

Summary of Procedures under UMW's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence

For more information on the Office of Title IX and to view the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence (Prohibited Conduct Policy), please visit <https://diversity.umw.edu/title-ix/>.

Important Terms

Prohibited Conduct: Sexual Harassment, Sexual or Gender-Based Misconduct, Sexual Exploitation, Retaliation, Complicity.

Complainant: Person who is reported to have experienced Prohibited Conduct.

Respondent: Person who is reported to have committed Prohibited Conduct.

Supportive Measures: Supportive measures are available without filing a Formal Complaint. Supportive measures are available to both parties and include individualized services designed to restore or preserve equal access to UMW's education program or activity such as counseling, extensions of deadlines, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work or housing locations, parking accommodations, and other similar measures. Contact the Title IX Coordinator to discuss supportive measures.

Advisor: The Complainant and Respondent may have an advisor of their choice to assist them with the process. An advisor must conduct questioning of the other party and witnesses if a hearing is held. The University will appoint an advisor for the questioning if a party does not have one.

Informal Resolution: Complainants and Respondents may choose to proceed with Informal Resolution in certain cases. Informal Resolution is a flexible process that concludes with an outcome agreed to by both parties and the Title IX Coordinator. More information is available in the Prohibited Conduct Policy available at <https://diversity.umw.edu/title-ix/>.

1. To report Prohibited Conduct or after a report is made, the Complainant may choose to meet with the Title IX Coordinator who will offer resources and supportive measures. The Complainant has the option of filing a Formal Complaint. If a Formal Complaint is filed, the Complainant and Respondent receive a Notice of Allegations disclosing the reported Policy violations.

2. The Investigator meets with the Complainant, Respondent, and witnesses to discuss the report and collect evidence such as text messages, social media posts, other electronic communications, photos, and videos.

3. The Investigator provides both parties with a copy of all directly related evidence collected during the investigation, and the parties have 10 days to review and provide a written response.

4. The Investigator will review the responses and draft an investigation report summarizing the relevant evidence that will be provided to the parties 10 days before a hearing. If 34 C.F.R. part 106, as amended, does not apply to any remaining allegations, the Investigator will include recommended finding(s) and sanction(s), if applicable, that the parties may choose to accept.* If they are not accepted, the case proceeds to a hearing.

5. If the case proceeds to a hearing, the Title IX Coordinator schedules a hearing with the decision-maker(s). The parties may meet with the Title IX Coordinator to discuss procedural aspects of the hearing before the hearing occurs.

6. During the hearing, the Complainant, Respondent, Investigator, and witnesses make statements and present evidence to the decision-maker(s) who has the opportunity to ask questions. Advisors will have the opportunity to ask relevant questions to the parties and witnesses.

7. After the hearing, the decision-maker(s) will deliberate and issue finding(s) and sanction(s), if applicable, that will be provided in writing to the parties, along with a written rationale for the decision. If neither party appeals, the finding(s) and sanction(s), if applicable, become final, and the case is closed.

8. If a party submits an appeal on the limited grounds specified in the Prohibited Conduct Policy and the Title IX Coordinator will appoint an appeal decision-maker(s) to review the case. The parties will have the opportunity to submit statements in writing to the appeal decision-maker(s). The appeal decision-maker(s) will determine whether to accept the appeal and whether the original finding(s) and sanction(s), if applicable, will be upheld or the case will be referred for further investigation or a new hearing. The decision of the appeal decision-maker is final.

*Dismissal for the Purposes of 34 C.F.R. part 106, as amended: If the conduct alleged in the formal complaint would not constitute Sexual Harassment even if proved, did not occur in UMW's education program or activity, or did not occur against a person in the United States, or if at the time of filing a formal complaint, the Complainant is not participating or attempting to participate in the education program or activity of UMW, UMW will dismiss the formal complaint with regard to that conduct for the purposes of sexual harassment under Title IX and 34 C.F.R. part 106, as amended. UMW may still proceed under the other provisions within the Prohibited Conduct Policy.

Disclaimer: In the event of any disagreement between this document and the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence, the Policy controls. To view the Policy, please visit diversity.umw.edu/title-ix/prohibited-conduct-policy/.