

Roseman University's Student Sexual Misconduct Policy

[The reference to 'student' includes residents and interns.]

SEXUAL MISCONDUCT

Roseman University is committed to ensuring the safety of all members of the university community. Sexual misconduct violates University standards and it will not be tolerated. Roseman University prohibits all forms of sexual misconduct, to include domestic violence, dating violence, sexual assault, stalking and sexual harassment. The University's sexual misconduct policy outlines a process for those individuals who believe they have been subjected to sexual misconduct.

The University shall maintain a working and educational environment that is safe from all forms of discrimination, including sexual harassment. The University is fully committed to equal opportunity employment decisions and educational programs and activities, in compliance with all applicable Federal and State laws and including appropriate affirmative action efforts for all individuals without regards to race, color, national origin, religion, sex, disability, age, Vietnam Era Veteran's status, or sexual orientation, including heterosexuality, homosexuality, bisexuality, gender identity and gender expression. Violating this policy shall not be tolerated. Roseman University prohibits any form of sexual harassment of its students, its employees, or guests in the University workplace by any person.

This policy applies to all Roseman University students and employees, regardless of gender or sexual orientation. An individual is considered to be a student enrolled in the University from the time he/she attends the first day of orientation or the first day of class, including breaks, as outlined by an academic program's academic calendar, until graduation, official withdrawal, leave of absence, suspension, or termination.

Any student or employee that violates this policy shall be subject to disciplinary action, which may include, but is not limited to, warning, probation, suspension or termination. The University prohibits retaliation against individuals who, in good faith, report violations of the University's sexual misconduct policy and/or who participate in an investigation of such violations.

A student has the right to report sexual misconduct to civil and/or criminal authorities. The University will take appropriate action regardless of other possible or actual civil or criminal proceedings associated with the alleged misconduct. The University's process for handling allegations of sexual misconduct may be carried out prior to, simultaneously, or following civil or criminal proceedings.

Title IX

Roseman University Notice of Nondiscrimination

The University is committed to complying with Title IX requirements. Title IX of the Education Amendments of 1972 to the Civil Rights Act of 1963 states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Roseman University does not discriminate on the basis of sex in its education programs and activities, and it is required by Title IX not to discriminate in such a manner. Questions regarding Title IX may be referred to the University's Title IX coordinator or to the Office of Civil Rights.

Roseman University's Title IX Coordinator is:

Dr. Michael DeYoung
Vice President for Student Services
Office # 161
11 Sunset Way, Henderson, NV 89014
(702) 968-2006
mdeyoung@roseman.edu

Students at the South Jordan, Utah Campus may contact the Department of Education Office for Civil Rights:

Denver Office
Office for Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: 303-844-5695
FAX: 303-844-4303; TDD: 800-877-8339
Email: OCR.Denver@ed.gov

Students at the Henderson, Nevada Campus or Summerlin, Nevada Campus may contact the Department of Education Office for Civil Rights:

Seattle Office
Office for Civil Rights
U.S. Department of Education
915 Second Avenue Room 3310
Seattle, WA 98174-1099
Telephone: 206-607-1600
FAX: 206-607-1601; TDD: 800-877-8339
Email: OCR.Seattle@ed.gov

Confidentiality

Roseman University considers full-time faculty members and administrators as well as campus security personnel to be a "responsible employee" - a responsible employee is an individual who is required to report incidents of sexual misconduct to the Title IX coordinator regardless of whether the student reporting the violation requests confidentiality. A "responsible employee" must report to the Title IX coordinator all relevant details about alleged sexual violence that a student or another person has shared and that the University will need to determine what occurred and to resolve the situation. This includes the names of the alleged perpetrator (if known), the student who experienced the alleged sexual violence, other students involved in the alleged sexual violence, as well as relevant facts, including the date, time and location of the sexual violence.

Before a student reveals information that he or she may wish to keep confidential to a "responsible employee", the student should understand that (i) this individual has an obligation to report the names of the alleged perpetrator and student in the alleged sexual violence, as well as the relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX coordinator or other appropriate University officials, (ii), that the student has the option to request that the University maintain his or her confidentiality, which the University's Title IX coordinator will consider, and (iii) the student has the ability to share information confidentially with

counseling, advocacy, health, mental health, or sexual-assault-related services (e.g., sexual assault resource centers, health centers, pastoral counselors, and mental health centers).

If a student requests confidentiality, the Title IX coordinator or other appropriate University designee responsible for evaluating requests for confidentiality should make every effort to respect this request and to evaluate the request in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all students. However, the University may determine that its requirement to provide a safe and nondiscriminatory environment for its students supersedes a student's confidentiality request.

For Title IX purposes, when a student requests that her or his name not be revealed to the alleged perpetrator or asks that the University not investigate or seek action against the alleged perpetrator, the student should understand that honoring this request may limit the University's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. However, the student making these request(s), should understand that Title IX includes protections against retaliation, and that University officials will not only take steps to prevent retaliation, but also take strong responsive action if it occurs. This includes retaliatory actions taken by the University and University officials. Students should know that Title IX requires the University to protect the complainant and ensure her or his safety as necessary.

