

**JESSUP UNIVERSITY SEXUAL DISCRIMINATION AND HARASSMENT
(TITLE IX) POLICY**

Effective: May 1, 2024

JESSUP UNIVERSITY
SEXUAL DISCRIMINATION AND HARASSMENT (TITLE IX) POLICY
Published May 1, 2024

AUTHORED BY: JESSUP UNIVERSITY

BASED IN PART ON THE ATIXA 2021 TWO POLICIES, ONE PROCEDURE MODEL
©2021 ATIXA. USED WITH PERMISSION.

Table of Contents

Table of Contents.....	3
INTRODUCTION.....	1
Policy Statement and Rationale.....	1
Applicable Law.....	1
Jurisdiction (People and Places Covered by this Policy).....	2
University Title IX Coordinator.....	3
Title IX Team Contact Information:.....	4
Dissemination and Publication of Policy.....	5
PROHIBITED CONDUCT AND RELATED DEFINITIONS.....	6
Sex Discrimination.....	6
Sexual Harassment.....	6
Sexual Assault (Title IX).....	7
Sexual Violence (California Education Code).....	8
Dating Violence.....	8
Domestic Violence.....	8
Stalking.....	8
Sexual Exploitation.....	9
Force.....	9
Coercion.....	9
Affirmative Consent.....	10
Incapacitation.....	10
Online Harassment and Misconduct.....	11
Unethical Relationships.....	11
Retaliation.....	12
HOW TO REPORT PROHIBITED CONDUCT.....	12
Reporting to the Jessup Title IX Coordinator.....	13
Reporting to a Jessup Designated Reporter (“Responsible Employee”).....	13
Reporting to Law Enforcement and Local Community Resources.....	14
Consulting Confidential Resources (Licensed Counselors).....	15
Filing a Complaint Against Jessup.....	16
Anonymous Reports.....	16
Confidentiality of Reports.....	17
Reports Involving Third Parties.....	17
Immunity for Related Disciplinary Matters.....	17
Time Limits on Reporting.....	18
Other Statutory Reporting.....	18
HOW JESSUP WILL RESPOND.....	18
PRELIMINARY ASSESSMENT.....	18
Student Confidentiality; Requests That No Investigation Be Made.....	20
Supportive Measures.....	21

Violence Risk Assessment; Emergency Removal.....	21
GRIEVANCE AND RESOLUTION PROCESS.....	22
Formal Complaints.....	23
Dismissal of Formal Complaints.....	24
Investigation of Formal Complaints.....	25
Notice of Investigation and Allegations.....	25
Investigation Process and Timeline.....	26
Informal Resolution.....	29
Options for Informal Resolution:.....	29
Formal Grievance Process.....	30
Appeals.....	30
When Respondent Accepts Responsibility.....	31
When Respondent Withdraws from Jessup Before Resolution.....	31
Student Respondent(s).....	31
Employee Respondent(s).....	32
POST-RESOLUTION CONSIDERATIONS.....	32
Long-Term Remedies and Responsive Actions.....	32
Failure to Comply with Sanctions and/or Responsive Actions.....	32
Retention of Records; Discovery.....	33
Revisions to this Policy.....	33
APPENDIX A: Glossary.....	34
Advisor.....	35
Appeal Officer.....	35
Applicant.....	35
Complainant.....	35
Confidential Resource.....	35
Decision-Maker.....	36
Designated Reporter.....	36
Employee.....	36
Final Determination.....	36
Formal Complaint.....	36
Formal Grievance Process.....	36
Title IX Grievance Pool.....	37
Hearing Officer.....	37
Informal Resolution.....	37
Investigator.....	37
Parties.....	37
Report of Discrimination or Harassment.....	37
Respondent.....	38
Responsible Employee.....	38
Supportive Measures.....	38
Standard of Evidence.....	38
Student.....	38

Third Party.....	38
Witness.....	38
APPENDIX B: Sanctions and Responsive Actions.....	40
Student Sanctions.....	40
Student Organization Sanctions.....	42
Other Responsive Actions.....	43
Employee Disciplinary Actions.....	43
APPENDIX C: Advisors.....	44
Who Can Serve as an Advisor.....	44
General Expectations of Advisors.....	45
Advisor’s Role in Meetings, Interviews and Hearings.....	45
Communication with Advisor.....	46
Appendix D: Informal Resolution Process.....	47
Appendix E: Formal Grievance Process.....	49
Formal Grievance Process Pool.....	49
Hearing Process.....	49
Notice of Hearing.....	50
Pre-Hearing Preparation.....	51
Pre-Hearing Meetings.....	51
Hearing Procedure and Recording.....	52
Order of Hearing.....	52
Deliberation.....	54
Notice of Outcome.....	54
Resolution Timeline.....	55
Separate Hearing Rooms.....	55
Remote Hearings.....	55
Joint Hearings.....	56
Evidentiary Considerations.....	56
Appendix F: Appeals.....	56
Timeliness.....	57
Grounds for Appeal.....	57
Appeal Considerations.....	58
Status of Sanctions Pending Appeal.....	59
Appendix G: False or Malicious Allegations and Retaliation.....	60
Appendix H: Required Trainings.....	61

INTRODUCTION

Policy Statement and Rationale

Jessup University (“Jessup”) affirms that both men and women are created in the image of God and should be treated with equal dignity and honor. Jessup also acknowledges the applicability of certain federal and state laws that prohibit sexual discrimination and harassment within the Jessup community. Therefore Jessup is committed to providing a workplace and educational environment that is free from unlawful sexual discrimination and harassment and to providing a prompt, fair, and impartial process to redress such discrimination or harassment when it occurs. Jessup does not unlawfully discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, including admission and employment.

Applicable Law

This policy implements the requirements of Title IX of the Education Amendments of 1972 (“Title IX”) and California’s Equity in Higher Education Act, set forth at §§66262.5 and 66281.8 of the California Education Code (codifying SB 493 and hereinafter generally referred to as, “The California Education Code”), along with applicable correlating statutes and regulations.

Title IX prohibits discrimination based on sex in education programs or activities that receive Federal financial assistance. Jessup receives federal funds (for example, Jessup receives federal funds through loans extended to its students and occasional emergency relief aid such as the CARES Act). Therefore, unless inconsistent with Jessup’s religious tenets, Jessup is required to comply with Title IX and the regulations promulgated under it.

The California Education Code (specifically, §§66262.5 and 66281.8 codifying SB 493) further prohibits discrimination based on sex in education programs or activities conducted by universities operating in California. Those provisions provide procedures and remedies to redress grievances based on sex discrimination and harassment that are supplemental to Title IX. As a California university, Jessup is governed by California Education Code §§66262.5 and 66281.8 except to the extent those provisions are inconsistent with Jessup’s religious tenets.

As a Christian non-profit university, Jessup is exempt from any and all provisions of Title IX and the California Education Code that conflict with Jessup’s religious beliefs and practices, including but not limited to provisions applicable to marriage, sexual activity, sex (gender), gender identity, sexual orientation, pregnancy, parenting, and abortion. Nothing in this policy shall be construed as a waiver of Jessup’s exemption or legal defenses based on its religious beliefs or any limitation on Jessup’s

right to make and enforce policies in furtherance of its religious beliefs or to uphold and apply those beliefs in all Jessup activities.

It is important to note that this Policy does not cover Jessup's compliance with the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act (20 USC §1092(f)) ("Clery Act"), which requires disclosure of information about crime on and around the Jessup campus, and recent amendments under the Campus SaVE Act and Violence Against Women Act, which also deal with incidents of sexual assault, domestic violence, dating violence, and stalking. Inquiries about Jessup's compliance with and administration of the Clery Act and Violence Against Women Act may be directed to:

Jessup University Campus Safety

JESSUP UNIVERSITY

2121 University Ave

Rocklin, CA 95765

security@jessup.edu

Non-Emergency Line: (916) 577-7070

Nothing in this policy shall be construed to infringe on any person's rights under other provisions of law governing Civil Rights or Education, including but not limited to Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000(e) et seq. and the Family Educational Rights and Privacy Act, 20 U.S.C. 1232(g) et seq. Inquiries about Jessup's policies implementing the requirements of those laws may be directed to:

Linda Giusti

Associate Vice President of Human Resources

lgjusti@jessup.edu

Jurisdiction (People and Places Covered by this Policy)

All members of the Jessup community, including students, employees, volunteers who regularly interact with students, and individuals or entities under contract with Jessup to perform any service involving regular interaction with Jessup students have rights and obligations under this policy, including the requirement to comply with all applicable local, state and federal laws and regulations related to sex discrimination and harassment.

The procedures followed by Jessup when responding to grievances and violations under this policy may differ according to the applicable law and the roles of the parties involved.

In order for the grievance process set forth in this policy to apply, the Respondent must be a current member of the Jessup community. However, even where the alleged perpetrator of sexual

discrimination or harassment is not a current member of the Jessup community, or when his or her identity is unknown, the Title IX Coordinator will facilitate a response to the Complainant's report of discrimination or harassment by assisting the Complainant in obtaining supportive measures and identifying institutional and local resources as needed.

Implementing the applicable provisions of Title IX, this Policy covers:

- a. All participants in any Jessup undergraduate, graduate, professional and vocational programs and activities, including but not limited to admissions, recruitment, and employment and all academic, extracurricular, research, occupational training programs and activities within the United States.
- b. Conduct occurring in any location within the United States that is owned or controlled by a student organization that is officially recognized by Jessup, and/or conduct that is subject to Jessup's disciplinary authority.

Implementing the applicable provisions of the California Education Code, this Policy covers:

- c. Additional responses by Jessup to incidents of sexual discrimination or harassment involving individuals subject to Jessup's policies that occur in connection with any educational activity or other program of Jessup based on the additional definitions of prohibited conduct provided in the California Education Code.
- d. Incidents of sexual discrimination or harassment that occur outside of Jessup's educational programs or activities if, based on the allegations, there is any reason to believe that the incident(s) could contribute to a hostile educational environment or otherwise interfere with a student's access to education based on the definitions set forth in the applicable provisions of the California Education Code.

When sexual misconduct falls outside the jurisdiction of this Policy and/or is not prohibited by Federal, State, or Local law, Jessup may still impose discipline under other policies as set forth in the Jessup Community Covenant, Employee Handbook, Faculty Manual, Student Handbook, Student Code of Conduct or other Jessup governing document.

University Title IX Coordinator

Jessup has designated an employee, known as the Title IX Coordinator, to carry out Jessup's response to sex discrimination and harassment under this policy and to coordinate Jessup's compliance with Title IX and the California Education Code. The Title IX Coordinator has the primary responsibility for coordinating Jessup's intake, investigation, resolution, and provision of supportive measures to stop, remedy, and prevent sexual discrimination and harassment as prohibited under this policy.

The Title IX Coordinator shall be adequately trained on what constitutes sexual harassment and on trauma-informed investigatory and hearing practices, and shall understand how Jessup's grievance procedures operate. The Title IX Coordinator acts with independence and is trained to ensure a

response that is free from bias for or against any party in a complaint. The Title IX Coordinator may oversee a team of Title IX Deputies and/or a Title IX Pool of Decision Makers, Investigators and other individuals to facilitate Jessup's implementation of this policy. The Title IX Coordinator may delegate all or a portion of the tasks necessary to fulfill obligations under this Policy to an outside contractor who is competent to perform such tasks, including but not limited to the performance of investigations, hearings and appeals.

Title IX Team Contact Information:

Title IX Coordinator

Megan W. Fera, J.D.
JESSUP UNIVERSITY
2121 University Ave
Rocklin, CA 95765
titleix@jessup.edu
(916) 577-7058

Title IX Deputies

For Employees:

Linda Giusti
Associate Vice President of Human Resources
lgiusti@jessup.edu

For Rocklin Students:

Dr. Mary Ann McMillan
Director of Student Conduct
mmcmillan@jessup.edu

Brandon Farmer
Director of Student Life
bfarmer@jessup.edu

For Rocklin Athletics:

Baiba Celma
Assistant Athletic Director of Compliance
bcelma@jessup.edu

For San Jose Students:

Megan W. Fera, J.D.
JESSUP UNIVERSITY
2121 University Ave
Rocklin, CA 95765
titleix@jessup.edu
(916) 577-7058

For Multnomah Students:

Caden Lowman
Director of Residential Life and Community Standards
cadenlowman@multnomah.edu

For Multnomah Athletics:

Sarah Parker
Assistant Athletic Director
sarahparker@multnomah.edu

For Jessup Online:

Dr. Linda Somerville
Associate Vice President of PACE
lsommerville@jessup.edu

Dissemination and Publication of Policy

Jessup shall publish a notice of nondiscrimination along with this Policy on the Jessup website with the contact information for the Title IX Coordinator prominently displayed. A copy of this Policy (and/or links thereto) shall be displayed in a prominent location on the Jessup campus.

