctions, the respondent may submit a written statement relevant to sanctioning and the complainant may submit a written impact statement for consideration by the Hearing Panel. The statement must be provided to the Investigator in a sealed envelope. The

statements will be read by the Hearing Panel only if it has found the respondent responsible. If the Hearing Panel does not find the respondent responsible, the envelopes will be destroyed, unopened, by the Hearing Panel.

13. **Voting:** On the outcome of a hearing will be done by majority vote of the Title IX Hearing Panelists and the Panel chair will prepare the report that is submitted to the Title IX Coordinator.

XI. **Timeframes**

The Department of Education, Office of Civil Rights Dear Colleague Letter requires that the University endeavor to comply with a 60 day timeframe to resolve complaints of sexual misconduct that includes the entire investigation process, holding a hearing or engaging in an alternative decision making process to determine whether the sexual misconduct occurred and created a hostile environment, and determining what actions the University will take to eliminate the hostile environment, and determining what actions the University will take to eliminate the hostile environment and prevent its recurrence, including imposing sanction against the respondent and providing remedies for the complainant and University community, as appropriate. Both parties may be given updates during the investigation or hearing process.

The 60-day timeframe does not include the time for completing the appeals process.

XII. **Interim Measures**

During the investigation and prior to a final determination, the Title IX Coordinator or designee will take appropriate interim measures to protect the complainant. These measures may include, but are not limited to, the imposition of a no-contact order and/or modifications in employment, transportation, residence, and academic modifications.

The University will take these steps promptly once it has notice of policy violation and will provide the complainant with periodic updates on the status of the investigation. The University will notify the complainant of his or her options to avoid contact with the respondent and allow the complainant to change academic and extracurricular activities or his or her living, transportation, dining, and working situation as appropriate. The University will ensure that the complainant is aware of his or her Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and

mental health services, legal assistance, and the right to report a crime to University Police or the New Orleans Police Department.

The Title IX Coordinator or designee may limit a student or employee access to certain University facilities or activities pending resolution of the complaint. The Title IX Coordinator or designee may impose an interim suspension on the respondent pending the resolution of the complaint. The Title IX Coordinator or designee may impose an interim suspension on the respondent pending the resolution of an alleged violation when the Title IX Coordinator determines, in the Title IX Coordinator's sole discretion, that it is necessary in order to protect the complainant's own physical or emotional safety and wellbeing, or if the respondent poses an ongoing threat of disruption or interference with the normal operation of the University.

XIII. Remedies and Notice of Outcome

The University will implement effective remedial actions including disciplinary actions against the respondent, remedies for the complainant and others, as well as changes to the University's services or policies. All resources needed to remedy the hostile environment will be offered to the complainant and all other impacted members of the University community. Remedies for the broader University community may include but are not limited to, training and education, support services, review and if appropriate, revision of policy, assessment of campus climate, and other measures to promote safety.

XIV. Sanctions

A Hearing Panel will impose at least one of the sanctions listed below for any student respondent found responsible of a violation of this Policy. At the recommendation of the Hearing Panel, respondents may also be subject to an accountability plan, as described below.

The accountability plan is developed by the Vice President or Associate Vice President for Student Services if the respondent is a student. The Accountability plan is designed to educate and encourage reflection on the part of the respondent regarding their behavior and their effect on the Xavier Community.

Types of Sanctions

- a. **Letter of Censure:** official disciplinary action conveying to the respondent that the student's behavior was unacceptable and that any future prohibited conduct may result in more severe disciplinary action, including Disciplinary Probation, Suspension, or Expulsion.

- b. **Disciplinary Probation:** pre-suspension period in which the student's behavior is under University review, conveying that the student's behavior was unacceptable and that any future prohibited conduct may result in more severe disciplinary action, including Suspension or Expulsion.

Deferred Suspension: although suspension is sanctioned, the student is permitted to remain on campus and enrolled in classes. The initial sanction of suspension (for a period of time no less than the remainder of the current semester and no more than one academic year) shall be imposed immediately if any other conduct prohibited by this Policy or the Code of Conduct occurs during the deferred suspension period. A student on deferred suspension may continue to participate in student activities but shall be ineligible to represent the University in any official function or leadership position (e.g., varsity athletics, student leadership position, cheerleader, committee chair, student government member or officer, or elected office in any recognized student organizations).