To the extent possible, the University will strive to only disclose information regarding alleged incidents of sexual violence to individuals who are responsible for handling the University's response. Regardless of whether a student complainant requests confidentiality, the University will take steps to protect the complainant as necessary, including taking interim measures before the final outcome of an investigation.

Public awareness events such as candlelight vigils, events where survivors of sexual misconduct speak out or other forums in which students disclose incidents of sexual violence, are not considered notice to the University of sexual violence for purposes of triggering the University's obligation to initiate an investigation.

Definitions

Consent

Every individual has the right to say "no" at any time and to have that choice respected. A voluntary affirmative verbal response is a way to ensure that an individual has given consent to sexual activity. An individual does not have to physically resist for an activity to be considered sexual assault. Any resistance, either physical or verbal, eliminates consent. Silence is not considered consent to any kind of sexual activity. An individual who is incapacitated is unable to consent to sexual activity. Roseman University defines an individual to be incapacitated when a person lacks the mental capacity to answer any one of the following questions regarding her/his sexual activity (who, when, where and how): 1) Who is having sex with me? (Do I know the name the person I am having sex with? Do I know if I am having sexual activity with more than one person?) 2) What is the date and time that I am having sex? 3) Where am I having sex? 4) Is someone having sex with me in a way I do not like or that I am not aware of? An individual who doesn't know the answer to even one of the questions listed could be incapacitated and therefore unable to give consent. Additional indicators of incapacitation include slurred speech, an inability to stand or walk without assistance, vomiting, and being in and out of consciousness. When it is reasonably known that an individual is incapacitated, the person is determined to be unable to give consent under any circumstances. A person who is unconscious can't legally consent to sexual activity. Prior sexual contact does not mean consent, even when individuals have been in a relationship. An individual who initially consents to sexual conduct has the right to withdraw this consent during the course of sexual activity.

Dating Violence

Dating violence is when someone purposefully hurts or scares someone they are dating. Dating violence includes but is not limited to physical, emotional, and/or sexual abuse, including the threat of such abuse. The state of Utah defines dating violence as (a) any criminal offense involving violence or physical harm,

or threat of violence or physical harm, when committed by a person against a dating partner of the person; or (b) any attempt, conspiracy, or solicitation by a person to commit a criminal offense involving violence or physical harm against a dating partner of the person. The existence of such a relationship will be determined based on the complainant's statement and consideration of the length, type and the frequency of interaction between the people in the relationship.

Domestic Violence

Nevada state law defines domestic violence as occurring when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child: (a) a battery. (b) An assault. (c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform (d) A sexual assault.(e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to: stalking, arson, trespassing, larceny, destruction of private property, carrying a concealed weapon without a permit, injuring or killing an animal. (f) A false imprisonment. (g) Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

Utah state law defines domestic violence as any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" also means commission or attempt to commit, any of the following offenses by one cohabitant against another: a) aggravated assault, b) assault, c) criminal homicide, d) harassment, e) electronic communication harassment. f) kidnapping, child kidnapping, or aggravated kidnapping, g) mayhem, h) sexual offenses, i) stalking, j) unlawful detention or unlawful detention of a minor, k) violation of a protective order or ex parte protective order, l) any offense against property, m) possession of a deadly weapon with intent to assault, n) discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building or vehicle, o) disorderly conduct, if a conviction of disorderly conduct is the result of a plea agreement in which the defendant was originally charged with any domestic violence offense otherwise described in this Subsection. Conviction of disorderly conduct as a domestic violence offense, in the manner described in this Subsection (4)(o), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Section 921, and is exempt from the provisions of the federal Firearms Act, 18 U.S.C. Section 921 et seq.; p) child abuse

Sexual Assault

The United States Department of Justice defines sexual assault as any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Nevada state law defines sexual assault as occurring when a person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct, is guilty of sexual assault. Utah state law defines rape as when the actor has sexual intercourse with another person without the victim's consent. This applies whether or not the actor is married to the victim. Utah law states that a person commits forcible sexual abuse if the victim is 14 years of age or older and, under circumstances not amounting to rape, object rape, sodomy, or attempted rape or sodomy, the actor touches the anus, buttocks, or any part of the genitals of another, or touches the breast of a female, or otherwise takes indecent liberties with another, or causes another to take indecent liberties with the actor or another, with intent to cause substantial emotional or bodily pain to any person or with the intent to

arouse or gratify the sexual desire of any person, without the consent of the other, regardless of the sex of any participant. A person commits aggravated sexual assault if: (a) in the course of a rape, object rape, forcible sodomy, or forcible sexual abuse, the actor: (i) uses, or threatens the victim with the use of, a dangerous weapon as defined in Section 76-1-601; (ii) compels, or attempts to compel, the victim to submit to rape, object rape, forcible sodomy, or forcible sexual abuse, by threat of kidnapping, death, or serious bodily injury to be inflicted imminently on any person; or (iii) is aided or abetted by one or more persons; (b) in the course of an attempted rape, attempted object rape, or attempted forcible sodomy, the actor: (i) causes serious bodily injury to any person; (ii) uses, or threatens the victim with the use of, a dangerous weapon as defined in Section 76-1-601; (iii) attempts to compel the victim to submit to rape, object rape, or forcible sodomy, by threat of kidnapping, death, or serious bodily injury to be inflicted imminently on any person; or (iv) is aided or abetted by one or more persons; or (c) in the course of attempted forcible sexual abuse, the actor: (i) causes serious bodily injury to any person; (ii) uses, or threatens the victim with the use of, a dangerous weapon as defined in Section 76-1-601; (iii) attempts to compel the victim to submit to forcible sexual abuse, by threat of kidnapping, death, or serious bodily injury to be inflicted imminently on any person; or (iv) is aided or abetted by one or more persons;