Jessup shall notify all applicants for admission and employment and all students, employees, and unions or professional organizations holding collective bargaining or professional agreements with Jessup and all volunteers who will regularly interact with students and each individual or entity under contract with Jessup to perform any service involving regular interaction with students at Jessup that it does not discriminate on the basis of sex in its education programs and activities and that it is

required by Title IX not to discriminate in such a manner. Jessup shall disseminate a notice of nondiscrimination to all Jessup employees and volunteers who regularly interact with students, and each individual or entity under contract with Jessup to perform any service involving regular interaction with Jessup students. Jessup shall provide a link to this policy and include the contact information for the Title IX Coordinator and the notice of Jessup's policy of non-discrimination in each handbook or catalog that it makes available to the individuals listed in this paragraph and in any other Jessup publication that sets forth Jessup's comprehensive rules, regulations, procedures and standards of conduct. Jessup shall provide a copy of this Policy to each new student as part of any orientation program conducted for new students at the beginning of each academic session and to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first academic session of the school year, and at the time that there is a new employee hired.

Jessup shall further publish through its website and notify all individuals listed above of Jessup's grievance procedure and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, how Jessup will respond, and the timelines involved in Jessup's complaint process.

PROHIBITED CONDUCT AND RELATED DEFINITIONS

All members of the Jessup community are entitled to an employment and educational environment that is free from sexual discrimination and harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. When speech or conduct is protected by academic freedom or the First Amendment, it will not be considered a violation of this Policy but appropriate supportive measures will still be provided to those involved.

Jessup reserves the right to impose any level of sanction, up to and including expulsion/termination in response to a finding of responsibility for prohibited conduct under this Policy.

The following conduct is prohibited under this policy:

Sex Discrimination

Sex Discrimination is defined as actions that substantially and materially deprive, limit or deny a member of the Jessup community of educational or employment access, benefits or opportunities including disparate treatment, based on the individual's sex. The California Education Code includes Sexual Harassment of students as a form of Sexual Discrimination.

Sexual Harassment

Title IX defines sexual harassment as conduct on the basis of sex that includes one or more of the following:

- 1) Quid Pro Quo: A Jessup employee conditioning the provision of an aid, benefit, or service of Jessup on an individual's participation in unwelcome sexual conduct;
- 2) Sexual Harassment: Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Jessup's education program or activity;
- 3) Sexual assault, dating violence, domestic violence, or stalking as defined in this Policy, the Clery Act and Violence Against Women Act.

Additionally, the California Education Code defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- 1) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- 2) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- 3) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- 4) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Under the California Education Code, sexual harassment includes sexual battery, sexual violence, and sexual exploitation.

Sexual Assault (Title IX)

Title IX defines sexual assault as any offense classified as a forcible or non-forcible sex offense under the Clery Act (20 U.S.C. §1092(f); 34 CFR 668.46) and/or the Violence Against Women Act. Under Title IX, sexual assault includes any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Under Title IX, sexual assault includes:

1. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration or copulation by a sex organ of another person, without the consent of the victim.
2. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age (below the statutory age of 18) or because of his or her temporary or permanent mental incapacity.
3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent (18 years old).

Sexual Violence (California Education Code)

The California Education Code defines sexual violence as any physical sexual act perpetrated against a person without the person's affirmative consent.

Sexual violence includes:

1. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral copulation of a sex organ by another person, without the consent of the victim.
2. Sexual Battery: Sexual battery is the intentional touching of another person's intimate parts without consent, intentionally causing a person to touch the intimate parts of another without consent, or using a person's own intimate part to intentionally touch another person's body without consent.

Dating Violence

Dating Violence is violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

Domestic Violence

Domestic Violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of California or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of California.

Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. For the purpose of this definition:

- "Course of conduct" means two or more acts, including but not limited to acts in which the stalker 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. Such actions may be committed over electronic communication (e.g. emails, text messages, or social media).
- "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.
- "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Sexual Exploitation

The California Education Code defines Sexual Exploitation as taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including but not limited to, any of the following acts:

1. Prostituting another person.
2. Trafficking another person, defined as: the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion.
3. Recording images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
4. Distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
5. Viewing another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

As used in this Policy, the following statutory definitions apply:

Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Force includes, but is not limited to: threats, intimidation, and coercion with the intention to overcome resistance or produce consent that would otherwise be withheld. When sexual activity is conducted by means of force, the sexual activity is conducted without consent (non-consensual).

Coercion

Coercion is unreasonable pressure to engage in sexual activity. Coercion differs from seduction based on factors such as the type and/or extent of pressure used to engage in sexual activity. When a party makes clear that they do not want to engage in a sexual activity, that they want to stop engaging in a sexual activity, or that they do not want to go past a certain point of sexual interaction, continued pressure to engage in the activity can constitute coercion.

Affirmative Consent

Affirmative consent is affirmative, conscious, voluntary, agreement to engage in specific sexual activity. Consent may be expressed by words or implied by actions, such as reciprocation of specific conduct. Individuals may perceive and experience the same interaction in differing ways. Therefore, it is the responsibility of each party to a sexual activity to confirm that the other has given consent before engaging in the activity.

Consent that has been given can be withdrawn when the withdrawal of consent is reasonably and clearly communicated. If consent is withdrawn, the sexual activity must cease immediately.

Consent to some sexual contact cannot be taken as consent to other sexual activity. A current or previous sexual relationship is not sufficient to constitute consent for present or future sexual activity. When a party expresses conditions on his or her consent to sexual activity (such as using a condom), or limitations on the scope of his or her consent, the consent given is confined to that party's conditions and limitations.

Jessup will determine the existence of consent based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Incapacitation

Consent cannot be given by a party who is incapacitated.

Incapacitation is the inability to know or understand what is happening when engaging in sexual activity. Incapacitation occurs when a party is unable to make the rational, reasonable decisions necessary to give consent to sexual activity due to being disoriented, helpless, asleep, or unconscious for any reason including due to alcohol or drug use.

It is not a valid defense to a complaint of sexual misconduct under this Policy for a Respondent to claim that he or she believed the Complainant gave affirmative consent to sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to give consent due to any of the following:

- 1) The Complainant was asleep or otherwise unconscious.
- 2) The Complainant was incapacitated, including incapacitation due to the influence of drugs, alcohol, or medication.
- 3) The Complainant was unable to understand or communicate due to a mental or physical condition.
- 4) The Complainant's age was lower than the legal age of consent (a minor).

It is not a valid defense to a complaint of sexual misconduct under this Policy for a Respondent to claim that he or she believed that the Complainant gave affirmative consent to sexual activity under any of the following circumstances:

- 1) The Respondent's perception of affirmative consent arose from the Respondent's own intoxication or recklessness.
- 2) The Respondent failed to take reasonable action, under the circumstances known to the Respondent at the time, to ascertain whether the Complainant had capacity to give consent.

Online Harassment and Misconduct

The conduct prohibited by this policy includes online conduct when the online conduct occurs in the course of Jessup's education programs or activities, when the conduct is shown to create a sex-based hostile education environment in Jessup's programs or activities, or when it involves the use of Jessup networks, technology, and equipment. Although Jessup may not control websites, social media, or other venues through which harassing conduct may occur, when such conduct is reported to Jessup, Jessup will implement the provisions of this policy to address and mitigate the effects of such conduct to the extent it is reasonably possible to do so.

Members of the Jessup community are expected to be good digital citizens and to refrain from online misconduct, including but not limited to online stalking, sharing sexual content via social media,

sending unwelcome sexual or sex-based messaging, distributing, or threatening to distribute, nude, semi-nude or sexual photos or recordings, breaches of privacy or otherwise using online means to commit misconduct under this policy.

Online activity by members of the Jessup community that does not fall under the jurisdiction of this policy may still be subject to discipline under other policies governing the Jessup community.

Unethical Relationships

A romantic or sexual relationship between individuals in unequal roles (such as a faculty member and student or supervisor and employee) carries an inherent risk of non-consensual contact. Consent to sexual contact may be less voluntary than the individual whose position confers power or authority perceives. Similarly, the relationship may be viewed in different ways by each of the parties, particularly in retrospect or as circumstances change. Such relationships may also violate applicable standards of professionalism and/or professional ethics. Consistent with its goal to establish educational and work environments which emphasize individual responsibility, Jessup does not prescribe a formal guideline governing romantic relationships among members of the academic community. However, Jessup generally discourages romantic or sexual relationships in which power differentials are inherent. Romantic relationships between faculty and students, and superiors and subordinates are almost always inappropriate and therefore, strongly discouraged. Any employee in a supervisory role who enters into such a relationship must report the relationship to his or her own supervisor and have the supervisory role changed. Please refer to the Employee Manual or consult the Title IX Coordinator for more information as needed.

Retaliation

Retaliation means intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or SB 493, or because the individual has made a report or complaint under this policy, Title IX or SB 493, or because the individual has testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy, Title IX or SB 493. Retaliation includes, but is not limited to, charges against an individual for code of conduct violations and/or reports or formal complaints of sexual harassment brought for the purpose of interfering with any right or privilege secured by Title IX or SB 493.

Retaliation does not include the exercise of rights protected by the First Amendment or the charging of an individual with code of conduct violations for making a materially false statement in bad faith in the course of a grievance proceeding under this policy.

Jessup shall not permit retaliation against any individual asserting rights or participating in procedures set forth under this policy.

Complaints of retaliation may be reported according to the complaint and grievance procedures for sex discrimination and harassment set forth in this policy.

HOW TO REPORT PROHIBITED CONDUCT

IN CASE OF IMMEDIATE DANGER, PLEASE CALL 911 AND CAMPUS SAFETY.

Everyone is encouraged to report sexual discrimination or harassment under this Policy. Parties and witnesses can make reports within the University or to outside community resource providers. In many circumstances, those who report misconduct may remain anonymous if preferred.

The following paragraphs describe several ways to report misconduct under this policy, including reports to the Jessup Title IX Coordinator, Jessup Designated Reporters, licensed counselors, local law enforcement and a variety of community resources. This section also describes ways to make confidential and/or anonymous reports and the option of immunity from disciplinary sanctions when student conduct violations must be disclosed in the process of making a report.

Reporting to the Jessup Title IX Coordinator

Jessup has designated an employee, known as the Title IX Coordinator, to respond to sex discrimination and harassment under this Policy. The Title IX Coordinator can assess possible incidents of prohibited conduct under this Policy, provide supportive measures to parties affected by prohibited conduct, and oversee the grievance processes set forth in this Policy.

Any person may make a report or ask questions about this Policy by contacting the Title IX Coordinator using the contact information listed below. A report or question may be submitted at any time by email, phone call, U.S. mail, or by completing the [online reporting form](#). Reports and questions may be submitted anonymously, but anonymity will limit Jessup's ability to respond, as described below.

Jessup's Title IX Coordinator may be reached here:

Megan W. Fera, J.D.

JESSUP UNIVERSITY

2121 University Ave

Rocklin, CA 95765

titleix@jessup.edu

(916) 577-7058

Reporting to a Jessup Designated Reporter (“Responsible Employee”)

Another way to report an incident of sexual discrimination or harassment is to tell a Designated Reporter. Designated Reporters are Jessup employees who have authority to take action to redress sexual harassment or provide supportive measures to students. Designated Reporters are required under California law to report incidents of sexual discrimination and harassment to the Title IX Coordinator.

Designated Reporters include:

- The Title IX Coordinator and his/her designees
- Residential advisors (while performing the duties of their Jessup employment)
- Campus ministry leaders, unless specifically designated as Confidential Resources under this policy
- Housing directors, coordinators or directors
- Student life directors, coordinators or deans
- Athletic directors and coordinators
- Coaches of any student athletic or academic team
- Faculty and associate faculty, adjunct professors, instructors or lecturers
- Graduate student instructors (while performing the duties of their Jessup employment)
- Laboratory directors, coordinators or principle investigators
- Internship or externship directors or coordinators
- Study abroad program directors or coordinators
- Academic success coaches
- Student conduct officers

When a Designated Reporter learns of an incident of prohibited conduct, either through observation or through an individual’s direct sharing, the Designated Reporter is required to notify the Title IX Coordinator or his or her designee. An individual sharing an incident of sexual discrimination or harassment with a Designated Reporter should expect the incident to be reported to the Title IX coordinator. The Designated Reporter does not have discretion to withhold a report of a violation of this policy, even if the Witness or Party sharing an incident requests that no report be made. However, the Designated Reporter may keep the identity of the Witness or Party confidential if requested to do so and there is no reason to believe that withholding such information would pose an imminent health or safety threat. The Title IX Coordinator can assist the Designated Reporter in making that determination.

A Designated Reporter is not obligated to report information disclosed at a public awareness event such as a student chapel, demonstration or other public forum in which individuals may collectively share experiences of prohibited conduct to raise public awareness.

Designated Reporters will undergo regular training on how to identify and report prohibited conduct under this policy.

Reporting to Law Enforcement and Local Community Resources

In case of immediate danger, please call 911 and Campus Safety.

On-campus safety incidents that are not active emergencies should still be reported to Campus Safety using the following contact information:

Rocklin and San Jose Campus Safety: (916) 521-0776.

Multnomah Campus Safety: (503) 251-6499.

