

Bias-related Behaviors Policy

Scope

In accordance with Federal laws and regulations, such as Title VI, Maryland state law, and Loyola University Maryland's ("the University") values and standards of conduct, this Bias-related Behaviors ("Policy") prohibits certain conduct by students as defined in Prohibited Behaviors, including Harassment and Discrimination on the basis of race (including traits associated with race such as hair texture, afro hairstyles, and protective hairstyles), color, national origin (including shared ancestry or ethnic characteristics), sex, age, religion, disability, marital status, sexual orientation, gender identity, genetic information, military status, or any other legally protected classification covered by Federal or state law.

The University will promptly and effectively address any such Discrimination, Harassment, Retaliation, or other Prohibited Conduct when it has Notice through remedial actions, which may include the applicable resolution process identified in this Policy.

This Policy distinguishes between reporting Bias-related Behavior incidents and filing Complaints. Reporting Bias-related Behavior incidents informs the University of the incident, which allows the institution to provide Supportive Measures (as outlined in this Policy) to the Complainant and does not necessarily result in the initiation of the Resolution Process described in this Policy. All persons who report experiencing Bias-related Behaviors incidents ("Complainant") will be offered individualized Supportive Measures. The Policy below describes the resolution options including formal and informal resolution and how to pursue either.

Related Policies

Harassment or discrimination on the basis of a protected classification (e.g. race, national origin, religion) by an employee is also prohibited by University Policy and may be the subject of a Complaint using the following policies:

- [Loyola University Maryland Harassment and Discrimination Policy](#)

Non-Discrimination Statement

Loyola University Maryland does not discriminate and prohibits discrimination on the basis of race (including traits associated with race such as hair texture, afro hairstyles, and protective hairstyles), color, national origin (including shared ancestry or ethnic characteristics), sex, age, religion, disability, marital status, sexual orientation, gender identity, genetic information, military status, or any other legally protected classification covered by Federal or state law in the administration of any of its educational programs and activities or with respect to admission or employment. The designated compliance officer to ensure compliance with Title IX of the Education Amendments of 1972, as amended (Title IX), the Americans with Disabilities Act of 1990, as amended (ADA), and Section 504 of the Rehabilitation Act of 1973 as amended (Section 504), is David Tiscione, Director of Title IX and Bias Compliance (105 Jenkins Hall, 410-617-5171, dmtiscione@loyola.edu). Inquiries about the application of Title IX, ADA, or Section 504 may be made to David Tiscione, the Office for Civil Rights ("OCR") of the Department of Education, or both. Inquiries about discrimination related to any other protected class aside from sex or disability may be made to Rodney Parker, Chief Equity and Inclusion Officer (Humanities 224, 410-617-

2201, rparker1@loyola.edu), OCR, or both.

Jurisdiction

The Policy applies to the University's Education Program and Activities, to conduct that takes place on property owned or controlled by the University, at University-sponsored events, and in any building owned or controlled by a University-recognized student organization.¹

The Policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to the University's Education Program or Activities. The University may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial University interest.

A substantial University interest includes:

- 1) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any Federal, state, or local law
- 2) Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any Student, Employee, or other individual
- 3) Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder
- 4) Any situation that substantially interferes with the University's educational interests or mission

When the Respondent is enrolled in or employed by another institution, the Title IX and Bias Administrator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX and Bias Administrator may be able to assist and support a Complainant who experiences Prohibited Conduct in an externship, study abroad program, or other environment external to the University where nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a Complainant's education environment, those effects can often be addressed remedially by Title IX and Bias Administrator if brought to their attention.

Online Harassment and Misconduct

University policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited by this Policy, when those behaviors occur in or have an effect on the University's education program and activities or use the University networks, technology, or equipment.

Although the University may not control websites, social media, and other venues through which harassing or discriminatory communications are made, when such communications are reported to the University, it will engage in a variety of means, including but not limited to the offering and implementation of supportive measures and/or a resolution process, to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online

¹ Education Program and Activity includes the University's Employees' work environment.

misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the University community.

Prohibited Behaviors

Bias and the applicable prohibited behaviors are defined under Code of Conduct 32. Bias-related Behaviors Policy:

Loyola University is a community that welcomes people of diverse backgrounds and experiences and values the God-given dignity of every human person. Every member of the Loyola University community enjoys the same basic rights, including the right to be treated as a respected member of the community, with freedom from discrimination and harassment. Bias related behaviors include but are not limited to:

1. Negative actions against an individual or group because of their actual or perceived race, sex, color, national or ethnic origin (including shared ancestry and ethnic characteristics), age, religion, disability, marital status, sexual orientation, genetic information, military status, gender or gender identity including but not limited to willful and repeated use of the incorrect name or pronouns of an individual after clearly being informed of an individual's correct name and pronouns, any other legally protected classification, or other targeted aspects of one's identity.
2. Creating a climate that supports, encourages, or initiates an uncomfortable environment, based on a legally protected classification, for any community member. Absent an academic reason, displaying of hate symbols, including but not limited to the confederate flag, swastikas, and any symbol associated with hate groups, supports, encourages, or initiates an uncomfortable environment and thus is prohibited.