Sexual Harassment

Sexual harassment is considered to be unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- i. Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's academic progress or achievement;
- ii. Submission to or rejection of such conduct by an individual is used as the basis for decisions regarding academic achievement or progress affecting such individual, or
- iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic progress or creating an intimidating, hostile, or offensive academic environment.

Sexual harassment is behavior that threatens or makes an individual uncomfortable; an individual being harassed feels powerless and/or controlled by another person. Quid pro quo is a type of sexual harassment that occurs when a student or employee provides sexual favors to receive a benefit or to avoid some type of adverse consequence. A general guideline to follow is that if the other person does not reciprocate, does not appear to be happy with the attention, or is avoiding contact with another individual, then the behavior should stop. A previous romantic relationship does not protect someone from being charged with harassment once the accuser makes it clear that he/she is no longer interested in having a relationship with the accused.

The following list highlights examples of complaints constituting sexual harassment:

- Unwanted sexual advances
- Making or threatening reprisals after a negative response to sexual advances
- Conduct including leering, whistling or catcalls, making sexual gestures, making sexual comments about a person's clothing or body, or displaying sexually suggestive objects, pictures, cartoons or posters
- Making sexually derogatory comments, epithets, slurs or jokes
- Asking personal questions about a person's sex life, fantasies, preferences or history
- Repeatedly asking out a person who is not interested
- Spreading rumors about a person's sex life
- Making sexual propositions, insults or threats
- Graphic verbal commentaries about an individual's body, suggestive or obscene letters, notes or invitations
- Physical conduct that includes touching, assaulting, or impeding or blocking movements
- Sexual orientation comments objectionable to gays or lesbians

Sexual Misconduct

Sexual misconduct is a range of behavior that includes but is not limited to non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, sexual harassment, sexual violence, dating/relationship violence, domestic violence, and stalking.

Sexual Violence

According to the United States Department of Education Office of Civil Rights, sexual violence “refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the student’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent).”

Stalking

The US Department of Justice defines stalking as “a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.” Repeatedly communicating with, following, threatening or spreading rumors about a person who does not want the attention are actions that may constitute stalking according to the Department of Justice.

Nevada state law defines stalking as a person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, commits the crime of stalking.

Utah state law defines stalking by stating that a person is guilty of stalking who intentionally or knowingly engages in a course of conduct directed at a specific person and know or should know that the course of conduct would cause a reasonable person: (a) to fear for the person’s own safety or the safety of the third person; or (b) to suffer other emotional distress. A person is guilty of stalking who intentionally or knowingly violates: (a) a stalking injunction issued pursuant to Title 77, Chapter 3a, Stalking Injunctions; or (b) a permanent criminal stalking injunction issued pursuant to this section. In any prosecution under this section, it is not a defense that the actor: (a) was not given actual notice that the course of the conduct was unwanted; or (b) did not intend to cause the victim fear or other emotional distress.

The following list highlights examples of complaints of stalking:

- Repeated, unwanted, intrusive, and frightening communications from the perpetrator
- Repeatedly leaving or sending an individual unwanted items or presents
- Following or waiting for an individual at places such as home, school, work, or places of recreation
- Making direct or indirect threats to harm an individual, her/his children, relatives, friends or pets
- Damaging or threatening to damage an individual’s property
- Spreading rumors about an individual on the internet or other public forums

Other Key Terms and Definitions

Complainant

An individual who is making an allegation of sexual misconduct.

Respondent

An individual who is being accused of sexual misconduct.

Reporting Sexual Misconduct

Students reporting sexual misconduct have the right to file complaints with external law enforcement agencies as well as the University. The University standard for evaluating the validity of a complaint is “more likely than not”. Both the student filing the complaint and the accused student have the right to have an advisor of her/his choice present during all meetings/interviews/proceedings. Investigations of complaints against Roseman University students will be undertaken by the Title IX coordinator. Investigations involving student complaints against a Roseman employee(s) and/or with non-students affiliated with the University (e.g., preceptor, adjunct faculty member) will be undertaken jointly by the Title IX Coordinator and a designated representative from the Human Resources Office.

Effective July 1, 2017 this policy replaces all previous University Title IX Student Sexual Misconduct policies.

Roseman University's Student Sexual Misconduct Policy and Procedure

[The reference to 'student' includes residents and interns.]

A. Reporting and University Response

Any member of the University community may file a written complaint alleging a student violation of the University's sexual misconduct policy with the University's Title IX Coordinator.

A complainant has the right to file a criminal complaint. The University will not dissuade a complainant from filing a criminal complaint.