Even if you are not in immediate danger, you have the right to report violations of this Policy to law enforcement. Reporting to law enforcement does not mean you will have to press charges. But California law encourages individuals who experience sexual assault to preserve evidence and to note the identity and location of any potential witnesses. Reporting to law enforcement allows for a party to receive assistance in collecting evidence, including a medical exam if needed. This step can help you preserve your options as you seek to make an informed choice.

The Title IX coordinator can assist you in reporting a violation of this Policy to local law enforcement and in obtaining other local resources, or you may contact the following agencies directly:

For the Rocklin Campus:

Rocklin Police Department

4080 Rocklin Rd.
Rocklin, CA 95677
916-625-5400

<https://www.rocklin.ca.us/police>

Placer County Sheriff's Department

530-886-5375

Stand Up Placer

24 Hour Hotline
800-575-5352

For the San Jose Campus:

Sexual Assault Response Team

Santa Clara Valley Medical Center
751 Bascom Ave. Building H1
San Jose, CA 95128
Telephone: (408) 885-6466

YWCA Rape Crisis Center

375 S. Third Street
San Jose, CA 95112
24 hour hotline:
(800) 572-2782
or (650) 493-7273

For Jessup Online:

Call 911 and your local law enforcement. Jessup's Title IX Coordinator can assist you in identifying other appropriate community resources depending on your location.

Incidents occurring out of state/abroad:

Students or employees reporting an incident occurring out of state or abroad should consult with the Title IX Coordinator or their local program advisor or supervisor to identify local resources including confidential reporting options, community resources and local law enforcement services appropriate to their location.

Consulting Confidential Resources (Licensed Counselors)

When an individual prefers to discuss an incident of sexual discrimination or harassment with a resource who will not report the incident to anyone else, a Confidential Resource should be consulted. A Confidential Resource is a person who is trained to help evaluate incidents of sexual discrimination or harassment and can assist in making an informed decision about next steps. A Confidential Resource can also assist in accessing supportive resources as necessary to address specific needs.

The Confidential Resources provided by Jessup are licensed mental health counselors. Many of their services may be accessed by Jessup students and employees free of charge. Members of the Jessup community can consult these counselors using the following contact information:

Students may access Confidential Resources here: [Student Confidential Counseling Resources](#)

Employees may access Confidential Resources through the Employee Assistance Program, available through Jessup Human Resources.

The above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials or official designation, except as required by law, court order or other exceptions as set forth in the ethical guidelines which govern their professions.

Filing a Complaint Against Jessup

A student may make a report or Formal Complaint against Jessup alleging that a Jessup policy or practice constitutes Sex Discrimination using the school's [Non-Academic Student Grievance Procedure](#).

An employee may file a Formal Complaint against Jessup alleging that a Jessup policy or practice constitutes Sex Discrimination following the procedure outlined in the Employee Discrimination and Harassment policy in the University Policy Manual.

The Title IX Coordinator can assist a student or employee in this process.

Anonymous Reports

An individual may opt to remain anonymous when reporting violations of this Policy. However, the extent to which Jessup is able to investigate and remedy the alleged discrimination or harassment may be limited.

Anonymous reports may be made to the Title IX Coordinator using the contact information above, or through the [online reporting form](#) by exercising the options to withhold identifying information.

Jessup employees may also submit an anonymous report by calling the Lighthouse Services anonymous complaint hotline at (844) 490-0002, through the [Lighthouse Services Online Report Form](#), or by emailing: reports@lighthouse-services.com/jessup. Anonymous reports to Lighthouse services are forwarded to Jessup's Human Resources Director who will submit them to the Title IX coordinator for further investigation.

Confidentiality of Reports

Jessup will keep confidential the identity of any individual who has made a report or Formal Complaint under this Policy, including any Complainant, Respondent, or Witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the procedures in this Policy. This means that Jessup will protect the individual's privacy but may disclose information to those who have a legitimate need to know.

Reports Involving Third Parties

A Third Party Respondent is a Respondent who is not a Jessup student or employee, such as a visitor, volunteer, vendor or independent contractor. Jessup's jurisdiction to impose sanctions against a Third Party Respondent may be limited depending on the context of the prohibited conduct and the

nature of the Third Party Respondent's relationship to Jessup. Employees of vendors fulfilling contracts to Jessup are subject to the policies and procedures of their employers and the vendor contract to which Jessup is a party.

When a report is made of prohibited conduct by a Third Party Respondent under this Policy, the Title IX Coordinator will determine the appropriate manner of resolution including, but not limited to, conducting an internal investigation that could result in the restriction of the Third Party Respondent from Jessup facilities or activities, referral to local law enforcement and outreach and coordination with the school or employer who has jurisdiction over the Third Party Respondent. The Title IX Coordinator will also provide outreach and supportive measures to the Complainant as provided under this Policy.

When the Respondent is enrolled in or employed by another institution, the Title IX coordinator can assist the Complainant in making a report to the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

A Third Party Complainant is a Complainant who is not a Jessup student, employee, or applicant. A Third Party Complainant may report allegations of prohibited conduct by a Jessup student or employee to the Title IX Coordinator, and the Title IX Coordinator will take appropriate action. However, a Third Party is not permitted to file a Formal Complaint unless the allegations arise from an attempt to participate in a Jessup education program or activity.

Immunity for Related Disciplinary Matters

When making a report of conduct prohibited under this Policy would require an individual to disclose his or her own violations of other provisions of the Jessup Code of Conduct (such as consensual, extramarital sexual activity or the personal consumption of alcohol or drugs) Jessup will not typically pursue disciplinary action based on those disclosures. Jessup's priority is to preserve the safety and equal access of those involved and to resolve and address any misconduct under this Policy. However, where the violations disclosed are egregious or place the safety and health of others at immediate risk, Jessup reserves the right to pursue other responsive and disciplinary actions.

Time Limits on Reporting

There is no time limitation on reporting a violation of this Policy or filing a Formal Complaint with the Title IX coordinator. However, the more time that passes the more difficult it becomes for Jessup to investigate, respond, and provide remedies for violations under this Policy. Jessup's response to a report or complaint significantly affected by the passage of time and/or Respondent's departure from the Jessup community may be limited to the provision of supportive measures and or actions that apply generally to the Jessup community.

Other Statutory Reporting

There may be circumstances in which Jessup is obligated to report an incident of violent crime or sexual assault to local law enforcement or to include such incidents in statistical data such as the data provided in compliance with the Clery Act. In such cases, Jessup will honor requests for confidentiality unless doing so would pose an immediate health and safety threat.

HOW JESSUP WILL RESPOND

PRELIMINARY ASSESSMENT

When the Title IX Coordinator receives a report of prohibited conduct under this Policy, he or she (or a designee) will initiate a preliminary assessment to determine appropriate next steps. The primary concern shall be for student safety. The preliminary assessment will begin as soon as practicable but no more than 10 business days after submission of the initial report to the Title IX Coordinator.

The preliminary assessment will include, as appropriate:

1. Outreach to all Parties (if known) to advise the Parties of their rights under this policy and offer supportive measures. Outreach to the potential Complainant will include:
 - a. Notice that Jessup has received a report that the potential Complainant may have experienced sexual discrimination, harassment or violence.
 - b. A statement that retaliation for filing or participating in a Complaint under this policy is prohibited.
 - c. Information about how to access available counseling resources.
 - d. Notice that the recipient has the right, but not the obligation, to report the matter to law enforcement.
 - e. Notice of Jessup's investigation procedures set forth in this Policy.
 - f. An offer of potential interim measures, such as no-contact directives, housing changes, and academic schedule changes, as appropriate.
 - g. A request to preserve evidence.
 - h. A request that the potential Complainant meet with the Title IX Coordinator or other designated employee to discuss options for responding to the report.
 - i. The manner in which Jessup responds to reports of sexual discrimination, harassment and violence, with a description of potential disciplinary consequences.
2. An initial meeting with the Parties to obtain their recollection of the alleged incident(s), discuss the availability of supportive measures, and determine the Complainant's wishes with respect to filing a Formal Complaint. The Title IX Coordinator (or designee) will explain options for resolution, determine whether the Complainant wishes to file a Formal Complaint, and assist

the Complainant in filing a Formal Complaint if the Complainant opts to do so. Parties may bring a support person or Advisor to the initial meeting and all subsequent meetings in accordance with this policy. If a Party declines to attend the initial meeting, the Title IX Coordinator will proceed to implement supportive measures and take action to resolve the allegations as appropriate.

3. Implementation of Supportive Measures. Supportive Measures are non-disciplinary, non-punitive individualized services offered free of charge to restore or preserve access to Jessup programs and activities following an allegation of sexual discrimination or harassment. Please see below (section entitled, “Supportive Measures”) for more information.
4. Identification of an Advisor if desired by any Party, in accordance with applicable law. An advisor is a person who provides support and guidance to a party (Complainant or Respondent) throughout any meetings or proceedings related to complaints arising under this policy. Please see Appendix C for a description of the role of the Advisor in the processes described under this policy.
5. A determination of whether the Complainant wishes to make a Formal Complaint to initiate a formal investigation and grievance process. In the event the Complainant does not wish to make a Formal Complaint, the Title IX Coordinator will determine whether to file a Formal Complaint and document the basis for his or her decision.

When a preliminary assessment shows that the alleged misconduct does not fall under this policy, the Title IX Coordinator may refer the matter to another Jessup office for response under an appropriate Student Conduct, Human Resources, or other policy.

Student Confidentiality; Requests That No Investigation Be Made

Under California law, a student Complainant may request confidentiality or that no investigation or disciplinary action be pursued. Jessup generally will grant the request. When a Complainant requests confidentiality and the request could preclude a meaningful investigation or potential discipline of the Respondent, or when the Complainant requests that no investigation or disciplinary action be pursued, Jessup will take the request seriously. However, Jessup will also consider its responsibility to provide a safe and nondiscriminatory environment for all students, including the Complainant. In determining whether to disclose a Complainant’s identity or proceed to an investigation over the objection of the Complainant, Jessup will consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the Respondent.
- The Respondent reportedly used a weapon, physical restraints, or engaged in battery.
- There is a power imbalance between the Complainant and Respondent.

- The Complainant believes that the Complainant will be less safe if his or her name is disclosed or an investigation is conducted.
- Jessup is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation.

If Jessup determines that it can honor the student Complainant's request for confidentiality, it shall still take reasonable steps to respond to the report, to limit the effects of the alleged sexual harassment, and prevent its recurrence without initiating formal action against the alleged Respondent or revealing the identity of the Complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred, providing additional training and education materials for students and employees, or conducting climate surveys regarding sexual violence. Jessup shall also take immediate steps to provide for the safety of the Complainant while keeping his or her identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests. The Complainant shall be notified that the steps Jessup will take to respond to the Complaint will be limited by the request for confidentiality.

If Jessup determines that it must disclose the Complainant's identity to the Respondent and/or proceed with an investigation, Jessup shall inform the Complainant prior to making this disclosure or initiating an investigation. Jessup shall also take immediate steps to provide for the safety of the Complainant where appropriate. In the event that the Complainant requests that Jessup inform the Respondent that the Complainant requested no investigation be made and no discipline be imposed, Jessup shall honor this request.

Supportive Measures

Upon receiving a report of violation under this Policy, the Title IX Coordinator will offer and implement appropriate Supportive Measures for the Parties. Supportive measures are individualized services offered to restore or preserve access to Jessup's education program or activity, including measures designed to protect the safety of all Parties and/or Jessup's educational environment and/or to deter harassment, discrimination, or retaliation. Supportive measures are non-punitive, non-disciplinary, and free of charge to the Parties. Jessup will maintain the confidentiality of supportive measures except to the extent necessary to provide the supportive measures.

Supportive measures may include, but not be limited to:

- Referral to counseling, medical, or other healthcare services, including Christian pregnancy support
- Referral to the Employee Assistance Program
- Referral to community-based service providers and ministries
- Education to the Jessup community or community subgroups
- Altering campus housing assignments
- Altering work arrangements

- Providing campus safety escorts
- Implementing written, mutual, contact limitations between the Parties
- Academic support, changes in academic scheduling or course format, extensions of deadlines, or other course-related adjustments
- Limiting an individual's or organization's access to certain University facilities or activities pending resolution of the matter

Violations of restrictions implemented as supportive measures may be referred to appropriate student or employee disciplinary processes for enforcement or added to a pending complaint under this Policy.

Violence Risk Assessment; Emergency Removal

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Campus Safety team as part of the Preliminary Assessment. A VRA is not an evaluation for involuntary behavioral health hospitalization nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence supported by training in the fields of law enforcement, criminology, human resources, and psychology.