Definitions

- **Advisor-** A person chosen by a party or appointed by the institution who may accompany the party to all meetings related to the Bias-related Behaviors Policy and advise the party on that process and help them to prepare for a hearing, if any.
- **Complainant-** An individual who is alleged to have been subjected to conduct that could constitute an alleged violation of the Bias-related Behaviors Policy.
- **Complaint-** An oral or written request to the University that can objectively be understood as a request for the University to investigate and make a determination about the alleged Policy violation(s).
- **Confidential Resource-** An Employee who is not a Mandatory Reporter as defined in this Policy.
- **Employee-** Faculty, staff, and administrators, including those holding these positions temporarily. Employee does not include those performing services for or as an independent contractor, although such non-employed individuals authorized to provide aid, benefits, or services on the University's behalf may be subject to certain rights and obligations under this Policy.
- **Final Determination-** A conclusion by a preponderance of evidence that the alleged conduct did or did not violate the Policy. This includes a determination regarding responsibility of a Policy violation.
- **Hostile Environment** - unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that (1) it limits or denies a Complainant's ability to participate in or benefit from a University's education program or activity or (2) it so undermines and detracts from the Complainant's educational experience as to effectively deny equal access to the University's resources and opportunities..
- **Informal Resolution-** A resolution agreed to by the Parties and approved by the Title IX and Bias Administrator that occurs prior to a Formal Resolution Determination in the Resolution Process.

- **Investigation Report-** The Investigator's summary of all relevant evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.
- **Investigator-** The person(s) authorized by the University to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report.
- **Mandated Reporter-** A University employee who is obligated by Policy (8.6.6.2.7 Mandated Reporters of the University Staff and Administrator Manual) to share Notice or reports of discrimination, harassment, and/or retaliation, which may include Bias-related Behaviors, to the Office of Title IX and Bias Compliance or the Chief Equity and Inclusion Officer.
- **Notice.** When a Mandated Reporter receives a direct, written, verbal, or third-party report, witnesses an incident, or otherwise knows about conduct that may constitute discrimination, harassment, and/or retaliation.
- **Parties-** The Complainant(s) and Respondent(s), collectively.
- **Remedies-** Actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence of behaviors prohibited by the Policy, and restore access to the University's Education Program or Activity.
- **Resolution-** The result of an Informal Resolution or Formal Resolution Process as detailed in this Policy.
- **Resolution Process-** The investigation and/or resolution of allegations of a violation of this Policy, including Informal Resolution and/or Formal Resolution.
- **Respondent-** An individual who is alleged to have engaged in conduct that could constitute a violation of the Bias-related Behaviors Policy.
- **Title IX and Bias Administrator-** Employee within the office of Title IX and Bias Compliance or an appropriate designee with skills and/or training in facilitating intakes and/or resolutions of bias reports or Complaints.

Disability Accommodations

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the Bias Resolution Process.

Anyone needing such accommodations or support may request reasonable accommodations for disclosed disabilities to the Title IX and Bias Administrator at any point before or during the Bias Resolution Process that do not fundamentally alter the Process. The Title IX and Bias Administrator will work with Disability and Accessibility Services (for students) and Office of People and Culture (for employees) as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation. The Title IX and Bias Administrator will not affirmatively provide disability accommodations that have not been specifically requested by the participants, even where the participants may be receiving accommodations in other institutional programs and activities.

Students with concerns about accommodations decisions may raise those concerns utilizing the [Loyola University Maryland Procedures for Appealing Accommodation Determinations and Implementation](#). Individuals who believe they were discriminated against based on their disability may file a Complaint through the [Loyola University Maryland Harassment and Discrimination Policy and Procedures](#).

Procedures for Reporting Bias-related Behaviors

Students who feel they have been the target of bias or harmed by Bias-related Behaviors, known as the Complainant, may report the incident online at <http://www.loyola.edu/reportbias> or contact the Office of Title IX and Bias Compliance at 410-617-5646. When reporting Bias-related Behaviors, it is important to give as much information as possible as the statement will serve as basis for resolution of the case. If a Complainant chooses to submit an anonymous report, it should be noted that the University's ability to investigate or act upon anonymous reports may be limited.

Online reporting methods:

3. Anonymous Information Form, found at <https://www.loyola.edu/departments/public-safety/anonymous-information-form>
4. EthicsPoint, found at <https://secure.ethicspoint.com/domain/media/en/gui/18799/index.html>
5. Bias-related Behaviors Report, found at www.loyola.edu/reportbias
6. Sexual Violence, Relationship Violence or Stalking Report found at https://cm.maxient.com/reportingform.php?LoyolaUnivMD&layout_id=4

When a Bias-related Behavior report is submitted, it will be received by the Office of Title IX and Bias Compliance who will then take action based on the information provided. The Complainant will be contacted by a Title IX and Bias Administrator or designee and offered support through the bias response process. Upon receipt of Notice, the Title IX and Bias Administrator may engage in a number of actions, including, but not limited to:

- Conducting a preliminary assessment
- Meeting with the Complainant
- Providing information, resources, and supportive measures to the Complainant
- Meeting with a third-party reporter
- Launching and conducting a formal investigation
- Taking measures intended to protect the community to redress or mitigate harm

Where the person who is alleged to have committed a bias act is a faculty member, staff member, or administrator, the bias report will be referred to Office of People and Culture, who will process the bias report according to the University's Harassment and Discrimination Policy and Procedures.

The University recognizes that allegations under this Policy may include multiple forms of Discrimination, Harassment, and Retaliation, as well as violations of other University policies; may involve various combinations of Students, Employees, and other members of the University community; and may require the simultaneous attention of multiple University departments. Accordingly, all University departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable University policies, to provide uniform, consistent, efficient, and effective responses to alleged Bias-related Behaviors, which includes discrimination and harassment.

External Contact Information

Concerns about the University's application of this Policy and compliance with certain Federal civil rights laws may be addressed to:

Office for Civil Rights (OCR)
U.S. Department of Education

400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
Facsimile: (202) 453-6012
TDD: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Time Limits on Reporting

There is no time limitation on Report/providing Notice/Complaints to the Title IX and Bias Administrator. However, if the Respondent is no longer subject to the University's jurisdiction, and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be limited or impossible.

Acting on reports or Notice significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title and Bias Administrator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in the Bias Resolution Process, as appropriate.