The University's Title IX investigation shall be adequate, reliable, impartial, and prompt and, if necessary, include the opportunity for both parties to present witnesses and other evidence. As a guideline, the University will strive to complete the entire investigation process, which includes conducting the fact-finding investigation, holding a hearing or engaging in another decision-making process to determine whether the alleged sexual violence occurred and created a hostile environment, and determining what actions the University will take to eliminate the hostile environment and prevent its recurrence, including imposing sanctions against the respondent and providing remedies for the complainant and University community, as appropriate, within 60 calendar days. However, the time frame for completion of a specific investigation may vary according to a variety of factors.

B. Preliminary Investigation and, If Appropriate, Preparation of Charge(s)

1. Upon receipt of the complaint, Title IX Coordinator (or designee) reviews the complaint to determine if it warrants consideration as a formal charge. The final decision to bring a formal charge rests with the Title IX Coordinator (or designee).
2. If the Title IX Coordinator (or designee) determines that no charge will be filed, when applicable, the Title IX Coordinator (or designee) shall notify the Complainant, in writing, of that determination.
3. If the Title IX Coordinator (or designee) determines that a formal charge is warranted, the Title IX Coordinator (or designee) will prepare and present a formal written charge to the Respondent as well as a request to meet with the Respondent. The request for a preliminary meeting will also inform the Respondent that he/she has the right to have an advisor of her/his choice present during this meeting.

C. Preliminary Meetings

The Title IX Coordinator (or designee) will determine if the preliminary meeting will be held in person, on-line using services such as Skype™, or by phone.

1. During the preliminary meeting with the Respondent, the Title IX Coordinator (or designee) shall address the following issues with the Respondent:
 - a. Review and explain the formal charge(s) against the Respondent.
 - b. Explain the sexual misconduct policy process and provide the Respondent with a copy of the University's sexual misconduct policy.

c. Explain the Respondent's rights listed below as provided for in the University's sexual misconduct policy process:

- Right to a prompt and equitable resolution of the charge
- Right to the services of an advisor of her/his choice (Title IX Advisor)
 - An advisor may attend all meetings related to the Title IX process with the Respondent
 - An advisor is not allowed to make oral statements, ask questions, or raise objections during meetings. An advisor may request a brief break to provide advice to the Respondent.
 - The institution does not need to cancel or delay a meeting simply because an advisor could not be present when the institution gave proper notice of the meeting. However, the University will consider reasonable requests to reschedule the meeting.
- Right to remain silent / not participate in the process. The Respondent has the right to remain silent and/or not participate in the process. However, if the Respondent does not participate in the process, the charge may continue to be investigated, including referral to the University Sexual Misconduct Board, and if appropriate, sanctions may be imposed on the Respondent.
- Right to report retaliation. You have the right to report any retaliation and you have the right to have the University take responsive action if retaliation occurs.
- Right to be notified of the timeframes for the major stages of the investigation
- Right to submit witness statements and evidence
- Right to be notified in writing of the outcomes of a complaint and appeal, including sanctions that directly relate to you
- Right to an appeals process

2. The Respondent will be informed that he/she has two (2) business days to choose one of the following options in writing:

- a. He/she can accept responsibility for the charge(s). If the Respondent accepts responsibility for the charges, the matter will be referred to the University Sexual Misconduct Board for appropriate sanction(s). The University Sexual Misconduct Board shall consult with and discuss the sanctions with the Respondent's Dean/Program Director (or designee) and the Title IX Coordinator (or designee) before imposing sanctions. The Respondent will also be informed that he/she retains the right to appeal the sanction.
- b. He/she can deny responsibility for the charge(s). If the Respondent denies responsibility for any charge, the investigation will continue and the matter may be referred to the University Sexual Misconduct Board for review.
- c. If the Respondent does not provide a written choice of the two options listed above within two (2) business days, the investigation will proceed and the University Sexual Misconduct Board **will** review the case.

3. If the Respondent accepts responsibility for a charge of engaging in sexual misconduct and the sanctions imposed by the University Sexual Misconduct Board, the Title IX Coordinator (or designee) shall notify the Complainant in writing of such outcome and sanctions that directly relate to the Complainant.

For Title IX purposes, a school must inform the complainant as to whether or not it found that the alleged conduct occurred, any individual remedies offered or provided to the complainant or any sanctions imposed on the respondent that directly relate to the complainant, and other steps the school has taken to eliminate the hostile environment, if the school finds one to exist, and prevent recurrence. Sanctions that directly relate to the complainant include, but are not limited to, requiring the respondent to stay away from the complainant until both parties graduate, prohibiting the respondent from attending school for a period of time, transferring the respondent to other classes, or another campus.

The Clery Act requires, and FERPA permits, postsecondary institutions to inform the complainant of the institution's final determination and any disciplinary sanctions imposed on the perpetrator in sexual violence cases (as opposed to all harassment and misconduct covered by Title IX), not just those sanctions that directly relate to the complainant.

The Complainant has the right to appeal the Respondent's sanction(s) to the University's Sexual Misconduct Appeals Officer.

4. If the Respondent does not accept responsibility for the charges, the Title IX Coordinator (or designee) will meet with the Complainant and address the following issues:

- a. Inform the Complainant that the Respondent has not accepted responsibility for the charges.

