



Effective August 14, 2020

PROCESS FOR RESOLVING COMPLAINTS OF SEXUAL OFFENSES INVOLVING CLARK UNIVERSITY FACULTY

This process describes how Clark University will investigate a complaint that a faculty member has engaged in conduct that could constitute a sexual offense, as defined in the University's Sexual Offense Policy and determine what, if any, safety measures and/or disciplinary sanctions are appropriate.¹ The University's Sexual Offense Policy can be found [here](#).

I. Initial Steps

After receiving a Complaint that a faculty member engaged in conduct that violates the Sexual Offense Policy, the Title IX Coordinator or their designee² will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable the University to assess the need to take any immediate action to address the safety and health needs of the Complainant³ and the University community, and to determine the next steps for investigating the reported conduct and the need for any supportive measures.

These initial steps may include, but are not limited to, the following:

- A. The Title IX Coordinator will notify the Complainant about: (a) the availability of the Sexual Offense Policy; (b) the right to report (or decline to report) the matter to University Police and/or to local law enforcement if the conduct is potentially criminal in nature; and (c) that a report to law enforcement will not change the University's obligation to potentially investigate the matter but it may briefly delay the timing of the investigation if a law enforcement agency requests that the University delay its process

¹ Allegations made by staff of a violation of the Sexual Offense Policy will be governed by whether the Respondent is faculty, staff, or a student.

² Where the Title IX Coordinator is listed as the designated point of contact for any role in the Sexual Offense Policy or this process, they may designate a Deputy Title IX Coordinator or another qualified member of the University community to assume the role at issue, as necessary and appropriate.

³ The individual who experienced conduct that may have violated the Sexual Offense Policy will be referred to as the "Complainant." The individual who is alleged to have violated the Sexual Offense Policy will be referred to as the "Respondent." When the Complainant and the Respondent are discussed collectively, they will be referred to as "the Parties" and may be referred to as a "Party." A Complainant is a person who, at the time they file a Formal Complaint, is currently participating in, or attempting to participate in, the University's domestic educational programs or activities and who alleges they experienced prohibited conduct, as defined under the Policy. If an individual is a student or employee at another institution and makes an allegation against an individual who is a student or employee at the University, the Title IX Officer may exercise discretion in signing a complaint for the aggrieved party. In such situations, the parties will be duly noticed in accord with the Policy and the University will not be considered a party to the matter, though it will maintain the burden of proving that any individual violated the Policy.

for a reasonable amount of time to allow it to gather evidence of criminal conduct.

- B. The Title IX Coordinator or their designee will assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of the University community that warrants issuance of a timely warning, a no-contact order for any persons, or any other interim measures or protections. Clark reserves the right to impose an “Emergency Removal” in appropriate circumstances Clark will make that decision after undertaking an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. A student may appeal the Emergency Removal decision. The request must be in writing and submitted within forty-eight (48) hours of the receipt of notice of the Emergency Removal. The appeal will be reviewed by the Provost or the Provost’s designee and the student will receive a written response within forty-eight (48) hours.
- C. If the Title IX Coordinator determines the reported conduct could implicate the Sexual Offense Policy or another University policy, they will contact the Complainant to discuss that determination. If, at this time, the Complainant requests that the process not move forward, the University will weigh that request against the University’s obligation to address any risk of harm to the Complainant or other individuals in the community and the nature of the incident or conduct at issue. Except in limited circumstances in which a Complainant’s request not to proceed to investigation is granted, or there are other extenuating circumstances, the process will move to the Investigation Phase set forth in Section II.
- D. If the Complainant wishes to move forward with a formal complaint under this Policy, the Complainant must provide a statement in writing and sign that statement in person or electronically. If, at this time, the Complainant requests that the process not move forward or move forward under a different policy, the University will weigh that request against the obligation to address any risk of harm to the Complainant, the Respondent, or other individuals in the community given the nature of the incident. The University reserves the right to move forward with a formal complaint process unilaterally by signing a complaint or statement of allegations against another Respondent. This will be utilized in limited situations in which the University has a concern related to the safety of the broader University community.
- E. If it is determined that the conduct reported in the Complaint is, as alleged, covered by the Sexual Offense Policy, the Title IX Coordinator will prepare a written notice to the Complainant and Respondent that will include the following: a description of the allegations as they are understood at the time and including the name(s) of the parties, the date and location of the conduct in question, the allegations and the portions of the policy that are alleged to have been violated, any supportive measures in place that either party must be made aware, and a statement that the Responding Party is presumed not responsible for the alleged conduct. The notice will also state that parties may have an adviser of their choice, who may be, but is not required to be, an attorney, and that they may inspect and review evidence. The written notice will inform the parties of any provision in Clark’s Code of Conduct that prohibits knowingly making false statements