Resources for Support and Supportive Measures

There are several departments on campus able to assist students in coping with and managing these situations. As always, we encourage students to contact the Office of Title IX and Bias Compliance, Office of Equity and Inclusion, Vice President for Student Development Office, Counseling Center, ALANA Services, Campus Ministry, Center for Community Service and Justice, Disability Support Services, Residence Life & Housing, or Women's Center for assistance if you or someone you know is a target of any type of harassment.

Our community recognizes and values the similarities and differences among students, faculty, staff, and recognized student organizations at Loyola University. Discrimination, bias related harassment, and other violations of rights disrupt the educational process and the personal well-being of others and will not be tolerated.

Upon receiving notice or a Complaint of Bias-related Behaviors, a Title IX and Bias Administrator or designee will promptly offer and implement appropriate and reasonable supportive measures to the Parties. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all Parties and/or the University's educational environment and/or to deter Bias-related Behaviors. The Title IX and Bias Administrator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide those supportive measures. The University will act to ensure as minimal an academic/occupational impact on the Parties as possible.

These supportive measures may include but are not limited to:

- Academic support, such as rescheduling an academic assignment (paper, exam, etc.), referral for tutoring support, or other course/program related adjustments

- Changes to class schedules
- Changes to work schedules/situations
- Changes to work locations
- Increased security and monitoring of certain areas
- Leaves of absences
- No contact orders
- Referral to counseling, medical and/or other healthcare services
- Referral to community-based service providers
- Referral to financial aid
- Relocating residence hall assignments
- Restricting access to certain campus buildings or locations
- Safety escorts to and from campus locations
- Transportation assistance
- Visa and immigration assistance
- Any other measures deemed appropriate by the Office of Title IX and Bias Compliance

Additionally, the University may act to remove a Respondent entirely or partially from its education program or activities on an emergency basis as outlined in University Regulations and Policies II.B Immediate Removal From Campus of the Community Standards.

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Complaint under this Policy.

Amnesty Policy

Students who report Bias-related Behaviors, or participate in an investigation as a witness, will not be subject to disciplinary action for their own personal involvement with alcohol and/or other drugs at or near the time of the incident, unless the involvement was reasonably likely to place the health or safety of another individual at risk. The University may initiate an educational discussion or pursue other educational remedies regarding the alcohol and/or other drugs.

Retaliation

Any retaliation, reprisal, or intimidation directed toward a complainant or anyone else as a result of reporting or participating in an investigation or adjudication of alleged Bias-related Behaviors is strictly prohibited. Any incidents of retaliation should be reported immediately to the Office of Title IX and Bias Compliance, Residence Life & Housing, or Student Conduct for students who allegedly retaliate and Office of People and Culture for employees who allegedly retaliate. Incidents of retaliation are considered a serious violation. For students who allegedly retaliate, the incident will be addressed in accordance with the normal rules and procedures of the student code of conduct, and students alleged to have violated the Retaliation policy may be charged with 17. Retaliation. Any staff or administrator who is alleged to have violated this provision may be subject to disciplinary action under section 1.28 Discipline in the Staff and Administrator Policy Manual and any faculty who is alleged to have violated this policy may have their behavior considered professional incompetence, non-performance of duties or responsibilities, and conduct inconsistent with professional standards according to the Rank and Tenure Policy Statement and will be addressed consistent with that policy.

Mandated Reporting

As stated in 8.6.6.2.7 *Mandated Reporters* of the University Staff and Administrator Manual, “All University employees, including faculty, staff, and administrators (other than those deemed Confidential Resources), Graduate Assistants in Student Integrity and Restorative Justice Practices (SIRJP), and Resident Assistants, are Mandated Reporters. Mandated Reporters are expected to promptly report all known details of actual or suspected discrimination, harassment, and/or retaliation (other than sex-based harassment and discrimination) to the Chief Equity and Inclusion Officer or designee. Incidents involving a student may be reported to the Office of Title IX and Bias Compliance. For emergency situations, Campus Police and other on-call staff can be reached at 410-617-5010.” Additional information can be found in 8.6.6.2.7 *Mandated Reporters* of the University Staff and Administrator Manual

Confidential Resources

All of the persons and organizations listed below are confidential for purposes of reporting Bias-related Behaviors (“Confidential Resources”). Reports made to a licensed counselor, clergy acting in their pastoral role, a treating health care provider, or the Sexual Violence Prevention, Education, and Response Coordinator (when reported by students) are confidential and will not be reported to University officials without the individual’s permission unless an imminent threat exists or a child sex offense is disclosed. They will, however, provide the Complainant with the Office of Title IX and Bias Compliance’s contact information and offer options and resources without any obligation to inform a University official unless a Complainant has requested the information be shared. Confidential resources may be required to report statistical information, without personally identifiable data, for Clery Act reporting. If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following:

- **Counseling Center**
Humanities Building, room 150
410-617-CARE (2273)
- **Sexual Violence Prevention, Education, and Response Coordinator for Students:**
Melissa Lees, McAuley Women’s Center, Seton Court 04A
410-617-6769
- **Student Health Services**
Seton Court 02A
410-617-5055

False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation. False allegations may be a form of Harassment or Retaliation or may fall within other University policies.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation, hearing, or informal resolution can be referred for an alleged violation of section 8. False Information/Obstruction under the Student Code of Conduct for students and section 8.6 Knowingly Filing False Complaint of the Harassment and Discrimination Policy and Procedures for employees which may result in a disciplinary action that is separate and independent from the Bias-related Behaviors Process.

Privacy

The incident will be handled in a private manner, except in cases where the University needs to notify the community. Periodically, the University will notify the Loyola community of any incidents where a member of our community was the object of demeaning behavior that targeted a protected class. With regard to community notification, the Chief Equity and Inclusion Officer or designee in consultation with relevant administrators will determine when such notification will be sent. For reasons of privacy, notification will occur only when the identities of the involved community members can be protected, and the notification will not interfere with any ongoing investigation. The purpose of notifying the campus community is to provide transparency regarding incidents of this nature and create awareness and opportunities for discussion about ways to reduce incidents of bias and insensitivity.