A VRA can aid in the following determinations:

- Emergency removal of a Respondent on the basis of an immediate threat to the health and safety of an individual or the Jessup community
- Filing of a Formal Complaint by the Title IX Coordinator absent participation by the Complainant
- Defining the scope of the investigation to include a pattern of misconduct and/or climate of hostility
- Identifying potential predatory conduct
- Assessing grooming behaviors
- Evaluating the use of Informal Resolution
- Assessment of appropriate sanctions and/or other remedies
- Implementing appropriate Clery Act compliance measures

Additionally, a student Respondent may be removed from Jessup facilities, programs, and activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies the removal. This risk analysis is performed by the Associate Vice President for Academic Affairs or his/her designee, who may consult as necessary with other Jessup officials to conduct an objective threat assessment. The emergency removal may constitute a full restriction from all Jessup facilities, programs, and activities or a limited removal from designated locations and activities. The scope and duration of an emergency removal will be at the sole discretion of the Associate Vice President for Academic Affairs. Violation of the emergency removal order will be grounds for discipline, up to and including permanent dismissal from the University.

When it is determined that emergency removal is justified, Jessup will provide written notice to the student Respondent including the basis for the removal and specific restrictions, conditions, and duration. The student Respondent may challenge the removal by submitting a written challenge within 72 hours of the transmission of the removal notice, including the reasons that the removal should not be implemented or should be limited. Notice of a challenge to an emergency removal may be submitted to the Vice President of Academic Affairs via email to vpaaoffice@jessup.edu.

An Employee Respondent can be placed on paid administrative leave pending the outcome of the grievance process set forth in this Policy, following the procedures outlined in the Jessup Employee Handbook.

GRIEVANCE AND RESOLUTION PROCESS

Jessup offers three options for addressing alleged violations under this policy. Following the Preliminary Assessment described above, the Title IX Coordinator will initiate at least one of the following responses:

1. **Report made, but no Formal Complaint:** If neither the Complainant nor the Title IX Coordinator opts to file a Formal Complaint, the Title IX Coordinator will still ensure that supportive measures are maintained as necessary and appropriate to address the findings of the Preliminary Assessment. The alleged violation may be referred to other individuals at Jessup for a response under other Jessup policies (such as a student discipline proceeding under the Jessup Community Covenant) including sanctions against the Respondent.
2. **Formal Complaint; Informal Resolution:** If the Complainant or Title IX Coordinator files a Formal Complaint, the Title IX Coordinator may initiate an Informal Resolution process in accordance with this policy and applicable law.
3. **Formal Complaint; Formal Grievance:** If the Complainant or Title IX Coordinator files a Formal Complaint, the Title IX Coordinator may initiate a Formal Grievance proceeding, including a formal investigation and hearing in accordance with this policy and applicable law.

Formal Complaints

To initiate either an Informal Resolution or Formal Grievance process, a Formal Complaint must be filed. A Formal Complaint is different from a Report of Sexual Discrimination or Harassment. Whereas a Report of Sexual Misconduct may be filed anonymously in any format (see above), a Formal Complaint is a written document that must be signed by the Complainant or the Title IX Coordinator alleging sexual misconduct against a Respondent. The Formal Complaint requests that Jessup formally investigate an allegation of sexual misconduct for the purpose of adjudication, including a

formal hearing where appropriate. Once filed, a Formal Complaint will be resolved through Dismissal, Informal Resolution, or a Formal Grievance proceeding.

Jessup uses a designated form for submitting a Formal Complaint. The Title IX coordinator can provide this form upon request, and assist a Complainant in filing it. The Formal Complaint may be submitted to the Title IX Coordinator in person, by mail, with a physical or digital signature.

At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in a Jessup education program or activity.

The Title IX Coordinator will typically honor a Complainant's decision not to file a Formal Complaint. In some circumstances, though, the Title IX Coordinator may determine that a formal investigation and proceeding are necessary to ensure the safety and welfare of the Jessup community or Complainant. In those circumstances, the Title IX Coordinator may file and sign a Formal Complaint without participation by the Complainant. The Title IX Coordinator will not, in doing so, become a Complainant or party to the grievance process.

In determining whether to file and sign a formal Complaint without the Complainant's participation, the Title IX Coordinator will consider the totality of the circumstances, including the Complainant's reasons for opting not to file a Formal Complaint. The Title IX Coordinator will aim to balance Jessup's obligation to protect the Jessup community and Complainant with the Complainant's interest in retaining as much control over his or her involvement in the process as possible. In making this determination, the Title IX Coordinator will also consider the following factors:

- Whether Jessup is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation;
- Whether there have been multiple or prior reports of sexual misconduct against the Respondent;
- Whether the Respondent reportedly used a weapon, physical restraints, or engaged in battery;
- Whether the Respondent is a faculty or staff member with oversight of students;
- Whether there is a power imbalance between the Complainant and Respondent;
- Whether the Complainant believes that the Complainant will be less safe if his or her name is disclosed or an investigation is conducted;
- Any other factors the Title IX Coordinator deems relevant to preserving the objectives of this Policy.

If the Title IX Coordinator decides to file a Formal Complaint, he or she will notify the Complainant prior to initiating an investigation and will offer supportive measures and informal resolution options where appropriate. If Jessup proceeds with a Formal Grievance process, the Complainant may choose his or her level of involvement. The Complainant's rights under this policy will not be limited by opting not to participate in a Formal Grievance process, but Jessup's ability to provide supportive

measures and other remedies may be limited if the Complainant does not opt to participate in the investigation and/or hearing process or requests that his or her identity remain undisclosed.

A Complainant who initially opts not to participate in a Formal Complaint process may still file a Formal Complaint at a later date.

Dismissal of Formal Complaints

A Formal Complaint will be withdrawn or dismissed in the following circumstances:

Mandatory Dismissal (Title IX): A Formal Complaint (or part of a Complaint) based solely on the provisions of Title IX shall be dismissed by the Title IX Coordinator if at any time it is determined that:

- 1) The conduct alleged in the Formal Complaint would not constitute discrimination or harassment under Title IX, even if proven;
- 2) The conduct alleged in the Formal Complaint did not occur in an educational program or activity controlled by Jessup or by a Respondent that is under the authority of Jessup.
- 3) The conduct alleged in the Formal Complaint did not occur against a person in the United States.
- 4) At the time of filing the Formal Complaint, the Complainant was not participating in or attempting to participate in Jessup's education program or activities.

Where allegations based solely on Title IX are subject to Mandatory Dismissal on the grounds above, any remaining allegations based on the provisions of the California Education Code may proceed using the same grievance procedures outlined below.

Mandatory Dismissal (California Education Code): A Formal Complaint (or part of a Complaint) based solely on the provisions of the California Education Code shall be dismissed by the Title IX Coordinator if at any time it is determined that the reported conduct does not fall within the jurisdiction and/or definitions set forth in the applicable provisions of the California Education Code addressed by this Policy.

Discretionary Dismissal: The Title IX Coordinator may opt to dismiss a Formal Complaint (or part of a complaint) if at any time it is determined that:

- 1) The Complainant wishes to withdraw the Formal Complaint or allegations contained therein. To withdraw a Formal Complaint, the Complainant must notify the Title IX Coordinator in writing.
- 2) The Respondent is no longer enrolled in or employed by Jessup.
- 3) Specific circumstances prevent Jessup from gathering evidence sufficient to reach a determination as to the allegations in the Formal Complaint.

When a Complainant withdraws a Formal Complaint, he or she may later request to refile it.

Investigation of Formal Complaints

After the Title IX Coordinator determines that the Formal Complaint is not subject to dismissal on the grounds stated above, Jessup will conduct a formal investigation to determine whether the alleged misconduct occurred and whether the alleged misconduct violated this Policy. The investigation may be completed by the Title IX Coordinator or his or her designee.

Notice of Investigation and Allegations

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide a written Notice of the Investigation and Allegations to the Respondent. This notice will also be sent to the Complainant. Notice will be sent as soon as practicable, but no more than ten (10) business days after filing of the Formal Complaint, providing the Respondent(s) sufficient time to prepare a response for an initial interview.

The notice will include:

- Notice of Jessup's grievance procedures, including informal resolution options, set forth within this Policy.
- Notice of the allegations that potentially constitute sexual discrimination, harassment, or violence under this Policy including sufficient details known at the time. Sufficient details shall include the specific Policy violations alleged, the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting sexual discrimination or harassment, and the date and location of the alleged incident(s), if known.
- Notice of the potential sanctions and responsive actions that may result.
- A statement that the Respondent is presumed not responsible for the alleged misconduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.
- A statement that the Investigation and Grievance Process are not adversarial processes between Complainant(s), Respondent(s), and witnesses, but rather a process Jessup uses to comply with its obligations under existing law.
- A statement that the Complainant does not have the burden to prove, nor does the Respondent have a burden to disprove, the underlying allegations(s) of misconduct.
- Notice that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney. Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor.
- A statement that the Parties may inspect and review evidence gathered in the Formal Investigation.
- Notice that Jessup's Title IX Policy prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process.

- A statement that parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the Formal Investigation.
- A statement about the Recipient's policy on retaliation.
- Information about the confidentiality of the process.
- Notice of Supportive Measures, including counseling, that are available to both Parties and information about how to arrange for Supportive Measures as appropriate.
- The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator, in advance of the interview process, of any conflict of interest that the Investigator(s) may have.
- An instruction to preserve any evidence that is directly related to the allegations

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the campus, or permanent address of the Parties as indicated in the official Jessup records, or emailed to the Parties' Jessup-issued email. Once mailed, emailed, and/or delivered in-person, notice is considered complete.

Investigation Process and Timeline

Jessup will make a good faith effort to complete the investigation within ninety (90) business days, though some investigations may take longer depending on the nature, extent, and complexity of the allegations and the availability of witnesses and other evidentiary sources. The investigation may also be delayed by circumstances such as a request from law enforcement, a need for language assistance, or the absence of Parties and/or witnesses. The duration of the investigation may be extended beyond ninety (90) days in increments of (30) business days upon written notice and explanation to the Parties.

The Investigator(s) assigned to investigate the Formal Complaint will be impartial. The Title IX Coordinator will ensure that the assigned Investigator is free from actual or apparent conflicts of interest or disqualifying biases toward the Parties. At any time during the resolution process, Parties may notify the Title IX Coordinator of an Investigator's potential conflict of interest or disqualifying bias. If the Title IX Coordinator finds such a conflict of interest or disqualifying bias, the Title IX Coordinator will assign another Investigator to complete the investigation. Concerns regarding the conflict of interest or disqualifying bias of the Title IX Coordinator may be addressed to Jessup's Chief Operating Officer for determination in his or her sole discretion.

Investigations of Formal Complaints will seek to obtain all available relevant evidence including evidence gained through interviews with parties and witnesses. Investigators will typically perform the following tasks:

- Determine the identity and contact information of the Parties.
- Identify all potential violations of this policy implicated by the Formal Complaint.
- Develop a plan for a thorough, reliable, and impartial investigation including a proposed timeline and order for interviewing witnesses.

- Assist the Title IX Coordinator as necessary to prepare a Notice of Investigation and Allegations for the Parties.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Make good faith efforts to notify each party of the investigator's meeting or interview with another Party, in advance if possible.
- Provide each Party and Witness an opportunity to review and verify the Investigator's summary or transcript of their interviews and meetings.
- Notify each Party in writing when his or her participation in a meeting or interview is expected, including the time, date, and location of the meeting and a description of the purpose and other expected participants of the meeting.
- Allow each Party to suggest witnesses they wish the Investigator to interview and questions they wish the Investigator to ask.
- Provide regular status updates to the Parties throughout the investigation, including an explanation for any unexpected delays.
- Write a comprehensive investigation report that fully summarizes the investigation, all witness interviews, and addresses all relevant evidence obtained in the Investigation.
- Prior to the conclusion of the Investigation, provide the Parties a ten (10) business day review and comment period wherein the Parties may read the draft Investigation report, inspect and review all directly relevant evidence obtained in the Investigation, and provide a written response to the report.
- Incorporate relevant elements of the Parties' written response to the draft Investigation report and document the rationale for any revisions made after the review and comment period.
- Prepare a final Investigation report and provide the final report to the Parties at least ten (10) business days prior to a formal hearing.
- Preserve a file of all evidence not included in the report and allow Parties to review it upon request.

Investigations will not consider:

- 1) Incidents not relevant or directly related to the alleged violations of this policy, unless such incidents evidence a pattern of misconduct;
- 2) The Complainant's sexual predisposition unless advanced by the Complainant;
- 3) The prior or subsequent sexual history between the Complainant and anyone other than the Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual;
- 4) The existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations. Where the investigator or hearing officer allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent pursuant to this section, the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to an exception set forth in this paragraph, the investigator or hearing officer shall provide a written explanation to the Parties as to the rationale for allowing such consideration consistent with this paragraph.

Parties will have a full and fair opportunity to identify witnesses, including expert witnesses, and provide evidence, and to fully review and respond to all evidence on the record. At least ten (10) business days prior to the conclusion of the Investigation, the Parties will be given an opportunity to review and comment on the draft Investigation report and to inspect and review all directly relevant evidence obtained in the Investigation, and to provide a written response to the report. The Investigator will incorporate relevant elements of the Parties' written response to the draft Investigation report and document the rationale for any revisions made following the review and comment period. The final Investigation report will be provided to the Parties at least ten (10) business days prior to the formal hearing.