or knowingly submitting false information during the grievance process.

- F. If anyone in the process wishes to request a reasonable accommodation under Title III of the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act, they should notify the Title IX Coordinator within 48 hours of learning that a conduct inquiry has begun.
- G. The Title IX Coordinator will notify the Complainant and the Respondent of the available resources for seeking medical treatment, counseling, spiritual guidance, or other supportive measures. These resources can be found [here](#).
- H. Federal law requires Clark to dismiss an allegation of sexual harassment under Title IX if the conduct alleged in the formal complaint would not constitute sexual harassment under the applicable Title IX regulations.
 - 1. Consistent with federal law, Clark reserves the right to dismiss the formal complaint if any of the following occurs: a) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or b) specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
 - 2. If Clark determines that it is appropriate to dismiss the complaint, Clark will send written notice of the dismissal and the reason therefore simultaneously to the parties.
 - 3. Either party may appeal the dismissal of a complaint for the reasons outlined in the “Appeals” section of this policy.
If the Complaint is dismissed under this section, the Title IX coordinator may refer the reported conduct to the appropriate administrator, if any, for handling consistent with other relevant University policy.

II. The Investigation Phase

- A. Designation of Investigator. The Title IX Coordinator will designate at least one investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative findings (the “Investigative Report”). All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by the University or engaged by the University for the purpose of conducting investigations under the Sexual Offense Policy. The Title IX Coordinator will provide the Parties with the name of the person(s) assigned to investigate the reported conduct (the “Investigator(s)”). As soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator’s decision regarding any conflicts is final.

- B. Nature of the Investigation. The investigation will include separate interviews with the Complainant, the Respondent, and any witnesses whom the Investigator(s) believe will provide relevant information regarding the allegations in the Notice of Investigation. The investigation will include an objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence and will not consider a person's status as a complainant, respondent or witness when making credibility determinations, if any. Please note: If, in the course of an investigation, Clark decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Investigation, Clark will provide written notice of the additional allegations to the parties whose identities are known. The investigation may include the review of documentation or other items relevant to the reported conduct. If, at any point the behavior prohibited by this Policy is dismissed or withdrawn, leaving only non-Title IX prohibited behavior, the University reserves the right to transfer the conduct to another policy and related process. Relevant witnesses and documents will include both inculpatory and exculpatory evidence. The Investigator will not make determinations regarding credibility or relevance based on a person's status as a complainant, respondent, or witness.
- C. Advisers. Each Party may have a single adviser of their choice present with them during any meeting, interview, or hearing held related to the Sexual Offense Policy. Advisers may not participate actively while present at a Sexual Offense proceeding and may not speak on the part of the individual they are advising, although they may ask to suspend any meetings, interviews, or hearings briefly to provide private consultation related to the disciplinary proceeding in progress. Advisers may cross-examine parties or witnesses at hearings on topics that are relevant and not prohibited. If a party does not have an adviser present at the live hearing, Clark will provide, without fee or charge to that party, an adviser of Clark's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Accommodations, including scheduling of interviews or hearings, will not be made for any advisers if in Clark's view the accommodation requested would unduly delay the process.
- D. The Parties' Identification of Potential Witnesses and Documentation. The Parties have the equal opportunity to provide the Investigator(s) with the identification of potential witnesses who have specific information about matter(s) under investigation and with whom they would like the Investigator(s) to speak. The Parties also have the opportunity (and are expected) to provide the Investigator(s) any documentation or other items they would like to be considered. All information described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during the Investigation Phase and without delay upon becoming aware of it. The Investigator(s) will exercise discretion in their determination of what information to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation. Both parties may discuss the

allegations under investigation with third parties and gather and present relevant information, however, parties are asked to discuss such matters discretely. Further, to the extent that a party or adviser reviews private information from an education record that is otherwise protected by FERPA or other privacy laws, it is requested that the party or adviser discuss with the Title IX Coordinator whether and to whom they must share that information before disclosing the information. The University does not include this provision to limit either party in presenting their case; rather, it merely wishes to protect the privacy rights of all students and employees to the extent practicable.