Parties and their advisors (if applicable) are prohibited from and must sign an agreement acknowledging the prohibition of the following:

- Parties and Advisors are prohibited from disclosing information obtained by the University through the Resolution Process, to the extent that information is the work product of the University (meaning it has been produced, compiled, or written by the University for purposes of its investigation and resolution of a Complaint), without authorization.
- It is a violation of the University Policy to publicly disclose institutional work product that contains a party or witness's personally identifiable information without authorization or consent.
- The Parties and their advisors must not photograph or otherwise copy the evidence.
- Agreements may also acknowledge that student record information may be disclosed to others involved in the Resolution Process.

Parties are entitled to share their own accounts and experiences but are encouraged to consider the sensitivity of the matter if they do so and should consult with their Advisors on any potential implications of doing so.

Emergency Removal for Student Respondents

The University can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis. This process will be implemented as outlined in *University Regulations and Policies II.B Immediate Removal From Campus of the Community Standards*.

Independence and Conflicts of Interest

The Title and Bias Administrator acts with independence and authority, free from bias and conflicts of interest. The Title and Bias Administrator oversees all Resolutions under the Policy and associated procedures. Those who are assigned to implement resolution processes are vetted and trained to ensure they are not biased for or against any party in a specific Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or Discrimination by the Title IX and Bias Administrator or Investigator, contact the Chief Equity and Inclusion Officer (contact information available online at <https://www.loyola.edu/departments/equity-inclusion/about/staff/>). Concerns of bias, misconduct, Discrimination, or a potential conflict of interest by a hearing panelist should be raised with the Director of Student Integrity and Restorative Justice Practices (contact information is available online at <https://www.loyola.edu/departments/student-conduct/contact-us/>). Concerns of bias, misconduct, Discrimination, or a potential conflict of interest by a hearing panelist

should be raised with the Assistant Vice President/Dean of Students (contact information is available online at <https://www.loyola.edu/departments/student-development/>.)

Long-Term Remedies/Other Actions

As necessary, including at the conclusion of the Bias Resolution Process, in addition to any sanctions implemented or informal resolution terms, the Title IX and Bias Administrator, with consultation from the Chief Equity and Inclusion Officer, may implement additional remedies or actions with respect to the Parties and/or the University community to stop the Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Counseling, coaching, and related supportive services
- Contact limitations between Parties
- Permanent alteration to housing assignments, work arrangements, or schedules
- Academic program adjustments (e.g., individual course/registration adjustments, curriculum revisions)
- Policy, procedure, or protocol development/revision
- Climate assessments, surveys, and/or focus groups
- Training for individuals, specific groups, or community-wide
- Policy and procedure training for students/employees
- Conflict resolution training
- Professional development for employees
- Campus forums
- Public statements, editorials, etc.
- Increased security or monitoring
- Provision of campus safety escorts
- Task forces, working groups, and/or collaborative outreach and engagement
- Engaging with external groups (who may agitate within the campus community)

At the Title IX and Bias Administrator's discretion, with consultation from the Chief Equity and Inclusion Officer, the Parties may be provided certain long-term support or resources even if no Policy violation is found. Additionally, the Title IX and Bias Administrator, with consultation from the Chief Equity and Inclusion Officer, will address any remedies the University owes to the Respondent to ensure there is no effective denial of educational access.

The University will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the Recipient's ability to provide these services.

Bias Resolution Process

The following procedures apply to bias reports against students. However, when a Respondent is both a student and an employee of the University, the University will decide whether to address the incident under the Bias Behaviors Resolution Process or the Harassment and Discrimination Policy by making a fact-specific inquiry to determine whether the Party's primary relationship with the University is to receive an education and whether the allegations occurred while the Party was performing employment-related work. For bias reports against non-students, the Title IX and Bias Administrator shall determine the appropriate process or, alternatively, take other acts or measures to identify, eliminate, and remediate

potential bias and prevent it from recurring, including letters of no trespass and other campus restrictions. The University will act when it becomes aware of bias or other conduct that may create a hostile environment on the basis of race, sex, color, national or ethnic origin (including shared ancestry and ethnic characteristics), age, religion, disability, marital status, sexual orientation, genetic information, military status, gender or gender identity, any other legally protected classification, or other targeted aspects of one's identity.

Advisors in the Bias Resolution Process

The Complainant and Respondent each have the option of being assigned or choosing an advisor whose role is to support them through the investigation and/or Informal or Formal Resolution process. The advisor must be a full-time member of the Loyola University community (student, faculty, administrator, or staff) and cannot be an attorney or hold a law degree. The Office of Title IX and Bias Compliance may provide advisors with pertinent information regarding the bias related incident/case being investigated.

Notice/Complaint

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Title IX and Bias Administrator will initiate a prompt initial evaluation to determine the University's next steps. The Title IX and Bias Administrator will contact the Complainant/source of the Notice to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed. The initial evaluation and outreach to the Complainant typically takes 5 business days.

The Resolution Process begins with a Complaint, which is an oral or written request to the University that can objectively be understood as a request for the University to investigate and make a determination about alleged Policy violation(s). Such a Complaint may be made in person (Jenkins 105), by using the telephone number (410-617-5646), email address (TitleIX-Bias@loyola.edu), or by mail (Jenkins 105, 4501 North Charles St., Baltimore, MD 21210) to the Office of Title IX and Bias Compliance. The Complaint should include sufficient details known at the time including the identities of the Parties involved in the incident, if known, the conduct allegedly constituting Bias-related Behaviors, and the date, time and location of the alleged incident, if known. If a Complaint is submitted in a form that does not meet this standard, the Title IX and Bias Administrator will contact the Complainant to ensure that it is filed correctly. A Complainant may decide to withdraw their Complaint at any time prior to the hearing.