- b. Explain the sexual misconduct policy process and provide the Complainant with a copy of the University's sexual misconduct policy.

- c. Explain the Complainant's rights listed below as provided for in the University's sexual misconduct policy process:

- Right to a prompt and equitable resolution of the charge

- Right to the services of an advisor of her/his choice (Title IX Advisor)

- An advisor may attend all meetings related to the Title IX process with the Complainant

- An advisor is not allowed to make oral statements, ask questions, or raise objections during meetings. An advisor may request a brief break to provide advice to the Complainant.

- The institution does not need to cancel or delay a meeting simply because an advisor could not be present when the institution gave proper notice of the meeting. However, the University will consider reasonable requests to reschedule the meeting.

- Right to remain silent / not participate in the process. The Complainant has the right to remain silent and/or not participate in the process at any time. The Complainant's decision to stop participating in the process may affect the outcome.

- Right to report retaliation. You have the right to report any retaliation and you have the right to have the University take responsive action if retaliation occurs.

- Right to be notified of the timeframes for the major stages of the investigation
- Right to submit witness statements and evidence
- Right to be notified in writing of the outcomes of a complaint and appeal, including sanctions that directly relate to you
- Right to an appeals process

D. Interim Protective Measures

Depending on the specific nature of the problem, the Title IX Coordinator (or designee) may impose interim protective measures on either the Complainant, Respondent or both during the sexual misconduct investigation and resolution process. These interim protective measure(s) could include, but are not limited to:

- “no contact orders” with the Complainant, Respondent or other appropriate third parties,
- prohibiting or limiting the Respondent’s and/or Complainant’s access to certain locations,
- classroom accommodations,
- prohibited or restricted participation in academic, extracurricular or other activities,
- any other measures the Title IX Coordinator (or designee) feels are necessary to protect the health or safety of the Complainant, the Respondent, other students, or other members of the University community.

A student placed on interim suspension for violating the University’s Sexual Misconduct Policy who wants to appeal this decision must submit a written appeal to the University’s Title IX Appeals Officer within no more than three (3) business days from the time the Title IX Coordinator (or designee) submitted written or verbal notice of this interim suspension to the student (whichever notice was submitted first). The University’s Title IX Appeals Officer will provide a written response to the student’s written appeal within no more than seven (7) business days from the receipt of the student’s written appeal. The decision of the University’s Title IX Appeals Officer is final.

E. Right to Meet with Title IX Coordinator (or designee)

The Title IX Coordinator (or designee) will offer the Respondent and the Complainant the opportunity to meet independently at least once prior to the beginning of the Final Adjudication Meeting to answer questions about the University’s Title IX process, including the appeals process. The Title IX Coordinator (or designee) will, after providing notice to the appropriate party, set the date and time for this meeting. The Respondent’s Title IX advisor is permitted to attend meetings when the Respondent meets with the Title IX Coordinator (or designee); the Complainant’s Title IX advisor is permitted to attend meetings when the Complainant meets with the Title IX Coordinator (or designee). The Title IX Coordinator (or designee) has the right to limit the duration of this meeting and will determine if this meeting will be held in person, on-line using services such as Skype™, or by phone. If a Respondent or Complainant does not attend a meeting or is late to a meeting, the Title IX Coordinator (or designee) has the right to use discretion to deny a request to reschedule or extend the duration of the meeting. Requests for additional meetings from either the Respondent or the Complainant are granted at the discretion of the Title IX Coordinator (or designee).

F. University Sexual Misconduct Board Purpose, Composition, Confidentiality

1. The purpose of the University Sexual Misconduct Board is to determine during a Final Adjudication Meeting if it is more likely than not that a Respondent is responsible for violating the University's policies on sexual misconduct and, when it finds a respondent responsible for violating the sexual misconduct policy, to impose sanctions.
2. The University Sexual Misconduct Board will review the following information during the Final Adjudication Meeting to determine if it is more likely than not that the Respondent is responsible for a charge:
 - 1) Final Investigative Report (FIR)
 - 2) Respondent's and Complainant's written response to the FIR. This written response could include:
 - Written statements from witnesses submitted by the Respondent and Complainant that were not identified as witnesses in the FIR
 - Other evidence submitted by the Respondent and Complainant that was not identified in the FIR
 - 3) The Respondent's and Complainant's final written remarks / rebuttal statements

Once the Final Investigative Report has been provided to each party, the University Sexual Misconduct Board reserves the right to hold the Final Adjudication Meeting even if either party does not provide written responses to the Final Investigative Report and/or submit a final written remarks/rebuttal statement.