- E. Investigation Prohibitions. The Investigator(s) generally will not consider information related to either Party's sexual history outside of the conduct in question. The investigator will not consider information about the complainant's sexual predisposition or prior sexual behavior unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The Investigator cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so as part of the investigation.
- F. Inspection and Review. The Investigator will provide both parties an equal opportunity to inspect and review any relevant evidence obtained as part of the investigation, whether inculpatory (used to prove responsibility) or exculpatory (used to prove a person is not responsible), and including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility. Prior to completion of the investigative report, the University will send to each party and their adviser the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.
1. Photographs or any other copies of the Investigative Report are not allowed by either party or adviser. The comments submitted by the parties may not exceed ten (10) double spaced pages unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the Title IX Coordinator.
 2. If, at any point in this review process or the prior investigation, it becomes apparent that a witness will not take part and subject themselves to examination in the Adjudication Process described in Section III, below, the Investigator may revise the Investigative Report to remove that

information so as not to impact the hearing. If this decision is made prior to the parties' review, it will be noted in a cover memo to the Investigative Report. If the decision is made following the parties' review, it will be communicated to the parties and they will be informed in writing of any information that will be removed prior to the hearing.

3. The Investigative Report will then be submitted to the Title IX Coordinator for review and compilation for the hearing process. Any submissions made by either party pursuant to this section, as well as any other documentation deemed relevant by the Investigator(s), will be attached to the Investigative Report. When the Investigator(s) have completed any additional fact finding, both parties will be permitted to review the entire Investigative Report as it will be submitted to the Panel, although no further comments will be added at this point.

- G. Content of the Investigative Report. At the conclusion of the Investigation Phase and the parties' inspection and review, the Investigator(s) will prepare an Investigative Report, which fairly summarizes the relevant evidence obtained during the investigation. The Investigative Report will not include a determination by the Investigator(s) as to whether a Party has violated the Sexual Offense Policy or what sanctions may be appropriate.
- H. Delivery to Parties: The University will send the Investigative Report, in electronic format or hard copy, to each party and the party's adviser at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, for their review and written response.
- I. Informal Resolution Option: At any point after a formal complaint has been filed but before the convening of the Determination Panel, the parties can request or the University can propose an 'informal resolution' process. Both parties must agree to this process in writing, and either party can opt out of the informal resolution process at any time. If an informal resolution is reached, a Determination Panel will not be convened. An informal resolution process is not allowed in cases of sexual harassment allegations between employees and students. All requests for informal resolution processes are subject to review by the Title IX Coordinator and the Coordinator's decision about the appropriateness of the process and the outcome is final.

III. Hearing

- A. Convening the Determination Panel. At the beginning of each academic year, the Provost will seek volunteers to be trained as members of the Determination Panel. Approximately twelve members must be trained annually to have an adequate pool and to avoid conflicts. In conjunction with the finalization of the Investigative Report, the Title IX Coordinator will consult with the Chair of the Faculty

Assembly and convene a three-member Determination Panel from an established pool of University community members trained to decide cases pursuant to this Policy. The composition of the Determination Panel shall be determined as provided for in III.B below. In no instance shall the Panel include students. The tenured faculty member(s) on the Determination Panel shall not be from the same academic department as any Party.⁴ The Title IX Coordinator will provide the Parties with the names of the persons assigned as the Determination Panel members for their case. As soon as possible, but no later than three (3) calendar days after delivery of the identity of the assigned Determination Panel members, the Parties should inform the Title IX Coordinator (in writing) of any conflicts of interest in regard to the selected members assigned to the Determination Panel. If a conflict of interest is raised regarding any of the individuals assigned to the Determination Panel, the Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned to the Determination Panel.