Where biased conduct is directed at a specific complainant, if the Complainant does not wish to file a Complaint, the Title IX and Bias Administrator, who has ultimate discretion as to whether a Complaint is initiated, will offer supportive measures and determine whether to initiate a Complaint themselves. In cases where there is a witness to the alleged violation, where pursuing the case is necessary to protect the University community, or where the incident contributes to or create a hostile environment, the University reserves the right to pursue a case to its conclusion. The Title IX and Bias Administrator or designee will evaluate a Complainant's request for confidentiality considering the University's obligation to maintain a safe campus environment, free from harassment and discrimination for all. While rare, when the Title IX and Bias Administrator or designee determines there is a serious and imminent threat to someone's safety or if the University cannot ensure equal access without initiating a Complaint, the Title IX and Bias Administrator or designee may determine that the Complainant's request for confidentiality cannot be complied with fully and will initiate a Complaint. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

The Title IX and Bias Administrator will consider the following non-exhaustive factors to determine whether to file a Complaint:

- The Complainant's request not to initiate a Complaint.
- The Complainant's reasonable safety concerns regarding initiating a Complaint.
- The risk that additional acts of harassment would occur if a Complaint were not initiated.
- The severity of the alleged bias conduct, including whether the biased conduct, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is a University employee.
- The scope of the alleged biased conduct, including information suggesting a pattern, ongoing biased conduct, or biased conduct alleged to have impacted multiple individuals.
- The availability of evidence to assist a hearing panel in determining whether biased conduct occurred.
- Whether the University could end the alleged biased conduct and prevent its recurrence without initiating its resolution process.

If deemed necessary, the Title IX and Bias Administrator may consult with appropriate the University employees to aid their determination whether to initiate a Complaint.

When the Title IX and Bias Administrator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy. When the University proceeds, the Complainant (or their advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a under this policy irrespective of their level of participation.

The University may consolidate Complaints as to the allegations of Bias-related Behaviors against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party where the allegations of Bias-Related Behaviors arise out of the same facts or circumstances.

Collateral Misconduct

Collateral misconduct includes potential violations of other the University policies not incorporated into the Bias-related Behaviors Policy that occur in conjunction with alleged violations of the Bias-related Behaviors Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. The Bias Resolution Process may be used to address collateral misconduct (e.g., vandalism, theft, physical abuse of another). In such circumstances, the Title IX and Bias Administrator may consult with the University officials who typically oversee such conduct (e.g., Student Integrity and Restorative Justice Practices) to solicit their input as needed on what charges should be filed. All other allegations of misconduct unrelated to incidents covered by the Bias-related Behaviors Policy will typically be addressed separately through procedures described in the . All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through the applicable procedures described in the Community Standards, Faculty Handbook, and Staff and Administrator Manual.

Counter Complaints

The University is obligated to ensure that the Bias-related Behaviors Process is not abused for retaliatory purposes. Although the University permits the filing of counter-complaints, the Title IX and Bias Administrator will use an initial assessment, described above, to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a Policy violation.

Counter-complaints determined to have been reported in good faith will be processed using the applicable process, which can include the Bias-related Behaviors Process. At the Title IX and Bias Administrator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

Notice of Allegations and Process

Once a Complaint has been filed or initiated, the Title IX and Bias Administrator (or designee) will provide the Complainant and Respondent with timely written notice of the allegations and the Bias-related Behaviors Process. When an Informal Resolution is requested, a Notice of Informal Resolution and Allegations (NOIRA) will be provided. When a Formal Resolution is requested, a Notice of Investigation and Allegations (NOIA) will be provided.

Notice of Informal Resolution and Allegations (NOIRA).

Before initiation of an Informal process Resolution (excepted where an Educational Conversation is being utilized), the Title IX and Bias Administrator will provide the Parties with a NOIRA including:

- The allegations including identities of the Parties involved in the incident, if known, the date, time and location of the alleged violation, if known, and the conduct allegedly constituting the violation
- The requirements of the Informal Resolution process including the circumstances under which the University precludes the Parties from resuming a complaint arising from the same allegations
- A statement that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the Formal Resolution with respect to the complaint
- Any possible consequences or outcomes resulting from participating in the informal resolution process
- Records that will be maintained or could be shared
- An overview of the Informal Resolution process and options

Notice of Investigation and Allegations (NOIA).

The Title IX and Bias Administrator will provide the Parties with written NOIA once a Complaint has been filed or initiated and a Formal Resolution process has been initiated. The NOIA will include:

- The allegations including identities of the Parties involved in the incident, if known, the date, time and location of the alleged violation, if known, and the conduct allegedly constituting the violation
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that a determination regarding responsibility is made at the conclusion of the Formal Resolution
- The range of potential sanctions associated with the alleged violation, and the rights and responsibilities under this Policy and regarding other civil and criminal options
- A statement about the University's Policy on Retaliation
- Information about process confidentiality
- Information on the option for each Party to have an Advisor of their choice and suggestions for ways to identify an Advisor
- A statement informing the Parties that if they knowingly make false statements or knowingly submit false information during the Bias-Related Behaviors Process, this action constitutes a

violation of section 8. *False Information/Obstruction* under the Student Code of Conduct for students and section 8.6 *Knowingly Filing False Complaint* of the Harassment and Discrimination Policy and Procedures for employees which will result in a referral for disciplinary action that is separate and independent from the Bias-related Behaviors Process.

- Information about how a Party may request disability accommodations or other support assistance during the Formal Resolution

Notification will be made in writing and may be delivered in person or emailed to the Parties' University-issued email accounts. Once emailed, and/or received in-person, notice is presumptively delivered.

If the alleged conduct, if true, includes conduct that would constitute Prohibited Conduct under this Policy and conduct that would not constitute Prohibited Conduct under this Policy but other violations of University Policy, the process outlined in this section will be applied in the investigation and adjudication of all the allegations.