3. The University Sexual Misconduct Board shall consist of five members:
 - a. The five members will be randomly selected by the Title IX Coordinator (or designee) from a pool of Roseman University full-time employees who volunteered to serve on the University Sexual Misconduct Board and who received annual training on issues related to sexual misconduct and the appropriate processes for evaluating complaints of sexual misconduct.
 - b. The five members will meet and select a Chair.
 - c. The Title IX Coordinator (or designee) is not a member of the Board.
 - d. At least one alternate will be randomly selected by the Title IX Coordinator (or designee) from a pool of Roseman University full-time employees who volunteered to serve on the University Sexual Misconduct Board and who received annual training on issues related to sexual misconduct and the appropriate processes for evaluating complaints of sexual misconduct. The Title IX Coordinator (or designee) will provide the alternate(s) with the same information provided to the board members.
4. Final Adjudication Meeting Attendance and Confidentiality

Attendance at the Final Adjudication Meeting is restricted to University Sexual Misconduct Board members, and, if and when members deliberate on sanctions during this meeting, the Respondent's Dean/Program Director (or designee) and the Title IX Coordinator (or designee). Board members and alternates will not disclose information regarding a Title IX case to individuals who are not authorized to participate in the Final Adjudication Meeting without the written consent of the Title IX Coordinator (or designee). The broadcast, and/or audio or visual recording in any media of a Final Adjudication Meeting will only be permitted when the Title IX Coordinator (or designee) has given written consent.

G. Final Investigative Report

The Title IX Coordinator (or designee(s)) will conduct an investigation and prepare a report for the University Sexual Misconduct Board (USMB). This report, hereafter referred to as the Final Investigative Report (FIR), will address the following issues:

- a. The Complainant's written statement or an investigator's summary of the Complainant's complaint(s)
- b. The Respondent's written statement or an investigator's summary of the Respondent's response
- c. Written statements from each witness and/or an investigator's summary of each witness's report
- d. Any other documentation or evidence relevant to the investigation
- e. The investigator's evaluation of the Complainant's, Respondent's, and each witness's credibility
- f. When appropriate, the investigator's determination if the complainant gave consent
- g. The investigator's determination of the findings of fact using the standard "more likely than not"
- h. The investigator's determination if it is more likely than not that the Respondent is responsible for the sexual misconduct charge(s)

The Final Investigative Report must be completed before the USMB meets to conduct the Final Adjudication Meeting. The Title IX Coordinator (or designee) will provide the Respondent and the Complainant with a copy of the Final Investigative Report.

The Title IX Coordinator (or designee) has the right to redact information in the Final Investigative Report when the Title IX Coordinator (or designee) concludes that disclosure of that information would pose a threat to an individual's well-being (e.g., phone numbers, email addresses, home or apartment addresses) and/or substantially disrupt the orderly operation of an organization (e.g., disclosure of confidential security policies and procedures).

H. Process for Submitting Information that the Board will Review in the Final Adjudication Meeting

Title IX Coordinator's and USMB Chair's Right to Control Content Submitted to the USMB

The Department of Education Office of Civil Rights issued guidance in April 2014 that questions about a complainant's sexual history with anyone other than the Respondent should not be permitted. Furthermore, the University Sexual Misconduct Board recognizes that the mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual violence.

The Title IX Coordinator (or designee) and the University Sexual Misconduct Board Chair (or designee) shall not allow the Complainant, the Respondent, and witnesses to be subjected to insulting treatment, including inappropriate comments involving dating or sexual history. The Title IX Coordinator (or designee) and the Chair (or designee) each has the right to independently reject and/or modify any inappropriate content submitted by the Respondent and/or the Complainant.

Deadline Requirements

Unless a deadline extension has been approved in writing by the Title IX Coordinator (or designee), the Title IX Coordinator (or designee) will not submit information received after the deadline to the University Sexual Misconduct Board and the Chair (or designee) will instruct Board members to disregard information that was submitted after an approved deadline.

Requests to extend deadlines must be made in writing to the Title IX Coordinator (or designee). The Title IX Coordinator (or designee) will only grant a Complainant's and/or Respondent's request to

extend a deadline when an extra-ordinary circumstance exists *and* if granting the request does not substantially extend the total University's Title IX process beyond sixty (60) calendar days. In order for the Title IX Coordinator (or designee) to consider a request to extend a deadline, the Complainant and/or Respondent must:

- submit a written request to extend the deadline to the Title IX Coordinator (or designee) before the deadline,
- the written request must include the rationale for the extension, **and**
- the written request must propose a new date and time for the deadline

If the Title IX Coordinator (or designee) grants a request to extend a deadline, the extension will be granted to both parties.

Definition of 'Business Day'

Most of the deadlines in this policy refer to 'business days'. For the purpose of this policy, an individual has the right to a complete business day, i.e., a day that starts at 8:00 am and ends at 5:00 pm Monday through Friday. When the University counts a business day toward meeting a deadline: 1) it will determine if communication was initiated before or after 8:00 am on a business day, 2) it will designate communication initiated before 8:00 am of a business day as occurring on the previous business day; communication initiated after 8:00 am of a business day is designated as occurring on the current business day, 3) it will count the first business day that starts at 8:00 am *after* the business day the communication was designated as occurring on as the first business day of the deadline. For example, communication between 5:01 pm Friday and 7:59 am Monday will be designated as occurring on Friday (the previous business day) and the first business day that would be counted towards meeting a deadline would be Monday; communication initiated *after* 8:00 am on Monday but before 7:59 am on Tuesday, will be designated as occurring on Monday (the current business day) and the first business day that will be counted towards a meeting a deadline would be Tuesday.