Recordings of interviews will not be provided to the Parties, but Parties will have an opportunity to review a transcript or summary of interviews when the Investigator's report is compiled.

At the discretion of the Title IX Coordinator, Investigations may be combined as appropriate to address a potential pattern, collusion, and/or shared or similar conduct.

Informal Resolution

One option for addressing alleged violations of this policy may be to use an informal resolution process. Not all complaints are eligible for informal resolution. The process is governed by federal and state law. The Title IX Coordinator will determine whether informal resolution is an appropriate option for resolving a complaint under this policy. The Title IX Coordinator may facilitate the process or engage a facilitator as appropriate to guide parties toward a resolution. Jessup shall not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a Formal Complaint is filed.

Options for Informal Resolution:

Jessup uses three methods of informal resolution for alleged violations of this policy:

- 1) Supportive Resolution. When the Parties agree that supportive measures are sufficient to address the alleged conduct and its effects, the Title IX Coordinator can resolve the Formal Complaint by implementing appropriate supportive measures.
- 2) Alternative Resolution. When the Parties agree to resolve the Formal Complaint through mechanisms such as mediation, restorative practices, or facilitated dialogue, such means may be employed even before the completion of a formal investigation.

- 3) **Accepted Responsibility.** When the Respondent accepts responsibility for the violations alleged in the Formal Complaint and agrees to submit to the recommended sanctions, the Parties may agree to end the resolution process.

Eligible Complaints: A Formal Complaint may be resolved through informal means in the following circumstances:

- 1) All parties to the complaint are students who voluntarily and mutually agree to participate in the informal resolution process.
- 2) The Complainant(s) is a Jessup employee and the Respondent(s) is a Jessup student and all parties voluntarily and mutually agree to participate in the informal resolution process.

Ineligible Complaints: A Formal Complaint may not be resolved through informal means in any of the following circumstances:

- 1) The complaint is filed by a Jessup student against a Jessup employee.
- 2) The complaint includes an allegation of sexual violence as defined under this policy.

Please see Appendix D for a detailed description of the Informal Resolution Process.

Formal Grievance Process

After a Formal Complaint is filed (by either the Complainant or the Title IX Coordinator), the Title IX Coordinator may initiate a Formal Grievance process. The Formal Grievance process is governed by federal and state law. The Formal Grievance process includes a formal investigation and a hearing to adjudicate the Formal Complaint. The Formal Grievance process is not intended to serve as an adversarial process between the Complainant and Respondent, but rather a process for Jessup to comply with its legal obligations and meet the objectives of this Policy. The Complaint does not have a burden to prove and the Respondent does not have the burden to disprove the allegations in the Formal Complaint. The Formal Grievance process will provide prompt and equitable resolution of Formal Complaints brought under this Policy.

Jessup may rely on an internal Formal Grievance Pool and/or a contracted service with appropriate training and experience to carry out the Formal Grievance process.

Please see Appendix E for a detailed description of the Formal Grievance process.

Appeals

Following the outcome of the formal grievance process, any Party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator. A Request for Appeal must be submitted

within ten (10) business days of the transmission of a Notice of Outcome. No appeal will be considered after the expiration of the time to file a Request for Appeal. The Title IX Coordinator will designate either a single Appeal Decision Maker or an Appeal Panel consisting of three (3) members, one of whom will be designated as the Chair. No person who has been previously involved in the Resolution Process for the Formal Complaint may be designated as an Appeal Decision Maker.

Appeals are limited to the following grounds:

- A procedural irregularity affected the outcome of the Resolution Process.
- New evidence that was not reasonably available at the time of the determination of responsibility or dismissal has become available that could affect the outcome of the Resolution Process.
- The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias that affected the outcome of the Resolution Process.

Grounds for appeal must be clearly stated within the Request for Appeal. The Appeal Decision Maker(s) will review the Request for Appeal to determine whether the request states grounds for an appeal. This initial review will not consider the merits of the appeal but will focus solely on whether the appeal was timely filed and states an appropriate grounds for appeal. If the Request for Appeal is not based on the grounds set forth in this section, the Appeal will be denied. The Chair will notify the Parties of the denial and basis of denial in writing.

If it is determined that the Request for Appeal is timely and states grounds for appeal, the appeal process will continue.

Please see Appendix F for a detailed description of the Appeal Process.

When Respondent Accepts Responsibility

At any point in the resolution process, the Respondent may accept responsibility for part or all of the alleged policy violations. If the Respondent accepts responsibility for all of the alleged violations in the Formal Complaint, any ongoing formal grievance process will be paused for the Title IX Coordinator to determine whether an Informal Resolution can be used to conclude the matter. If an Informal Resolution is appropriate, the Title IX Coordinator will determine whether all Parties and the Respondent agree on the Respondent's responsibility and the remedies necessary to redress the violations for which the Respondent accepts responsibility. The Title IX Coordinator will then facilitate the Parties in filing a written agreement of resolution and implement the appropriate responsive actions as described above.

When Respondent Withdraws from Jessup Before Resolution

Student Respondent(s)

Should a Student Respondent permanently withdraw from the University prior to the resolution of a Formal Complaint, the Complaint and any pending resolution process will be dismissed on the grounds that Jessup no longer has jurisdiction over the Respondent. However, the Resolution Process may continue at the discretion of the Title IX Coordinator if necessary to ensure safety and equal access and/or provide a remedy to the Complainant for any ongoing effects of the alleged harassment, discrimination, or retaliation. Jessup will also continue to address and remedy any systemic issues or concerns that may have contributed to the alleged policy violation and provide supportive measures as appropriate to the Complainant.

If the Student Respondent temporarily withdraws or takes a leave of absence from Jessup for a specified period of time, the Resolution Process may continue and, if determined responsible for a violation, the Student Respondent will not be permitted to return to Jessup until all sanctions, if any, have been satisfied.

If a Student Respondent withdraws for any duration pending the outcome of a proceeding under this Policy, Jessup may place a hold on his or her ability to graduate and/or receive an official transcript or diploma until the outcome of the proceedings under this Policy and/or satisfaction of any resulting sanctions or other remedies.

Employee Respondent(s)

Should an Employee Respondent resign from the University prior to the resolution of a Formal Complaint, the Complaint and any pending resolution process will be dismissed on the grounds that Jessup no longer has jurisdiction over the Respondent. However, the Resolution Process may continue at the discretion of the Title IX Coordinator if necessary to ensure safety and equal access and/or provide a remedy to the Complainant for any ongoing effects of the alleged harassment, discrimination, or retaliation. Jessup will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged policy violation and provide supportive measures as appropriate to the Complainant.

An Employee Respondent who resigns with an unresolved Formal Complaint pending or whose employment is terminated as a sanction following a determination of responsibility under this Policy will not be eligible for academic admission or rehire with Jessup.

POST-RESOLUTION CONSIDERATIONS

Long-Term Remedies and Responsive Actions

Following the conclusion of the Resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions intended to stop the harassment, discrimination, and/or retaliation addressed in the Resolution Process, and/or to remedy the effects and prevent reoccurrence. These remedies and actions may include but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education and training to designated individuals or the community as a whole
- Permanent alteration of Jessup residential assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Implementation of long-term contact limitations
- Implementation of adjustments to academic deadlines, course schedules, etc.
- Implementation of supportive measures, even where no policy violation is found

Failure to Comply with Sanctions and/or Responsive Actions

Failure to comply with the sanctions, responsive actions and/or corrective actions assigned through the Resolution Process within the timeline specified by the Decision Maker(s), (including any Appeal Decision Maker(s), whether by refusal, neglect or any other reason, may result in the imposition of additional sanctions including suspension, expulsion and/or termination from Jessup. Supervisors are expected to enforce completion of sanctions and responsive actions for their employees. Suspension will only be lifted when compliance is performed and verified to the satisfaction of the Title IX Coordinator.

Retention of Records; Discovery

Jessup will maintain the following records for a period of at least seven (7) years following conclusion of the Resolution Process:

- Records related to any formal Investigation, including audio and/or video recordings and transcripts
- Records related to any disciplinary sanctions imposed on the Respondent(s)
- Records of any remedies provided to the Complainant designed to restore or preserve equal access to Jessup's education programs and activities

- Records related to any appeal
- Records related to any Informal Resolution
- All materials used to train Title IX Coordinators, Investigators, Decision Makers, and facilitators in any Informal Resolution process.
- Records related to any supportive measures provided in response to a Formal Complaint or, if no supportive measures were implemented, records documenting the reasons that no supportive measures were implemented.
- Records of any disciplinary sanctions imposed on the Respondent except for records of dismissal or permanent withholding of a degree, which will be made part of the student's permanent disciplinary record.
- Any other records Jessup is required to maintain in accordance with state and federal laws.

Records retained in accordance with this paragraph will only be disclosed by Jessup in compliance with a judicial order or pursuant to a lawfully issued subpoena. Jessup will make a good faith effort to notify any party whose records may be subject to a judicial order or subpoena in advance of Jessup's compliance therewith.

Revisions to this Policy

This Policy and procedures supersede any previous policies addressing sexual discrimination and harassment and/or retaliation under the laws cited herein. This Policy will be reviewed and updated annually by the Title IX Coordinator. Jessup reserves the right to revise this document as necessary at any time. Once posted online, revisions are considered effective.

During the Resolution Process, the Title IX Coordinator may make minor modifications to the procedures outlined in this Policy provided the modifications do not materially jeopardize the fairness owed to any Party, such as changes necessary to accommodate summer schedules. The Title IX Coordinator may also make material changes to these procedures upon a determination that such changes are required by governing law. In such an event, notice of changes will be posted on the Jessup website with an identification of their effective date.

This policy does not create legally enforceable protections beyond the protections of the supporting federal and state laws which frame this policy.

This Policy and procedures are effective May 1, 2024

APPENDIX A: Glossary

Advisor

An advisor is a person who provides support and guidance to a party (Complainant or Respondent) throughout any meetings or proceedings related to complaints arising under this policy. An advisor may be a friend, family member, attorney, or other individual. An advisor may be chosen by a party or may be provided by Jessup when required by the procedural requirements of applicable law. It is the responsibility of the party, not Jessup, to ensure that his or her advisor is notified of and present at any meeting or proceeding conducted under this policy.

An advisor is generally limited to a supportive and non-participatory role in the meetings and proceedings conducted under this policy. Except as specifically provided by law, an advisor may not directly participate in meetings and proceedings or represent a party, nor can the advisor speak, write, or otherwise communicate with an investigator, student conduct administrator, hearing, or appeal officer on behalf of a party. An advisor may conduct cross-examination when permitted by the requirements governing the formal hearing process set forth under Title IX.

Appeal Officer

Appeal Officer refers to the person or panel designated by Jessup to review an appeal when a formal complaint is dismissed (in whole or part) or when a party is found responsible for sexual discrimination or harassment.

Applicant

An applicant is a person who is or has engaged in any determination process administered by Jessup for the purpose of gaining admission to enrollment, membership, or matriculation in or at any education program or activity operated by Jessup.

Complainant

A Complainant is an individual who alleges that he or she is the victim of conduct that could constitute sexual discrimination or harassment. Any person alleging sexual discrimination or harassment will be referred to as the Complainant whether or not a formal complaint has been initiated.

Confidential Resource

A Confidential Resource is a person who is trained to help evaluate incidents of sexual discrimination or harassment and can assist in making an informed decision about next steps. A Confidential Resource can also assist in accessing supportive resources as necessary to address specific needs.

Confidential Resources are not obligated to report incidents of sexual discrimination or harassment under this Policy. The Confidential Resources provided by Jessup are licensed mental health counselors.

Decision-Maker

A Decision-Maker is the person or panel who hears evidence, determines relevance, makes a Final Determination of whether this Policy has been violated, and assigns sanctions where responsibility for a violation is found in the course of a grievance proceeding under this Policy.

Designated Reporter

A Designated Reporter is a Jessup employee who has the authority to take action to redress sexual harassment or to provide supportive measures to students. For purposes of this Policy, a Designated Reporter is a “Responsible Employee” as defined by the California Education Code. It is important to note that California law elsewhere refers to, “Mandated Reporters” as individuals who are obligated to report incidents of child abuse to law enforcement agencies. A Designated Reporter under this Policy is obligated to report all incidents of sexual discrimination and harassment to the Title IX Coordinator, whether or not the incidents involve minors and regardless of the absence of an obligation to report child abuse to law enforcement under any other provisions of California law.

Employee

Employee refers to a University faculty or staff member, including full-time, academic year, part-time, regular, tenured, seasonal, student and temporary positions.

Final Determination

A final determination is a conclusion by the Decision-Maker following a formal grievance proceeding under this policy that the alleged conduct did or did not violate this policy.

Formal Complaint

A formal complaint is a document signed by a Complainant or the Title IX Coordinator alleging that a Respondent engaged in sexual discrimination or harassment in violation of this policy and requesting that Jessup formally investigate the allegation(s).