Amendments and updates to the notice may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Actions by the police or criminal courts do not in any way preclude the University from pursuing charges through the University's Bias-related Behaviors Process. Similarly, pursuit of charges through the University's Bias-related Behaviors Process does not preclude the pursuit of criminal charges. In cases where law enforcement directs the University to suspend its investigative efforts, the University will cooperate with all investigative efforts and will promptly resume its own investigation or adjudication of the case when permitted to do so.

Informal Resolution

Once a Complaint has been filed, the matter may be resolved through an Informal Resolution. To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX and Bias Administrator at any time prior to a Final Determination, or the Title IX and Bias Administrator may offer the option to the Parties. The purpose of an informal resolution is to take appropriate action to address and remedy the alleged behavior, its effects, and/or the Complainant's concerns short of the formal resolution process, such as by imposing individual and community interventions and remedies designed to maximize the Complainant's access to educational, extra-curricular, and/or employment activities at the University; and/or to address the effects of the Respondent's alleged conduct on the larger University community. Informal Resolutions will be facilitated by trained staff as described below.

When Parties wish to engage in an Informal Resolution, the University will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. It is not necessary to pursue Informal Resolution first in order to pursue a Formal Resolution Process. Neither Party is required to accept responsibility for the alleged conduct in order to proceed with an Informal Resolution (but certain restorative justice resolution options may require an acknowledgement of the behavior to be available), and accepting an informal resolution does not necessarily mean there has been a finding of a Policy violation. Either party may decide not to proceed with or to end informal resolution in favor of formal resolution at any time. The Title IX and Bias Administrator (or designee) has the discretion to determine whether a Complaint is appropriate for an informal resolution and may consider the following factors to assess whether Informal Resolution is appropriate, or which form of Informal Resolution may be most successful for the Parties:

- The Parties' amenability to Informal Resolution

- Likelihood of potential resolution, considering any power dynamics between the Parties, motivation and ability to participate etc.
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Results of an ongoing risk analysis
- Respondent's disciplinary history
- Skill of the Informal Resolution facilitator with the type of Complaint
- Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX and Bias Administrator (or designee) retains discretion to terminate an ongoing informal resolution process at any time before agreeing to a resolution. The Parties may agree, as a condition of engaging in Informal Resolution, that information disclosed during the informal resolution process may not be used as evidence during a Formal Resolution for the same Complaint or another formal Complaint involving the same Parties and arising from the same allegations unless all Parties consent.

If an investigation is already underway, the Title IX and Bias Administrator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

The timeframe for informal resolutions is generally 30 business days to address and resolve the matter. Any reasonable delays or extensions must be supported by good cause and will be communicated to the Parties.

Informal Resolution Options.

The University offers three categories of Informal Resolution:

- 1) **Educational Conversation.** The Complainant(s) may request that the Title IX and Bias Administrator or designee address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Title IX and Bias Administrator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy.
- 2) **Accepted Responsibility.** The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Formal Resolution Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Title IX and Bias Administrator will determine whether Informal Resolution is an option. If Informal Resolution is available, the Title IX and Bias Administrator will determine whether all Parties and the University are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX and Bias Administrator provides a written copy of the agreement to the Parties, implements the accepted finding that the Respondent is in violation of the University Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate

administrator(s), as necessary. This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Formal Resolution Process will either continue or resume. When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

- 3) **Alternative Resolution.** The institution offers a variety of alternative resolution mechanisms (which could include, but is not limited to, shuttle mediation, restorative practices, facilitated dialogue, etc.) to best meet the specific needs of the Parties and the nature of the allegations. With an Alternative Resolution, neither party is required to accept responsibility for the alleged conduct in order to proceed with an informal resolution (but certain restorative justice resolution options may require an acceptance of responsibility to be available). Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX and Bias Administrator or other appropriate the University officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX and Bias Administrator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of an ongoing risk analysis
- Respondent's disciplinary history
- Whether an emergency removal or other interim action is needed
- Skill of the alternative resolution facilitator with this type of Complaint
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX and Bias Administrator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX and Bias Administrator will determine

whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The imposition of remedies or interventions obtained through an Informal Resolution may be achieved by an agreement acceptable to the Parties and University. The Title IX and Bias Administrator (or designee) will facilitate the development of this agreement. In such cases where an agreement is reached, the Parties will be provided with a written copy of the agreement, the terms of the agreement are implemented, and the matter will be considered resolved and closed. The Title IX and Bias Administrator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). The results of Complaints resolved by alternative resolution are not appealable. If an Informal Resolution option is not available or selected, where an agreement is not reached and the Complainant wishes to proceed with Formal Resolution or where the Title IX and Bias Administrator (or designee) determines that further action is necessary, the University will initiate or continue a Formal Resolution Process to determine whether the Policy has been violated.

Formal Resolution

All hearings involving Bias-related Behaviors will be conducted in accordance with the normal rules and procedures of the Student Integrity and Restorative Justice Practices process with special sensitivity to the nature of the charges and the best interests of all Parties involved. In recognition of the unique nature of Bias-related Behavior cases, the procedures specified in this section supersede any conflicting provisions of the University Student Integrity and Restorative Justice Practices process. Alleged violations involving behaviors outlined in the Sexual and Gender-base Misconduct policy will be adjudicated using the Resolution Process outlined within that policy.

The timeframe for formal resolutions is generally 45 business days to address and resolve the matter, excluding appeal. Any reasonable delays or extensions must be supported by good cause and will be communicated to the Parties.

Witness Role and Participation in the Investigation.

Witnesses who are University employees are strongly encouraged to cooperate with and participate in the Formal Resolution Process. Student witnesses and witnesses from outside the University community are encouraged to cooperate with the Formal Resolution process, including investigations, and to share what they know about a Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx), or, in limited circumstances, by telephone. The University will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

Investigation Procedures.