1) To be considered by the USMB, the Respondent and Complainant must submit in writing to the Title IX Coordinator (or designee) the following information at least five (5) business days after the Title IX Coordinator has provided each party with the Final Investigative Report:

- Respondent's and Complainant's written responses to the Final Investigative Report.
This response could include:

-Written statements from witnesses submitted by the Respondent and Complainant that were not identified as witnesses in the Final Investigative Report

The Respondent and/or the Complainant are not allowed to submit witness statements from witnesses that were identified as such in the Final Investigative Report. The Title IX Coordinator (or designee) will not provide the Board with witness statements provided by the Respondent and/or Complainant when those witnesses were identified in the Final Investigative Report. However, a Respondent and/or Complainant may affirm, clarify and/or dispute witness testimony reported in the Final Investigative Report in her/his written response to this Report.

Witness statements submitted by the Respondent and/or Complainant must have the witness's full legal name, be signed by the witness, and include the following sentence at the end of the statement, "I affirm the truth of the content of this statement."

- Other supporting evidence that was not addressed in the Final Investigative Report

The Respondent and/or Complainant must also provide a brief rationale why the USMB should consider this other evidence.

- 2) If submitted by the appropriate deadline, the Title IX Coordinator (or designee) will provide the other party's written responses to the Final Investigative Report to the Respondent and Complainant at least three (3) business days after receiving that information.
- 3) To be considered by the USMB, the Respondent and Complainant must submit her/his final written remarks /rebuttal statement to the Title IX Coordinator (or designee) at least two (2) business days after the Title IX Coordinator provided her/him with the other party's responses to the Final Investigative Report.
- 4) The Title IX Coordinator (or designee) will submit this information to USMB members and alternate(s) at least three (3) business days before the start of the Final Adjudication Meeting:
 - Final Adjudication Meeting Notice
 - Final Investigative Report

and this information if it was submitted by the appropriate deadline

- Respondent's and/or Complainant's written responses to the Final Investigative Report
- The Respondent's and/or Complainant's final written remarks/rebuttal statement

I. Title IX Coordinator's Notice of Final Adjudication Meeting

If the Respondent's actions lead to the charge(s) being evaluated by the University Sexual Misconduct Board, the Title IX Coordinator (or designee) shall prepare and deliver to the Respondent, Complainant and Board members, including alternate(s), written notice of the University Sexual Misconduct Board Final Adjudication Meeting. This notice may be delivered to the Respondent, Complainant and Board members in person, by electronic mail or US mail. The Title IX Coordinator (or designee) will provide the Complainant, the Respondent, Board members and alternate(s) with the written notice of the date and start time of the meeting at least three (3) business days before the start of the meeting.

The notice of this meeting shall include:

- a. The Respondent's name
- b. The meeting's date, time and location
- c. The alleged violation(s) of the sexual misconduct
- d. The name of Complainant(s) or the name of the person who filed the complaint, if not the same
- e. The name and titles of the Board members and alternate(s)

J. Right to Petition for Removal of Any Member of the University Sexual Misconduct Board

The Respondent and Complainant each has the right to petition that any member of the Board, including the alternate(s), be removed on the basis of bias or conflict of interest. The Respondent and/or the Complainant must submit a written petition seeking removal of any members and/or alternates to the Title IX Coordinator (or designee) no more than two (2) business days after the Title

IX Coordinator (or designee) has provided the parties with written notice of the Final Adjudication Meeting. This written petition must state the reasons for the request. The Title IX Coordinator (or designee) will respond in writing at least one (1) business day after receiving this request.

K. Policy on Questioning the Respondent, Complainant, and/or Witnesses

University Sexual Misconduct Board members will not question the Respondent, the Complainant and/or witnesses about the sexual misconduct charge(s) before, during or after a Final Adjudication Meeting. The Respondent and the Complainant are not allowed to question each other about the sexual misconduct charges during the University's Title IX process. If the Title IX Coordinator (or designee) has issued a No Contact Order, the terms of the order may prohibit the Respondent and Complainant from contacting potential and/or actual witnesses. The Respondent and Complainant are responsible for adhering to the terms of a No Contact Order, which may include not communicating with other parties about the sexual misconduct charges during the University's Title IX process.

L. Nondisclosure Policy

The Respondent, Complainant and/or their witnesses may disclose sensitive, intimate information during the University's Title IX process. The University requires individuals involved in a Title IX investigation to act in good faith when disclosing information to others.

M. Process for Conducting the Final Adjudication Meeting

1. The Chair presides over the meeting and shall have the following responsibilities:
 - a. Limit attendance and participation in the meeting to Board members and, if there is a discussion about sanctions, the Title IX Coordinator (or designee) and the Respondent's Dean/Program Director (or designee).
 - b. Facilitate and participate in the review and discussion of the information the Title IX Coordinator (or designee) has submitted to the Board
 - c. Determine if and when breaks will be granted and their duration
 - d. Adjourn the meeting when the Board has finalized all of its decision(s) regarding the charge(s)
 - e. Within at least two (2) business days after the Chair has adjourned the meeting, the Chair shall write a brief statement that documents the Board's decision(s), obtain each member's signature on this statement, and forward it to the Title IX Coordinator (or designee).
2. All Board members must be present throughout the meeting

If a Board member must leave the meeting before the Board has reached a final decision on all charges, the Chair will call for a break and replace the Board member with the designated alternate.