The Title IX Coordinator may consult with other relevant and appropriate University personnel to assess any conflicts of interest. The Title IX Coordinator's decision regarding any conflicts is final. The Title IX Coordinator will then submit the Investigative Report to the Determination Panel members and set a subsequent date for the Determination Panel to meet to determine responsibility.

- B. In the event that both parties, Complainant and Respondent, are faculty, all three Determination Panel members will be tenured Faculty members. If the Complainant is a student, the Dean of Students or their designee must be one member of the Determination Panel. If the Complainant is a staff member, the Director of Human Resources or their designee must be one member of the Determination Panel.⁵
- C. The Chair of the Determination Panel will be determined by the Title IX Coordinator or their Designee in consultation with the Chair of the Faculty Assembly. The role of the Chair of the Determination Panel is to oversee the proceedings. The Chair of the Determination Panel does not have a vote in either the Hearing Panel or the Sanctions Determination.
- D. Once the identities of Complainant, Respondent, Determination Panel Members and the Chair are announced, any ex parte⁶ communication about any case related

⁴ Determination Panel members' partners or spouses, current or former, may not be in the same department as either the Complainant or the Respondent. The Title IX Coordinator will make every effort to assure that there are no conflicts of this kind in the composition of the Determination Panel.

⁵ If the Provost cannot elicit the requisite number of volunteers from the faculty, as set forth in Section III(C), the University will not be able to provide the Determination Panel balance required in this section with regard to tenured faculty. If this occurs, the Title IX Coordinator will proceed to the University's larger pool of trained Determination Panel members, which includes individuals who are not tenured Faculty members. If this circumstance occurs, it will not be considered an inherent conflict of interest.

⁶ Ex parte communications, in this context, generally means that the Parties should not consult Determination Panel members or vice versa unless within the context of a hearing or meeting with the full Determination Panel. This is to avoid a situation in which any individual attempts to use their role, personal relationship, or professional

details between any and all parties are prohibited.

- E. Determination of Responsibility. Following the completion of the investigation, a live hearing will be held before a Determination Panel, which will determine whether or not there has been a violation of the Sexual Offense Policy.
- F. Information available to the Determination Panel. The Determination Panel will receive the final Investigative Report and any written responses to the final report submitted by the parties.
- G. Hearing. Live hearings may be conducted with all parties physically present in the same geographic location or, at Clark's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. However, if either party requests that the hearing 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, the hearing will take place with the parties located in separate rooms.
- H. Procedure. The Hearing will proceed as follows:
 - 1. Parties: First, the reporting party will have the opportunity to make a statement. Second, the responding party will have the opportunity to make a statement. Third, the Hearing Panel will pose questions of the reporting party. Fourth, the adviser to the responding party will have the opportunity to pose questions of the reporting party, subject to the limitations on cross-examination set forth below. Fifth, the Hearing Panel will pose questions of the responding party. Sixth, the adviser to the reporting party will have the opportunity to pose questions of the responding party, subject to the limitations on cross-examination.
 - 2. Witnesses: The Hearing Panel will ask questions of witnesses in an order determined by the Hearing Panel. After the Hearing Panel has asked questions, the advisers to the parties may pose questions to the witness, subject to the limitations on cross-examination set forth below. The process will continue until all of the witnesses have been examined.
 - 3. Cross-Examination: At the hearing, each party's adviser will have the opportunity to ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge credibility. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's adviser of choice. If a party does not have an adviser present at the live hearing, Clark will provide an adviser, of its choice, without fee or

relationship to influence the outcome of this process. Because the University is concerned both with impropriety as well as the appearance of impropriety, individuals are expected to navigate this area extremely carefully and consult with the Title IX Coordinator if they have any questions.

charge to that party, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Parties may not conduct the cross-examination, which is why the presence of an adviser is imperative. Before a complainant, respondent, or witness answers a question on cross-examination or other question, the Hearing Panel, in consultation with the Hearing Chair, will first determine whether the question is relevant or otherwise prohibited, e.g., unrelated sexual history, character evidence.