All investigations will be conducted with fairness, equity, impartiality, and under a reasonably prompt timeframe (which is generally 30 business days after the Notice of Investigation and Allegation).

Investigations involve interviews with all available, relevant Parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

The Complainant and Respondent shall have the right to submit to the Investigator evidence, witness lists, and suggested questions for the Parties and witnesses.

Except as noted below, to be considered at the hearing, all Parties must submit any evidence they would like the Investigator(s) to consider prior to when the Parties' time to inspect and review evidence begins.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Determining the names of and contacting all involved Parties and potential witnesses to participate in an investigation interview
- Identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses
- Providing written notification of the date, time, and location of all investigation meetings, including the expected participants and purpose and that they are permitted to attend and shall have the right to be accompanied by no more than two people, including a personal supporter of the Party's choice, an attorney, or an advocate.
- Conducting any necessary follow-up interviews with Parties or witnesses
- Providing the Parties and witnesses an opportunity to verify the accuracy of either a summary or transcript of their interview(s)
- Soliciting the names of suggested witnesses
- Allowing the submission of questions each Party wishes to have asked of another Party or witness
- Writing a Draft Investigation Report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and Party and witness interviews, and provides all Relevant Evidence
- Compiling a Directly Related Evidence File

Prior to the conclusion of the investigation, the Investigator shall prepare a Draft Investigation Report that gathers, assesses, and synthesizes the evidence, including both evidence indicating the alleged behavior occurred or did not occur, and accurately summarizes the investigation and Party and witness interviews. Evidence obtained in the investigation that is determined in the reasoned judgment of the Investigator(s) to not be directly related to the allegations in the Complaint will be included in the appendices to the investigation report.

The Complainant and Respondent and their advisor(s) will receive a copy of the Draft Investigation Report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination. The Parties may submit a written response to the Title IX and Bias Administrator (or designee) within 5 days. The Parties may elect to waive the full 5 days.

If a written response has been submitted, the Investigator(s) will evaluate the information from the Parties and will incorporate any new, relevant evidence and information obtained through the Parties' review of the Draft Investigation Report and any follow-up meetings into the Final Investigation Report. The Investigator(s) should document all rationales for any changes made after the review and comment period and respond in writing (typically within the Final Investigation Report) to the relevant elements of

the Parties' responses to the Draft Investigation Report.

The Title IX and Bias Administrator will provide the Parties, their advisors and the SIRJP electronic copies of the Final Investigation Report, including the names of all Parties, witnesses, and Advisors, at least five (5) business days in advance of the hearing.

Interview Record.

It is standard practice for Investigators to create a record of all interviews pertaining to the Formal Resolution Process, by recording, transcript, or written summary. After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

Hearing Procedures.

The Formal Resolution involves an administrative hearing. Scheduling and holding the hearing typically takes about 15 business days.

The administrative hearing panel consists of the following: Chief Equity and Inclusion Officer or their designee, Peer Conduct Board member, and the Director of Student Integrity and Restorative Justice Practices or designee. The University reserves the right to have a modified panel hear the case when circumstances warrant it. During the administrative hearing, the Complainant and Respondent have the right to present testimony at the hearing in person or virtually or by submitting a written statement. Each party has the right to listen to or review testimony made by the other party.

All hearings will be conducted in a live hearing format which means typically all Parties and the Hearing Panel will be located in separate rooms with technology enabling the Hearing Panel and Parties to at least hear the Party or the witness answering questions. However, in certain circumstances, the Hearing Panel and Parties may be physically present in the same geographic location, though the Hearing Chair retains discretion to determine whether the hearing will occur in via video technology or in person. All hearings are closed to the public. The University shall create an audio recording of the hearing, but all other recordings are prohibited.

Both the Respondent and Complainant have a right to similar and timely access to information that will be used at the hearing. The hearing materials, or instructions for how to view certain materials, will have been included in the notice of the Final Investigation Report sent to the Parties by the Title IX and Bias Administrator (or designee).

Advisor role at hearing.

The Parties may each have an as advisors as defined in this Policy, present during the hearing. The advisor may consult privately with the Party they are advising during the hearings, except when such consultations during questioning of the Party that they are advising at a hearing are deemed disruptive by the Hearing Chair, and assist the Party that they are advising with the exercise of any right during the proceedings. The advisor is not allowed to address the Hearing Panel or question witnesses. Disruptive advisors will be removed from the process, and the process will continue. Parties should notify the Hearing Chair as soon as they have identified their advisors, but in any event, at least one University business day in advance of the hearing date if a Party plans to bring advisor.

Order of the hearing.

The order described in this section is the order typically followed at a hearing but may be adjusted for good cause.

1. **Introductions and Hearing Overview-** The hearing will begin with the Hearing Chair reviewing the rights and responsibilities for the Parties, and the Parties, Hearing Panel, and hearing attendees introducing themselves. Next, the Hearing Chair will read the charges against the Respondent and ask if they believe they are responsible or not responsible for the charges.
2. **Investigator Presentation of Final Investigation Report-** The Investigator(s) will then present a summary of the Final Investigation Report, including a review of facts that are contested and those that are not. The Investigator may be questioned first by the Hearing Panel, and then the Parties may suggest questions to the Hearing Panel to ask. The Parties should not suggest nor should the Hearing Panel ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, advisors, and Parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Hearing Chair will direct that it be disregarded.
3. **Testimony and Questioning-** The Complainant will then have an opportunity to present a brief statement to the panel of relevant information and respond to questions from the Hearing Panel. After the Complainant's statement and questioning from the Hearing Panel, Hearing Chair will allow the Respondent to suggest questions for the Hearing Panel to ask. Next, the Respondent will have the opportunity to present a brief statement of relevant information to the Hearing Panel and respond to questions from the Hearing Panel. After the Respondent's statement and questioning from the Hearing Panel, the Hearing Chair will allow the Complainant to suggest questions for the Hearing Panel to ask. Next, the Hearing Panel will call witnesses who will first be questioned by the Hearing Panel before Hearing Chair permits the Complaint and Respondent to suggest questions for the Hearing Panel to ask. The Hearing Panel may recall the Parties and any witness for clarification. The Hearing Chair will share their rationale for any exclusion or inclusion after the Party suggests the questions.
4. **Closing statements-** The Respondent and Complainant will each have the opportunity to make a closing statement to the Hearing Panel prior to the conclusion of the hearing.