- c. **Suspension:** separation from the University for a period of time no less than the remainder of the current semester and no more than one academic year. Suspension may be effective immediately or deferred until the end of the current semester. During the period of suspension, the respondent is not permitted on campus without the written permission from the Vice President for Student Services. The record of suspension will be maintained by the Vice President for Student Services office in accordance with the retention of student record policy. The record will be maintained by the Office of the Registrar only during the period of Suspension. Any refund of room, board, tuition, or fees as result of the suspension shall be in accordance with applicable policies.
- d. **Expulsion:** permanent separation from the University will be effective immediately. The record of expulsion is maintained in both the Vice President for Student Services Office and the Office of the Registrar. Any refund of room, board, tuition, or fees as result of the expulsion shall be in accordance with applicable policies. No academic credit may be earned for that semester.

XV. **Accountability Plan Options**

- a. Restitution for loss, damage, or actual expenses incurred as a result of the student's behavior.

- b. Online tutorials designed to educate the student on a particular topic that is relevant to the prohibited conduct and/or designed to improve the student's decision-making.
- c. Participation in educational programming, including alcohol and other drug evaluations, assessment, or reflection activities.
- d. Change in housing assignment or academic schedule.
- e. Loss of privileges, including housing, organization participation, or event attendance.
- f. Restriction of contact with other specified members of the University community.
- g. Any other measure determined appropriate by the Vice President for Student Services.

Faculty or staff who is found in violation of this policy will be subject to the disciplinary process that is found in the Faculty Handbook and the Resource Book for Staff employees.

XVI. Appeals

The University allows the complainant and respondent to request an appeal of the outcome of the hearing in two instances:

- (a) Where procedural error or previously unavailable relevant evidence could significantly impact the outcome of a case or
- (b) Where a sanction is substantially disproportionate to the findings. The University exercises its rights to determine the type of review it will apply to appeals.

The appellate panel consists of the Provost and Senior Vice President for Academic Affairs, and the Vice President for Student Services.

An appeal must be submitted to the Title IX Coordinator within forty-eight (48) hours after receiving the decision of the Hearing Panel. The decision of the Appeal Panel will be the final step in the Appeal process. Appeals will be determined by majority vote.

The outcome of the Appeal will be submitted to the Title IX Coordinator who will provide the outcome to the complainant and respondent in writing.

The appeals process ends at the Administrative staff level.

XV. Title IX Coordinator

Xavier University students, faculty and staff with inquiries concerning the application of Title IX to the University's programs and activities, or for inquiries regarding allegations of sexual misconduct are encouraged to contact:

Title IX Coordinator for Xavier University of Louisiana

Mr. Kevin E. Wolf
Associate Vice President
Office of Human Resources
Xavier South Building, 4th Floor, Suite 410
(504) 520-5281
kwolf@xula.edu

Title IX Deputy Coordinator for Xavier University of Louisiana

Mrs. Nedra Alcorn
Associate Vice President
Office of Student Services
University Center, Suite 305B
nalcorn@xula.edu

XVII. Responsibilities of the Title IX Coordinator

The Title IX Coordinator's core responsibilities include overseeing the University's response to Title IX reports and complaints and identifying and addressing any pattern or systemic problems by such reports and complaints. The Title IX Coordinator and or Deputy Title IX Coordinators have knowledge of the requirements of Title IX regulations, Xavier's policies and procedures on gender based harassment, sexual misconduct, and all complaints raising Title IX issues, even if the report or complaint was initially filed with another person or office of if the investigation will be conducted by another person or office.

XVIII. Training of Person Who Are Responsible for Implementation of the University's Policies on Sexual Harassment and Sexual Misconduct

The Title IX Administrator, Title IX Coordinator, Deputy Title IX Coordinator, Title IX Investigators, Responsible Employees, and Hearing Committee participants will receive appropriate training and maintain knowledge of laws and regulations pertaining to sexual harassment or sexual misconduct.

All students, faculty and staff will be provided notice of the University's Title IX policies and procedures.

It is the responsibility of the Title IX Coordinator or Deputy Title IX Coordinator to maintain records of students, faculty and staff who have received training on the University's Title IX policies and procedures.

- XIX. This policy applies to all students, faculty, staff and third parties of the University and will apply and supersede all other institutional policies when an allegation of gender or sex based misconduct has been made.