3. Order

- a. At the beginning of the meeting, the Chair will inform Board members:
 - that in order to find the Respondent responsible for a charge, members must use the standard that it is more likely than not that the Respondent is responsible for the charge(s) of sexual misconduct
 - that members should not make any finding of fact that is not supported by the information that has been submitted to the Board
- b. The Board will determine if the Respondent is responsible for the each of the charge(s) of sexual misconduct before, if necessary, the Board determines sanction(s).

4. Deliberation

- a. If at least three of the five members find it more likely than not that the Respondent is responsible for a charge, the Respondent is held responsible for that violation. When at least three of the five members do not find it more likely than not that the Respondent was responsible for a charge, this decision should not be interpreted that the Board decided that this charge was falsely filed and/or that the Complainant didn't act in good faith.
- b. When the Board finds a Respondent responsible for a charge, before the Board imposes sanctions, it shall consult with and discuss possible sanctions for the charge(s) with the Title IX Coordinator (or designee) and the Respondent's Dean/Program Director (or designee) during the meeting. If the Respondent is enrolled in two or more academic programs, the Dean/Program Director of the student's primary academic program (i.e., College of Pharmacy or College of Dental Medicine) will be selected as the party to consult with the Board. The Title IX Coordinator (or designee) and the Respondent's Dean/Program Director (or designee) do not vote on sanctions and shall not be present when the Board finalizes its discussion and votes on sanctions.
- c. If at least three of the five members vote to impose a sanction on a Respondent, the Board will impose that sanction on him/her.

N. Notice of Outcome

The Respondent and Complainant can typically expect to receive written notice of the outcome of the Final Adjudication Meeting from the Chair within five (5) business days after the Chair has adjourned the meeting. The Chair has the right to extend this deadline upon written notice to the Respondent and Complainant.

The Chair will send written notice of the Board's hearing results simultaneously to the Complainant and Respondent. The Chair will also provide written notification to the Title IX Coordinator and the Respondent's Dean(s)/Program Director(s).

O. Sanction(s)

When the Board finds the Respondent responsible for a charge of sexual misconduct, the Board will determine the student's sanction(s). Violations of the University's sexual misconduct policy could result in one or more of the following sanctions:

- Warning - written statement(s) that clearly indicates particular aspects of the behavior at issue and expectations for future behavior.
- No contact - an order to have no contact in any form with identified student, other students, or third party.
- Educational intervention(s) – an educational task such as a taking a course, completing a research paper, participating in an interview, conducting or attending a lecture, observations, etc., that would increase the Respondent's understanding of related issues and/or appropriate physical boundaries.
- Restitution - reimbursement for property damage, and/or for the Complainant's personal and medical expenses.
- Discretionary sanctions – work assignments, service to the University or other related discretionary Assignments.
- Behavioral agreements – a written statement of expectations that the Respondent must adhere to.
- Psychological assessment – an assessment conducted by a licensed or certified mental health professional. The Respondent would be responsible for payment for all services.
- Participation in community and/or University service projects.
- University and/or Academic Program Probation – the terms of the probation will be set by the Board.
- University suspension – the suspension would not exceed more than one year, after which the student may be eligible to return. Conditions for readmission shall be specified.
- University dismissal – with the opportunity to reapply to the University. Conditions for readmission shall be specified.
- University expulsion – permanent severance of the student from the University.

P. Appeals Process

1. The University President shall designate a Roseman employee who has been appropriately trained to evaluate sexual misconduct cases to serve as the University's Title IX Appeals Officer.
2. The Complainant and the Respondent have the right to submit a written appeal of the Board's decisions to the University's Title IX Appeals Officer within five (5) business days after the Chair notified each party of the outcome of the Final Adjudication Meeting. In order for the University's Title IX Appeals Officer to consider an appeal, the appeal must address:
 - a. At least one of the following questions:
 - Was there a procedural error in the investigative and/or hearing process that significantly biased the

outcome of the case?

- Is there previously unavailable, relevant evidence that would now significantly impact the outcome of the case?
- Was the sanction(s) substantially disproportionate to the findings of the sexual misconduct?

and

b. The remedies or action(s) the individual is seeking to address her/his concerns

3. The University's Title IX Appeals Officer will typically render a decision on the appeal within thirty (30) calendar days of receipt of the written appeal. The Appeals Officer can decide to:

a) Reject the appeal

or

b) Remand the case to a University Sexual Misconduct Board that is composed of members that didn't serve on the original Board and have the new Board review the case

or

c) Modify the sanctions imposed by the University Sexual Misconduct Board

or

d) Implement some or all of the remedies requested in the written appeal

4. The decision of the University's Title IX Appeals Officer shall be final.

5. The University's Title IX Appeals Officer will provide written notification of her/his decision simultaneously to the Respondent and the Complainant. The Appeals Officer will also provide written notification to the Title IX Coordinator and the Respondent's Dean(s)/Program Director(s).

Effective July 1, 2017 this policy replaces all previous University Title IX Student Sexual Misconduct policies.