Proposing Questions to Other Parties and Witnesses.

Neither the Party nor their advisor(s) are permitted to directly question the other Party or witnesses. However, after a Party or witness provides testimony as described above, the Hearing Chair will permit the Parties to meet separately and privately with the Hearing Chair to suggest questions for the Hearing Panel to ask of the other Party or witness. All questions are subject to the Hearing Chair's relevance determination, and the Hearing Chair or Hearing Panel may choose to rephrase suggested questions in their own words. After the Party suggests questions to the Hearing Chair, the Hearing Chair will determine whether the question will be permitted, disallowed, or rephrased. The Hearing Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive. The Hearing Chair may explore arguments regarding relevance with the Party and their advisors, if the Hearing Chair so chooses. The Hearing Chair will then state their decision and the rationale to exclude any question as not relevant.

Refusal to Submit to Questioning and Inferences.

The Hearing Panel may consider all evidence it deems relevant, may rely on any relevant statement made without respect to a person's attendance at the hearing or response to questions, and may draw reasonable inferences from any decision by any Party or witness not to participate or respond to questions.

Deliberation, Decision-making, and Standard of Proof.

The hearing panel will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The hearing panel will make findings of fact and determinations using a preponderance of evidence standard. If the Respondent is found responsible, the hearing panel will consider the additional statements and in determining the appropriate sanction. If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a Bias Resolution Process at any time, and/or referring that information to another process for resolution.

Additional Statements.

The Complainant and the Respondent have the right to provide a written impact or mitigation statement, due prior to the start of the hearing to the Chair, which describes how the incident has affected them or why there are mitigating factors. The statement(s) is reviewed by the hearing panel only if a determination of responsibility is made and before a sanction is determined. If an impact or mitigation statement was submitted and reviewed by the hearing panel, a copy will be provided to both Parties with the decision letter.

Sanctions.

If the Panel determines that the respondent is responsible for a violation of this policy, the panel will decide the appropriate sanctions in accordance with the Student Code of Conduct. A violation of the Bias Policy is considered a serious breach of our community standards, and more severe sanctions may be imposed for incidents in which the violation was motivated by consideration of race, sex, color, national or ethnic origin (including shared ancestry and ethnic characteristics), age, religion, disability, marital status, sexual orientation, genetic information, military status, gender or gender identity, any other legally protected classification, or other targeted aspects of one's identity. Factors the Panel may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the Prohibited Conduct
- The need for sanctions/responsive actions to prevent the future recurrence of the Prohibited Conduct
- The need to remedy the effects of the Prohibited Conduct on the Complainant and the community
- The impact on the Parties
- The Respondent's acknowledgement of responsibility or contrition
- Any other information deemed relevant by the Hearing Chair

The range of sanctions includes the following as defined in Community Standards Section E. Sanctions and Outcomes for Violations of the Student Code of Conduct:

- Status Sanctions
 - o Residence hall probation
 - o Disciplinary probation
 - o Deferred suspension from the residence halls
 - o Deferred suspension from the University
 - o Suspension from the residence halls
 - o Suspension from the University
 - o Expulsion
- Additional sanctions
 - o Alcohol and drug screening/education/treatment
 - o Athletics department notification
 - o Civility hours
 - o Continuation/modification of supportive measures
 - o Core advisor notification
 - o Educational project
 - o Fine
 - o Loss of room selection privileges
 - o Mentoring with an administrator
 - o Periodic drug testing
 - o Postponement of activity participation and conferring of honors and degrees
 - o Reflection with Campus Ministry or a Jesuit
 - o Relocation to another residence
 - o Removal from employment positions
 - o Restitution
 - o Restorative practices referral
 - o Restricted access or privileges
 - o Restricted contact
 - o Senior week restrictions
 - o Social restrictions
 - o Student development assessment and evaluation
 - o Written reprimand

Notice of Outcome.

The final outcome of the hearing including any sanctions that are imposed will be communicated to the respondent usually within five University business days of the last day of the hearing. Because a copy of the outcome cannot generally be provided to the Complainant, due to the Family Educational Rights and Privacy Act, a letter noting the incident was addressed and is closed will be provided to the Complainant via email. However, when permitted by the Family Educational Rights and Privacy Act, the University may choose to share aspects of the outcome with the Complainant.

Appeal.

The appeal process for an outcome of a Bias-Related Behaviors Formal Resolution will be implemented consistent with the process outlined in Community Standards D. Student Conduct Process, 4. The Appeal Process for Student Code Violations.

Policy Revision

This Policy supersedes all previous policies addressing Discrimination, Harassment, Retaliation and/or Other Prohibited Conduct on the ground of Race, Color, or National Origin.

If laws or regulations change or court decisions alter policy or procedural requirements in a way that impacts this document, this document will be construed to comply with the most recent laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the Federal and state laws that frame such policies and codes, generally.

A change required by a court or government order could occur during an active investigation or resolution process. If that happens, the Recipient reserves the right to adjust the Policy accordingly and notify the Parties of any necessary mid-process changes. This could include replacing the Policy in whole or in part, which could necessitate restarting an investigation or resolution process. The Recipient will make every effort to minimize the impact on the Parties as much as possible if changes are unavoidable.

The Policy is effective September 2025.