If a party or witness does not submit to cross-examination at the live hearing, the Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility, including a statement the party or witness made to the investigator. The Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

- I. Hearing Chair. Clark may assign a third party, either a member of the Clark staff or a trained external party, to chair the hearing, to assist in the administration of the hearing. The Chair will have training and experience to serve as an adviser to the Determination Panel on procedural and substantive issues, including making recommendations to the Determination Panel on the appropriateness of questions raised during cross-examination of parties or witnesses, including relevance.
- J. Standard of Proof. All findings and determinations of responsibility under the Sexual Offense Policy will be made using a preponderance of the evidence standard. This standard requires the determination of whether it is more likely than not that a violation of the Sexual Offense Policy occurred.
- K. Decision. Following the conclusion of the hearing, the Hearing Panel will conduct an objective evaluation of the materials provided, as well as the information learned at the hearing. The Hearing Panel's credibility decisions will not be based on a person's status as a complainant, respondent or witness. Following the evaluation of the evidence, the Hearing Panel will issue a written decision regarding responsibility for the alleged violation of the Sexual Offense Policy. The decision must include the following: 1. The allegations against the Respondent; 2. Findings of fact supporting the determination; 3. Conclusions regarding the application of the Policy to the facts; 4. A determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the Clark's education program or activity will be provided by the University to the Complainant; and 5. The procedures and permissible bases for the complainant and respondent to appeal. The written decision will be provided to the parties simultaneously.
- L. Record. Clark will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

IV. Sanctions

Scope of Sanctions. Sanctions may include, but are not limited to, one or more of the following: suspension, probation, reprimand, warning, restitution, education/counseling, no-contact order, loss of leadership opportunity or position, restriction from current or future University employment or extracurricular events or responsibilities, or any other appropriate sanctions as determined by the University in the context of the individual issues at hand.

Considerations. In determining an appropriate sanction, the Panel may take into account the following:

The nature and circumstances of the misconduct.

The impact of the behavior on the Complainant and the University community.

The disciplinary history of the Party deemed responsible.

Any other mitigating or aggravating circumstances relevant to reach a fair and appropriate resolution.

Sanctioning Decision. The Panel will determine if an individual is responsible for the behavior in question and, if so, will assign an appropriate sanction. If the chosen sanction is dismissal or loss of tenure, then the sanction will be considered a recommendation and the additional process set forth in Section IV (D), below, will be utilized as appropriate.

Sanctions of Dismissal. If the Panel recommends a sanction of dismissal, the Title IX Coordinator shall be notified of the decision in writing and will provide a copy to the President. The President can affirm or reject the Panel's decision. If the President rejects the decision, it will be sent back to the Panel with specific instructions for further action. This may include convening a new panel or asking the same panel to re-convene. The President may also ask for a new investigator to be assigned. (The complete Appeal Process is set forth below, in Section VI.) If the President affirms the Panel's sanction, the Title IX Coordinator will inform the parties of the result as set forth in Section V.

Additional Remedies. The Determination Panel may also identify additional remedies to address the effects of the conduct on the impacted Party. Remedies may include extending or making permanent any interim or safety measures.

V. Appeal of Decision

Within five (5) calendar days of receiving written notice of the dismissal of a complaint, as provided for in Section I.G above or within five (5) calendar days of receiving written notice of a Determination Panel's determination on responsibility and sanctions, either Party may appeal the decision by submitting to the Title IX Coordinator a letter stating why the Party requesting the

appeal believes the determination of responsibility and/or the sanctions were inappropriate. A Party may only appeal on the following grounds:

- A. Procedural error by the Investigator(s) or Determination Panel that materially prejudiced the Party requesting review and impacted the outcome; and/or
- B. Newly discovered material information that was not previously known to the Party requesting review and not available to the Investigator(s), which could have changed the outcome.
- C. Conflict of Interest or Bias by the Title IX Coordinator, investigator(s), or decision-maker(s) that impacted the outcome of the matter. The Party submitting the appeal must set forth in detail the grounds for review and must attach all materials that they wish to have considered in the appeal process. The Title IX Coordinator will provide a written notice of the appeal submitted by one Party to the other Party. The parties will have five days to submit a written statement in support of or challenging the appeal. This will include a short summary of the appeal and any relevant documentation as needed. Sanctions of all types (including, but not limited to, any form of suspension or separation from the University) can be imposed, in full or in part, while an appeal is pending at the sole discretion of the Title IX Coordinator.