Formal Grievance Process

A formal grievance process is the method of formal resolution designated by Jessup to address a violation of this policy following submission of a formal complaint as outlined in this policy.

Title IX Grievance Pool

The pool of Investigators, Hearing Decision Makers, Appeal Officers, and Advisors who may perform any or all of the tasks required to conduct Jessup's response to Reports and Formal Complaints under this Policy.

Hearing Officer

Hearing Officer refers to the person designated by the University to conduct a hearing with both parties before making a determination of responsibility on the allegations of sexual misconduct.

Informal Resolution

An informal resolution is a resolution of a Formal Complaint that is reached prior to the Final Determination by a Decision-Maker, agreed to by the Parties, and approved by the Title IX Coordinator.

Investigator

An investigator is the person(s) authorized by Jessup to gather facts about an alleged violation of this Policy, assess relevance, synthesize and compile evidence into an investigation report for use in the Formal Grievance procedures set forth under this Policy.

Parties

Parties means the Complainant and Respondent to any allegation brought under this policy.

Report of Discrimination or Harassment

A report of discrimination or harassment is any form of formal or informal notification of an alleged violation of this policy made to any Responsible Employee or other person who has authority under this policy to take action to redress sexual discrimination or harassment or provide supportive measures to students or who has the duty to report sexual discrimination or harassment to the Title IX Coordinator.

Respondent

A Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual discrimination or harassment.

Responsible Employee

A Responsible Employee is a Jessup employee who has the authority to take action to redress sexual discrimination or harassment, to provide supportive measures to students, or who has the duty to report sexual discrimination or harassment to the Title IX Coordinator. For purposes of this Policy, a Designated Reporter is a Responsible Employee.

Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services offered free of charge to restore or preserve access to Jessup programs and activities following an allegation of sexual discrimination or harassment.

Standard of Evidence

Whether based on Title IX or SB 493, all complaints brought under this policy will be evaluated and adjudicated under the preponderance of the evidence standard. The preponderance of the evidence standard is met when Jessup determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

Student

A student is an individual who has gained admission to any part-time, full-time, special, associate, transfer, exchange, or other enrollment, membership, or matriculation at any program or activity operated by Jessup. A student includes an individual on approved leave, currently serving a suspension, expulsion, or interim restriction, and/or an individual who withdraws from Jessup while a disciplinary proceeding is pending.

Third Party

Third Party refers to an individual who is not a Jessup student or employee (e.g., independent contractors, vendors, volunteers, alumni/ae, or visitors).

Witness

Witness refers to an individual who may have information relevant to a report brought under this policy. A Witness may be a party, non-party, student, employee, or a third party.

APPENDIX B: Sanctions and Responsive Actions

Upon a determination of responsibility for one or more of the violations alleged under this Policy, sanctions, remediation or other responsive actions may be implemented.

When determining a sanction or responsive action, factors considered by Jessup will include, but not be limited to:

- The nature, severity of and circumstances surrounding the policy violation(s)
- The Respondent's history of disciplinary actions at Jessup, or as documented by a prior institution
- The necessity for sanctions or responsive actions to end the policy violation(s)
- The necessity for sanctions or responsive actions to remedy the effects of the policy violation(s) on the Complainant and/or the surrounding Jessup Community
- The impact on the parties
- Any other information deemed relevant by the Decision Maker(s)

Sanctions will be implemented as soon as feasible, either upon the waiver or expiration of appeal or outcome of an appeal. Any sanctions implemented by Jessup may be in addition to other actions taken by external authorities.

Student Sanctions

The following are common sanctions that may be imposed on students following violations of this policy:

- **Written Warning.** A formal statement that the student's conduct violated a provision of this policy and a warning that any additional violation of any Jessup policy may result in additional sanctions may be transmitted to the student and placed in the student's official Student Discipline record.
- **Formal apology.** A written apology to the Complainant(s)
- **Discretionary Sanctions.** Individualized work or training assignments, Community service (to Jessup or the local community), or other requirements may be assigned at the discretion of the Title IX Coordinator.
- **Restitution.** Compensation for loss, damages or injury in the form of monetary or material replacement. Jessup may consult legal counsel when awarding monetary damages.
- **Loss of privileges.** Engagement in Jessup programs or activities may be prohibited or limited for any duration, including the remainder of a student's enrollment. Examples include

engagement in open hours, grant of a vehicle permit, permission to access or live in residence halls, permission to enter dining facilities, and attendance and participation in Jessup athletic events, music performances, drama productions, graduation exercises, student clubs, retreats and other travel programs.

- **Student Life Probation.** Probationary status is a period of review during which a student must demonstrate compliance with the Student Standards of Conduct, the Jessup Community Covenant, and other Jessup policies as designated by the Title IX Coordinator. A student on probationary status may not hold a student leadership position and may be restricted from participation in activities such as study abroad and athletics programs. A typical period of probation is one or two semesters of the academic year. If additional policy violations occur during the probationary period, escalated sanctions including suspension or expulsion may result.
- **Respectable Distance Order.** A Respectable Distance Order is a limitation on one student's permission to contact another student in order to preserve a respectable distance between them. "Respectable distance" includes, but is not limited to, refraining from in-person contact, telephone calls, email, texts and other forms of electronic communication, social media-based messages or postings, and third-party communications including through proxies. Students who are subject to a Respectable Distance Order may continue to attend class together but may have assignments or seating arrangements adapted as necessary to maintain their distance. A Respectable Distance Order may last for a pre-arranged duration or until the Title IX Coordinator (or deputy) notifies the parties in writing that they may resume contact. A Respectable Distance order may be escalated to a No Contact order if the Complainant reports additional unwelcome contact from the Respondent. A Respectable Distance Order may be issued prior to a determination of responsibility and in such cases the order will be applied equally to all Parties as a supportive measure.
- **No Contact Order.** A No Contact Order is a permanent revocation of a student's permission to contact another student(s). A No Contact Order prohibits in-person contact, telephone calls, email, texts and other forms of electronic communication, social media-based messages or postings, and third-party communications including through proxies. A student who is subject to a No Contact Order may be prohibited from attending a class in which the other student is registered and may be subject to other oversight in order to ensure that no contact occurs between the parties. Violation of a No Contact order may result in removal from student housing and/or suspension or dismissal from the University. A No Contact order issued after a determination of Respondent's responsibility will be unilateral and applied only against the Respondent.
- **Residence Hall Suspension.** Residence hall suspension is a temporary removal from access to or living in a Jessup residential facility. No refund or credit will be issued for the time a student is suspended from the Residence Hall.
- **Suspension.** Suspension is a temporary removal from Jessup's campus, programs and activities for a specified period of time. A student on suspension may not enter campus or participate in any Jessup program or activity, including online programs and activities. The duration of suspension may vary from one day to one or more semesters. Suspension will

begin as soon as feasible after a determination of sanctions is made. The conditions for a student's return to campus and/or participation in Jessup programs and activities will be specified at the time the sanction is issued. No refund of tuition, housing or other charges will be given for the period in which a student is suspended. Jessup's Academic Policies and Procedures prohibit faculty from providing make-up work or adapted course schedules for a suspended student. However, the Director of Student Life may assist a suspended student in addressing any ongoing hardship caused by his or her suspension.

- **Dismissal.** Dismissal is permanent separation of a student from Jessup. A student who has been dismissed from Jessup is permanently ineligible to re-enroll. No refund of tuition, housing or other charges will be given. A dismissal will be noted permanently on the student's official transcript and included in the student's permanent disciplinary record.
- **Other Sanctions.** Other sanctions may be imposed as appropriate on an individualized basis, in accordance with other Jessup policies including the Jessup Student Handbook (See, "Student Conduct Process") and the Jessup Employee Manual).

Failure to comply with the sanction(s) imposed in the letter of determination may result in further disciplinary action, including but not limited to, a registration hold, placement on, or extension of, University probation, suspension, or permanent dismissal.

Student Organization Sanctions

Where a Jessup-recognized Student Organization is determined responsible for a violation of this policy, the following sanctions may be imposed in addition to those imposed against individual members of the Student Organization:

- **Written Warning.** A formal statement that the Student's Organization's conduct violated a provision of this policy and a warning that any additional violation of any Jessup policy may result in additional sanctions may be transmitted to the Student Organization and placed in the Organization's official Student Discipline record.
- **Probation.** The Student Organization may be placed on a probationary status during which the Student Organization must demonstrate compliance with the Student Standards of Conduct, the Jessup Community Covenant, and other Jessup policies as designated by the Title IX Coordinator. A Student Organization on probationary status will be denied social and event privileges and allotment and distribution of Jessup funding, and will be considered ineligible for Jessup honors, awards, and new member recruitment.
- **Suspension.** Suspension of a Student Organization is a period of non-recognition for a duration of up to two (2) years or until specified criteria are met. During the suspension period, the Student Organization may not conduct any formal or informal business or participate in Jessup programs or activities on or off campus. Restoration of the Student Organization's recognition is not guaranteed and will only be considered after the conclusion of the Suspension period based on clearance by the Title IX Coordinator.

- **Expulsion.** Expulsion of a Student Organization is permanent termination of the Organization's recognition by Jessup including revocation of all privileges to congregate and conduct business on any Jessup campus.

Sanctions that may be imposed are not limited to those listed. Failure to comply with the sanction(s) imposed in the letter of determination may result in further disciplinary action.

Other Responsive Actions

In addition to the imposition of sanctions, Jessup may develop and/or distribute additional education and training for students and other members of the Jessup community aimed at ensuring safety and equal access under this policy. Examples of such training include materials that raise awareness about sexual assault, stalking, dating and domestic violence. Jessup may also provide increased supervision, monitoring and/or campus safety presence in locations where violations under this policy are found to have occurred, and/or may revise and publicize procedures under this policy or conduct climate surveys to ensure ongoing advancement of the goals of this policy.

Employee Disciplinary Actions

Where a Jessup employee is determined responsible for a violation of this policy, disciplinary action will be imposed according to the provisions of the Jessup Employee Handbook.

APPENDIX C: Advisors

An Advisor is a person who provides support and guidance to a Party (Complainant or Respondent) throughout any meetings or proceedings related to complaints arising under this policy. Any Party may choose to have an Advisor present for all meetings, interviews, and hearings related to this Policy. A Party is not required to include an Advisor, except as legally required for cross-examination during the Formal Hearing Process.

Who Can Serve as an Advisor

Any Party may elect to include an Advisor of his or her choice. The Advisor may be a friend, mentor, family member, attorney, pastor or any other supportive person the Party chooses to designate, from inside or outside the Jessup community. Parties are expected to provide timely, written notice to the Title IX Coordinator identifying any selection of an Advisor. Parties may change Advisors any time upon providing timely written notice to the Title IX Coordinator.

Please note that selecting an Advisor who is also a Witness creates a potential bias and conflict of interest. A Party who chooses a Witness to act as an Advisor should anticipate that issues of potential bias and conflict of interest will be explored by the Decision Maker(s).

The Title IX Coordinator can assist a Party in selecting an Advisor. Jessup can appoint and provide a trained Advisor for any Party where necessitated by the procedural requirements of applicable law. While Jessup will ensure that any Jessup-provided Advisor receives training appropriate for the procedures followed under this Policy, Jessup does not guarantee that the Advisor provided by Jessup will have qualifications equal to any Advisor contracted privately by any Party. Thus, if one Party opts to engage an attorney Advisor, Jessup will not be obligated to engage an attorney for any other Party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to the University Title IX coordinator if they change Advisors at any time. Parties are expected to inform the University Title IX coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

General Expectations of Advisors

All Advisors, including attorney Advisors, are subject to the same Jessup policies and procedures. Advisors are expected to advise their Parties without disrupting meetings or proceedings. Advisors are not to address Jessup officials or Investigators during any meeting, interview or proceeding unless invited to do so or to ask a procedural question. The Advisor may not make a presentation or speak on behalf of a Party except as required to conduct questioning during the Formal Hearing process.

A Party may consult with his or her Advisor throughout meetings, interviews and other proceedings by conferring privately or passing notes, or by requesting breaks to allow for private consultation and support as needed.

If an Advisor oversteps their role or causes disruption in any meeting or proceeding under this Policy, the meeting or proceeding may be ended and other appropriate measures may be implemented, including the Title IX Coordinator requiring the Party to select another Advisor.

The Advisor is expected to adjust his or her schedule to allow for attendance at all scheduled meetings, interviews and proceedings under this Policy. Where the Advisor has an unavoidable scheduling conflict, Jessup will make a good faith effort to accommodate the Advisor's schedule, provided such accommodation does not create an unreasonable delay. Jessup will also make reasonable provisions to allow for an Advisor's participation in meetings and proceedings by telephone, video conferencing or other remote means where appropriate.

The Advisor is expected to maintain the strict confidentiality of all information, records and evidence shared in connection with any report, meeting or proceeding under this Policy.

Advisor's Role in Meetings, Interviews and Hearings

The Parties may be accompanied by their Advisors in all meetings and interviews governed by this Policy, including intake meetings and preliminary assessment interviews. The Advisor should provide ethical guidance with integrity and good faith to help the Party prepare for each meeting. The Advisor is generally limited to a supportive role and does not directly participate in the meetings or proceedings governed by this Policy. Except as specifically provided by law, the Advisor may not directly represent a Party or speak, write or otherwise communicate with an Investigator, student conduct administrator, hearing or appeal officer on behalf of a Party.

Advisors may request to meet with the Investigator and/or Title IX Coordinator in advance of meetings and interviews to clarify their role in the process and ask questions about Jessup's policies and procedures.

During Formal Hearings, Parties are prohibited from conducting any direct questioning or cross-examination. An Advisor must conduct any such questioning. If a Party does not have an Advisor at a Formal Hearing, Jessup will appoint a trained Advisor for the limited purpose of questioning Witnesses and Parties.

Communication with Advisor

Except as specifically provided by law, an Advisor generally does not speak or write on behalf of a Party. Parties are responsible for communicating with their own Advisors, including the responsibility to notify their Advisors of any meeting or proceeding scheduled under this Policy. Jessup does not communicate directly with Advisors except that Jessup will comply with a signed, written request from a Party that all communications under this Policy be made through his or her attorney.

Appendix D: Informal Resolution Process

To initiate one of the informal resolution processes described above, the Complainant must first file a Formal Complaint as described in this policy. Following the filing of a Formal Complaint, either party may notify the Title IX Coordinator to request informal resolution.

Prior to implementing an informal resolution process, the University Title IX coordinator will provide all parties with written notice of the alleged violations and any sanctions or disciplinary measures that may result from the outcome of the informal resolution process, including information about any records that will be maintained or shared by Jessup.

All parties must voluntarily consent in writing to the use of informal resolution. The parties may agree, as a condition of participation in informal resolution, that statements made or evidence shared during the informal resolution process will not be considered in a Formal Grievance process unless all parties consent.

The use of Informal Resolution requires approval by the Title IX Coordinator. Title IX Coordinator retains sole discretion over whether an informal resolution process may be used and, if so, whether an ongoing formal investigation will be paused or limited pending the outcome of the Informal Resolution process. In determining whether to approve an Informal Resolution process, the Title IX Coordinator will consider the following factors:

- Eligibility of the Formal Complaint and agreement by both parties to engage in Informal Resolution
- The apparent likelihood of reaching resolution through informal means
- The nature, severity and complexity of the allegations in the Formal Complaint
- The civility of the Parties and their expressed motivation to participate in resolution
- The disciplinary history of the Respondent
- The skills and availability of a facilitator as appropriate to the Formal Complaint
- The resources available to support the proposed Informal Resolution process
- Any other factors suggesting the potential for Informal Resolution to redress the alleged violations of this policy.

If the parties confirm their decision to proceed with an informal resolution process, the Title IX Coordinator may facilitate informal resolution or appoint a facilitator with appropriate training to conduct an informal resolution process.

It is not necessary to participate in Informal Resolution before pursuing a Formal Grievance proceeding, and any party participating in Informal Resolution can conclude the process at any time

to begin or resume the Formal Grievance process. The timelines governing a Formal Grievance process will be paused for the duration of any Informal Resolution process engaged in by the Parties.

If the parties to an informal resolution process reach a written agreement on all terms of the resolution, the Formal Complaint will be considered resolved. No formal grievance process will be initiated and no part of the resolution agreement will be subject to appeal. The parties may not, by their agreement, compel Jessup to issue specific sanctions but can agree to restrictions on their own conduct or other courses of action intended to remedy the effects of the alleged misconduct or prevent its recurrence. Jessup may only issue sanctions based on an Informal Resolution agreement if the agreement includes an admission of responsibility by the Respondent.

Any sanctions or other responsive actions set forth in the agreement will be implemented promptly to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the alleged misconduct both on Complainant and the Jessup community.

Failure to abide by the terms of the resolution agreement may result in additional disciplinary or other responsive action, and may constitute grounds for a new Formal Complaint up to and including the filing of a new Formal Complaint. The Title IX Coordinator will maintain records of the informal resolution process and any resulting agreement.

When an informal resolution is accomplished, the appropriate responsive actions and/or mutually agreed upon sanctions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the misconduct, both on the Complainant and the community. The University Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive and/or disciplinary actions.

If the parties cannot agree on all terms of resolution, the formal grievance process will be initiated or resumed at the same point where it was paused. Information disclosed during the informal resolution process that is not already in the record (e.g., in the formal complaint or from any investigation or hearing conducted before the information resolution process starts) is confidential and cannot be used in the formal grievance process that resumes after the informal resolution process is terminated.

Jessup will make a good faith effort to complete the informal resolution process as promptly as circumstances permit and will update the parties on the timing and reason for any delay.

Appendix E: Formal Grievance Process

After a Formal Complaint is filed (by either the Complainant or the Title IX Coordinator), the Title IX Coordinator may initiate a Formal Grievance process. The Formal Grievance process is governed by federal and state law. The Formal Grievance process includes formal investigation and a hearing to adjudicate the Formal Complaint. The Formal Grievance process is not intended to serve as an adversarial process between the Complainant and Respondent. The Complaint does not have a burden to prove and the Respondent does not have the burden to disprove the allegations in the Formal Complaint. The Formal Grievance process is intended to serve as a means for Jessup to comply with its legal obligations and meet the objectives of this policy.

Jessup may rely on an internal Formal Grievance Pool and/or a contracted service with appropriate training and experience to carry out the Formal Grievance process.

Formal Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool are appointed by the Title IX Coordinator in consultation with the University President to act with independence and impartiality. The Title IX Coordinator can provide a list of the current members of the Pool upon request.

Members of the Pool receive comprehensive, trauma-informed training annually and can serve in the following roles as assigned by the Title IX Coordinator:

- Provide initial intake and guidance pertaining to reports and complaints
- Advisors to parties
- Formal Investigations
- Hearing Facilitator
- Decision Maker
- Appeal Decision Maker

Hearing Process

Provided that the Formal Complaint has not been resolved through Informal Resolution, once the Formal Investigation is complete the Title IX Coordinator will refer the matter for a live hearing. The hearing cannot be held less than ten (10) business days from the transmission of the final investigation report to the Parties and the Decision Maker, unless all parties and the Decision Maker agree in writing to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision Maker from the Pool or outside contractor and provide a copy of the Investigation Report and file of directly related evidence. The Decision Maker may be a single Decision Maker or a three-member panel, at the discretion of the Title IX Coordinator. If a single Decision Maker is appointed, that individual will also Chair the hearing. If a panel is appointed, the Title IX Coordinator will designate one of the panel members as the hearing Chair. Panel substitutions may be made from the Pool as necessary throughout the hearing process.

In order to preserve an impartial process, appointments will adhere to the following limitations:

- 1) The Decision Maker(s) will not have had any previous involvement with the Formal Complaint.
- 2) Investigators will not serve as Decision Makers.
- 3) An Advisor to any Party may not serve as a Decision Maker.
- 4) The Title IX Coordinator may not serve as a Decision Maker or Chair. The Title IX Coordinator may, however, serve as an administrative facilitator for the hearing if no conflict of interest is found.

The hearing will convene at a time and venue determined by the Title IX Coordinator or designee.

Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or Chair will send notice of the hearing to the Parties. Once transmitted by mail, email or in-person delivery, notice will be presumptively delivered. The notice will contain:

- A description of the alleged violation(s), a list of all policies alleged violated, a description of the applicable hearing procedures and a statement of the potential sanctions and/or responsive actions that may result.
- The time, date and location of the hearing.
- A description of any technology that will be used to facilitate the hearing.
- Information about the option to request that the Parties be located in separate rooms during the Hearing, with technology available which will enable the Decision Maker(s) to see and hear Parties and Witnesses during the hearing. Such a request must be submitted to the Title IX Coordinator five (5) business days prior to the hearing.
- Information about whether the hearing will be recorded and, if so, how the Parties can access the recording after the hearing.
- A statement that if any Party or Witness does not appear at the scheduled hearing, the hearing may be held in their absence.
- Notification of the Parties' right to have the assistance of an Advisor throughout the hearing, and the Parties' obligation to have an Advisor present for any questions they desire to ask. Any Party who desires to conduct cross-examination at the Hearing is required to have an Advisor present. If a Party does not have an Advisor but wishes to conduct cross-examination, Jessup will appoint an Advisor limited to this purpose.

- A statement that repetitive, irrelevant or harassing questions are prohibited.
- A statement that Parties may note any objections to questions in the Hearing record.
- A copy of all materials provided to the Decision Maker, unless they have already been provided.
- An invitation to each Party to submit a written impact statement to the Hearing Chair for consideration in determining sanctions, if any.
- An invitation to contact the Title IX Coordinator for arrangement of any disability accommodations, language assistance, and/or interpretation services that may be required at the Hearing. Such requests must be submitted at least seven (7) business days prior to the hearing.
- A statement that no mobile phones or personal devices will be allowed into the Hearing.

Pre-Hearing Preparation

At least ten (10) business days prior to the hearing, the hearing Chair will confirm that the names of all persons asked to participate in the hearing, all pertinent evidence, and the final investigation report have been transmitted to the Parties.

Only witnesses who have given previous statements to the Investigator(s) may be scheduled to participate in the Formal Hearing, unless all Parties and the Chair agree to an exception. No evidence may be admitted at the Hearing unless previously submitted during the course of the Formal Investigation, unless all Parties and the Chair agree in writing to the inclusion of the proposed new evidence. If the Parties and Chair do not agree to the inclusion of a new witness or evidence, the Chair may, at his or her discretion, delay the hearing to allow for the completion of a supplemental investigation following the investigation procedures set forth in this policy.

At least five (5) business days prior to the hearing, the Title IX Coordinator will provide the Decision Maker(s) the names of all Parties, Witnesses and Advisors. The Decision Maker(s) will review the list, notify the Title IX Coordinator if a personal bias or conflict of interest exists and, if so, recuse themselves from the hearing. The Title IX Coordinator can assist the Decision Maker(s) in making this determination.

At least five (5) business days prior to the hearing, the Title IX Coordinator will provide the Parties the names of the hearing Decision Maker(s). All objections to the appointment of a Decision Maker must be submitted in writing, detailing the rationale for the objection, to the Title IX Coordinator at least two (2) business days prior to the hearing. Removal of a Decision Makers will be at the sole discretion of the Title IX Coordinator and only on the basis that the Decision Maker's actual or perceived bias or conflict of interest would preclude an impartial hearing process.

Pre-Hearing Meetings

At his or her discretion, the Chair may convene a pre-hearing meeting(s) with the Parties and/or their Advisors so that the Chair can rule on the relevance and admissibility of questions and topics that the

Parties wish to discuss at the hearing. The Chair may also consider arguments regarding the relevance of evidence compiled by the Investigator, whether or not such evidence is included in the final investigation report. The pre-hearing meeting(s) may be conducted as separate meetings with each Party/Advisor, remotely, or as a written-only exchange. The pre-hearing meeting(s) will not be recorded.

Student parties shall have the opportunity to submit written questions for any other Party to the Hearing Chair in advance of the hearing.

The Chair will document and share with the Parties the rationale for any decisions made during the pre-hearing meeting(s). The opportunity for advance review does not preclude the Advisors from introducing new questions at the hearing or seeking reconsideration of a prior ruling by the Chair during the course of the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

Hearing Procedure and Recording

At the hearing, the Decision Maker(s) will hear evidence and make determinations on all allegations in the Formal Complaint. Participants in the hearing will include the Chair, any additional Decision Maker(s), the hearing facilitator, the Investigator(s), the Parties, Advisors, Witnesses, the Title IX Coordinator, and anyone providing pre-authorized disability accommodations, interpretation and/or assistive services.

All questions of procedure will be answered by the Chair.

Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will excuse Witnesses when not providing evidence or responding to questions.

The Investigator will remain present for the duration of the hearing.

Jessup will record the hearing (but not deliberations) for purposes of an appeal. No other recordings will be permitted. The hearing recording and/or a transcript of the hearing may be reviewed by the Decision Maker(s), the Parties and their Advisors, and Jessup administrators as appropriate. No copies of the hearing recording and/or transcript may be made absent written permission of the Title IX Coordinator.

Order of Hearing

At the start of the hearing, the Chair will introduce the participants and explain the procedures. Parties will be given a final opportunity to challenge the appointment of the Decision Maker(s) based on bias

or conflict of interest. The final decision on such a challenge will be made by the Title IX Coordinator. The Chair will continue to guide all matters of procedure throughout the hearing.

At the start of the hearing and throughout, the hearing facilitator will manage the logistics of recording the hearing, escorting witnesses in and out of the hearing space, curation and distribution of documents, separation of the parties and other administrative elements as appropriate.

The first witness to provide evidence will be the Investigator(s). The Investigator(s) will present a summary of the final investigation report, including items that have been contested, and will then be subject to questioning by the Decision Maker(s), followed by the Complainant(s) (through an Advisor) and the Respondent(s) (through an Advisor). The Investigator(s) will not be asked for, or provide, opinions on the credibility, recommended findings or recommended determinations. If such information is inadvertently introduced, the Chair will direct the Decision Maker(s) to disregard it.