The Provost (or their designee)⁷ will be the Appellate Officer for matters in which the Respondent is a Faculty member. The Appellate Officer will decide the merits of any appeal and, in so doing, may consult with the Investigator(s), the Determination Panel, the Title IX Coordinator, and any other individual that the Appellate Officer deems appropriate. The Appellate Officer will not be the same person as the decision-makers(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

The Appellate Officer's decision will be in writing and will include the rationale for the decision. Clark will simultaneously notify the Parties of the outcome of the appeal. The Appellate Officer will also notify the Title IX Coordinator in writing of the decision.

The Appellate Officer may affirm all or part of the Determination Panel's determinations (which includes the sanction, as well as the determination of responsibility), may refer the matter to the Determination Panel for further consideration, or may refer the matter back to a new Investigator(s) for further consideration. If the matter is referred back to the Determination Panel or the Investigator(s), the Appellate Officer will provide specific instructions with the referral. In the event of a referral for further consideration, the Title IX Coordinator will be consulted and further proceedings may be commenced, as appropriate under the circumstances and consistent with this Policy.

⁷ Where the Appellate Officer is listed as the designated point of contact for any role in the Sexual Offense Policy, they may designate another qualified member of the University community to assume the role at issue, as necessary and appropriate.

VI. Additional Matters

- A. Duty of Honesty. All Parties and witnesses are obligated to be completely honest during the course of the entire process set forth in the Sexual Offense Policy. Any person who knowingly makes a false statement – either explicitly or by omission—in connection with any part of the process may be subject to separate University disciplinary action.
- B. Duty of Cooperation. All Parties and witnesses are obligated to cooperate with the Title IX Coordinator and any person charged with implementing the Sexual Offense Policy. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under the Sexual Offense Policy may be subject to separate University disciplinary action.
- C. Respect for Privacy. The University values the privacy of individuals involved in the reporting, investigation, and/or resolution of matters subject to the Sexual Offense Policy. There are situations in which it may be necessary for the University to override a request for privacy or confidentiality in order to meet its Title IX obligation. In the event circumstances result in the University overriding a request for privacy or confidentiality to meet its Title IX obligation, the University will do so with the utmost sensitivity and respect to the circumstances and the individuals involved.
- D. Prohibition Against Retaliation. The University will not tolerate retaliation in any form against any persons for their participation or involvement in the reporting, investigation, and/or resolution of matters subject to the Sexual Offense Policy. The University will take appropriate steps to prevent and/or address retaliatory conduct immediately. The University includes retaliation in its definition of prohibited conduct under this Policy, as well as the University's general prohibition on retaliation.

VII. Time Periods

The time periods in the table below apply to the review of a formal. Clark may extend a time period for good cause. The parties will be informed in writing if a time period is extended. Deadlines that fall on a weekend or holiday will be extended to the following weekday.

PROCESS

Notice by the parties of their intention to use an attorney as an advisor

Appointment of an investigator

Parties' written objections to appointees

The parties' response to the evidence gathered by the investigator

The University sends the investigation report to the parties

The parties' response to the investigation report

The first day of the hearing

The hearing panel's decision to the parties

Appeal by either party

Response to an appeal

Decision on appeal

TIME PERIOD

Must be received at least five days in advance of the first meeting that the advisor will attend

Within seven days after the University accepts the complaint

Must be received within three days after parties receive notice of the appointees' names

Must be received within 10 days after the parties receive the evidence

Within 60 days after the investigator's appointment

Must be received within 10 days after the parties receive the investigation report

No sooner than 15 days after the parties receive the investigation report

Within 14 days after the hearing

Must be received within five days after the parties receive the hearing panel's report

Must be received within five days after the opposing party's receipt of the appeal

Within 14 days after the appellate decision maker receives the appeals and any responses