After the conclusion of the Investigator's testimony, the Parties and Witnesses may provide relevant information. The Complainant will be recognized first, followed by the Respondent, followed by other Witnesses in the order determined by the Chair. Each Party and Witness may be questioned by the Decision Maker(s) and then by other Parties (through their Advisors). For allegations based on the provisions of Title IX, cross-examination must be conducted by a party's Advisor and never by the Party personally. For allegations based solely on the provisions of the California Education Code, any cross-examination of either Party or Witness shall not be conducted directly by a Party or Party's Advisor, but only by the Hearing Decision Maker(s). If a Party does not have an Advisor present at the live hearing, Jessup will provide without fee or charge to the Party an Advisor of Jessup's choice, who may be, but is not required to be, an attorney, limited to the purpose of conducting cross-examination on behalf of that Party.

Questions by the Parties will be presented in the following manner: The Chair will recognize an Advisor to a Party, who will remain seated and state a question. Written submission of questions may be permitted if agreed to by all Parties and the Chair. The Chair will then pause to consider the relevance of the question. If the relevance of the question is unclear, the Chair may invite the Advisor to explain its relevance. If the Chair determines that a question is irrelevant, the Chair will disallow the question or cause it to be rephrased. If the Chair allows the question to be asked, the Witness or Party will then answer.

Questions that are irrelevant, unduly repetitious or abusive will be disallowed by the Chair. The Chair may consult with legal counsel in making such determinations. All determinations of relevance and disallowance of questions by the Chair will be final.

Any Party shall have the opportunity to note an objection to any question posed. Jessup may limit such objections to written form, and neither the hearing officers nor Jessup is obligated to respond, other than to include any objection in the record.

An Advisor may not be called as a Witness to testify about what the Party to whom they are serving as an Advisor has said during the course of the grievance process.

Any Party or Witness may decline to offer evidence and/or decline to answer questions (or opt not to attend the hearing). If a Party or Witness does not submit to cross-examination at the live hearing, the Decision Maker(s) must not rely on any statement of that Party or Witness in reaching a determination regarding responsibility. The Decision Maker(s) will rely only on the relevant evidence presented through the Investigation report and hearing process in making a determination of responsibility. However, the Decision Maker(s) may not draw any inference regarding a determination of responsibility based solely on the absence of a Party or Witness or a Party's or Witness's refusal to answer cross-examination or other questions.

After all relevant and available evidence and testimony has been presented to the Decision Maker(s), the Chair will excuse the Investigator(s), any Witnesses who remain present, and the Parties to begin the deliberation phase.

Deliberation

The Decision Maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the policy violation(s) alleged in the Formal Complaint. A simple majority vote will be sufficient to make a determination. The Facilitator may be included in the closed session to address procedural and administrative needs, but will not address the substance of the allegations.

When a finding of responsibility is made, the Decision Maker(s) will then determine appropriate sanctions. In determining sanctions, the Decision Maker(s) will consider any impact or mitigation statements previously submitted by the Parties and any pertinent conduct history submitted by Jessup. The Chair will then provide a written deliberation statement detailing all findings and final determinations, evidence and rationale used in making such findings and determinations (including credibility assessments), and a recommendation of sanctions to the Title IX Coordinator. Unless granted an extension by the Title IX Coordinator, such statement of deliberation outcome will be submitted to the Title IX Coordinator within two (2) business days of the conclusion of the deliberations.

Notice of Outcome

Upon receipt of the deliberation statement the Title IX Coordinator will prepare a Notice of Outcome and transmit it to the Parties simultaneously within ten (10) business days by mail, email or in-person delivery.

The Notice of Outcome will include the following information:

- An enumeration of the specific policy violations alleged in the Formal Complaint along with the determination of responsibility or non-responsibility made regarding each violation and a summary of the supporting evidence, findings of fact and rationale for each determination.
- A summary of procedural steps taken by Jessup from the receipt of the initial misconduct report to the final determination, including the dates and forms of any and all notices to the Parties, interviews with Parties and Witnesses, and methods used to obtain evidence.
- Conclusions regarding the application of Jessup’s code of conduct to the facts.
- A statement of, and rationale for, any disciplinary sanctions Jessup will impose on the Respondent, and whether any remedies designed to restore or preserve equal access to Jessup’s education program or activity will be provided by Jessup to the Complainant;
- The date by which the results of the deliberation will be considered final by Jessup, along with information about the procedures and permissible bases for the Complainant and Respondent to appeal.

Resolution Timeline

Jessup will make a good faith effort to complete the Formal Grievance Process within sixty to ninety (60-90) business-days, including any available appeal. However, the Title IX Coordinator may extend this time period as necessary. In such cases the Title IX Coordinator will provide notice and rationale for any delays.

Formal Hearings concerning conduct alleged to have occurred near or after the end of an academic term will typically be held immediately after the term or during the summer as needed, in order to meet the 60-90 day resolution timeline.

Separate Hearing Rooms

At the request of either party, Jessup will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision Maker(s) and Parties to simultaneously see and hear the Party or the Witness answering questions.

Remote Hearings

At the discretion of the Title IX Coordinator, the Formal Hearing may be conducted through remote technology or the Parties and Witnesses may appear at the Formal Hearing through remote technology provided that a request to do so is submitted in writing to the Title IX Coordinator at least five (5) business days prior to the hearing and that remote testimony can be allowed without compromising the fairness of the hearing. Any use of remote technology must enable the Decision Maker(s) to both see and hear individuals appearing in this manner.

Joint Hearings

Where a Formal Complaint is brought against multiple Respondents, or by multiple Complainants against the same Respondent, a joint Formal Hearing will be the default procedure. However, the Title IX Coordinator may, at his or her discretion, permit separate proceedings (including separate investigations) given a compelling reason to do so. In cases of a joint hearing, separate determinations of responsibility will be made for each Respondent.

Evidentiary Considerations

Formal Hearings conducted under this policy will be adjudicated under the preponderance of the evidence standard. The preponderance of the evidence standard is met when Jessup determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

The following evidence will be excluded from consideration in determining responsibility during the Formal Hearing process:

- 1) Evidence of incidents not relevant or directly related to the alleged violations of this policy, unless such incidents evidence a pattern of misconduct;
- 2) Evidence about the Complainant's sexual predisposition unless advanced by the Complainant;
- 3) Questions and evidence about the Complainant's sexual behavior prior or subsequent to the incident(s) at issue in the Formal Complaint, except such questions and evidence offered to prove that someone other than Respondent committed the misconduct alleged in the Formal Complaint or questions and evidence about the Complainant's prior sexual conduct with the Respondent, offered to prove consent.
- 4) Evidence of previous disciplinary action against the Respondent, unless offered to prove a pattern of misconduct. However, such evidence may be considered to determine appropriate sanctions following a finding of responsibility, following Jessup's policy of progressive discipline.

Appendix F: Appeals

Any Party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within ten (10) business days of the transmission of a Notice of Outcome. The Title IX Coordinator will designate either a single Appeal Decision Maker or an Appeal Panel consisting of three (3) members, one of whom will be designated as the Chair. No person who has been previously involved in the Resolution Process for the Formal Complaint may be designated as an Appeal Decision Maker.

The Appeal Decision Maker(s) will first review the Request for Appeal to determine whether the request states grounds for an appeal. This review will not consider the merits of the appeal but will focus solely on whether the appeal was timely filed and states an appropriate grounds for appeal.

Timeliness

A Request for Appeal must be submitted to the Title IX Coordinator in writing within ten (10) business days of the transmission of a Notice of Outcome. No appeal will be considered after expiration of the time to file a Request for Appeal.

Grounds for Appeal

Appeals are limited to the following grounds:

- A procedural irregularity affected the outcome of the Resolution Process.
- New evidence that was not reasonably available at the time of the determination of responsibility or dismissal has become available and could affect the outcome of the Resolution Process.
- The Title IX Coordinator, Investigator(s) or Decision Maker(s) had a conflict of interest or bias that affected the outcome of the Resolution Process.

Grounds for appeal must be clearly stated within the Request for Appeal. If the Request for Appeal is not based on the grounds set forth in this section, the Appeal will be denied. The Chair will notify the Parties of the denial and basis of denial in writing.

If the Appeal Decision Maker(s) finds that the Request for Appeal is timely and states grounds for appeal, the Appeal Chair will notify all Parties, the Title IX Coordinator and, where appropriate, the Investigator and/or original Decision Maker(s) in writing. Such notice will state the approved grounds for appeal and provide a copy of the Request for Appeal. The notice will also provide ten (10) business days for Parties, the Title IX Coordinator and, where appropriate, the Investigator and/or original Decision Maker(s) to submit a written response to the portions of Request for Appeal that are relevant to their involvement, and/or their own Request for Appeal. Any responses will be forwarded to the Appeal chair and the Parties for review and comment. A Request for Appeal filed by a

responding party will be circulated for review and comment following the same procedures articulated in this paragraph.

Following the expiration of the review period, neither party may submit any new requests for appeal. The Appeal Chair will collect any additional information and documentation necessary to consider the appeal and will circulate all such documentation to the Appeal Decision Maker(s) for a determination. The Appeal Panel or Decision Maker will render a decision within ten (10) business days, unless the circumstances necessitate a delay. The decision will be by majority vote, applying the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all Parties simultaneously. The Notice of Appeal Outcome will specify:

- Each ground for appeal considered and the specific findings and determinations made.
- Any specific instructions for remand or reconsideration by the original Decision Maker(s) or Title IX Coordinator.
- Any sanctions that may result from the reconsideration which Jessup is permitted to share according to state or federal law.

The Notice of Appeal Outcome will be made in writing and transmitted by the following methods: in person delivery, mail to the local or permanent address on file in Jessup's official records, or emailed to a Jessup-issued email address. Once transmitted the notice will be considered delivered.

Appeal Considerations

The appeal process does not provide for a full re-hearing of the allegations in the Formal Complaint. In most cases, an appeal is confined to a review of the written documentation or record of the original hearing and any pertinent documentation regarding the specific grounds for appeal.

The Appeal Decision Maker(s) are to be deferential to the original determination and will not substitute their judgment for that of the original Decision Maker(s) based solely on a disagreement. Changes to the original findings must be based on a finding of clear error and revisions of the original sanctions will require a compelling justification.

The Appeal Decision Maker(s) may consult with the Title IX Coordinator and/or legal counsel on any questions of procedure or rationale. Any such consultation will be documented in writing (subject to applicable legal privileges).

The outcome of the appeal is final. No additional appeals will be permitted except to the extent that the outcome of the appeal remands any issue for rehearing following the procedures for a Formal Hearing set forth in this policy.

Where the outcome of appeal results in the Respondent's reinstatement or resumption of privileges, all reasonable attempts will be made to restore the Respondent to his or her prior status, recognizing that some opportunities may be irreparable.

Status of Sanctions Pending Appeal

Pending the outcome of the appeal process, any sanctions imposed as a result of the original determination of responsibility will be stayed. However, supportive measures may still be implemented and/or continued subject to the procedures described in this policy. Where necessary, emergency removal procedures described in this policy may be used to ensure safety and equal access during the time sanctions are stayed pending the outcome of appeal.

Appendix G: False or Malicious Allegations and Retaliation

Allegations which are erroneous but made in good faith will not be subject to disciplinary action under this Policy. However, deliberately false and/or malicious allegations under this Policy are a serious offense and will be subject to disciplinary action. Witnesses and Parties who knowingly provide false evidence, or who destroy or tamper with evidence after being directed to preserve such evidence will be subject to disciplinary action.

Jessup strictly prohibits retaliation for participation in any process set forth under this Policy. No individual may intimidate, threaten, coerce or discriminate against another individual for the purpose of interfering with any right or privilege secured under this Policy or because the individual has made a report or complaint, testified, assisted, participated or refused to participate in any meeting, investigation or other proceeding under this Policy.

The policies and procedures set forth in this Policy may not be used for retaliatory purposes. Counterclaims may be filed under this Policy subject to the same provisions governing any other Report of Formal Complaint. Where retaliation is found to be the purpose of a claim or counterclaim filed under this Policy, discipline may be imposed against the claimant.

Appendix H: Required Trainings

Jessup will make the materials used to train Title IX Coordinators, Investigators, Decision Maker(s), and any other people who facilitate the informal resolution process publicly available on the Jessup website. These individuals will receive regular training, at least annually, on the definition of prohibited conduct under this Policy, the jurisdiction of the Policy, and how to participate in the grievance processes outlined in this Policy as well as issues related to domestic violence, dating violence, sexual assault, and stalking. The training will include avoidance of bias and conflict of interest and trauma-informed investigation and intake procedures. Investigators will receive training on issues of relevance to create an investigation report that fairly summarizes relevant evidence. Decision-makers will receive training on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train the University Title IX coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of Sexual Misconduct.

Jessup will make these training materials publicly available on the University's website at

<https://my.jessup.edu/titleix/>