

**Authority:** Section 3 of WLU BOG Policy 32: Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, Retaliation, and Relationships; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681; and 34 C.F.R. § 106.45.

**President's Signature: On File**

---

## **SECTION 1: Purpose and Scope**

In matters involving Sexual Harassment covered by Title IX jurisdiction (Title IX Sexual Harassment), the Complainant is granted the same rights afforded to the Respondent under University Policies and the Student Code of Conduct in order to achieve a prompt and equitable resolution.

- 1.1 **Purpose.** To establish written grievance procedures concerning conduct and discipline for Title IX Sexual Harassment complaints.
- 1.2 **Scope.** This procedure applies to all Prohibited Conduct under Title IX jurisdiction as set forth in BOG Policy 32.

## **SECTION 2: Grievance Process**

### **Reports; Initial Intake; Supportive Measures; and Formal Complaints**

- 2.1 **Reports.** Any Member of the University Community who has witnessed, been subject to, or is aware of any of the Prohibited Conduct under BOG Policy 32 is encouraged to report violations to the Title IX Coordinator. The Title IX Complaint Form can be found [here](#). If the allegations contained in the report constitute Title IX Sexual Harassment, and the report was filed by the Complainant or the Title IX Coordinator, it may proceed as a Formal Complaint as discussed in Section 2.4.
  - 2.1.1 Any report of Title IX Sexual Harassment against an employee or non-student that is received by a University department, office, unit, or employee other than the Title IX Coordinator shall be referred by that department, office, unit, or employee to the Title IX Coordinator as soon as possible. The Title IX Coordinator will then review the report and determine whether the report should be filed as a Formal Complaint and continue with the grievance process outlined herein.
  - 2.1.2 If the matter involves a case of Sexual Misconduct, Domestic Misconduct, or Stalking, as defined in BOG Policy 32, it is strongly suggested that the University Police Department be notified immediately, in addition to the Title IX Coordinator.
  - 2.1.3 Reports of Title IX Sexual Harassment to a pastoral or professional counselor, as defined by 34 C.F.R. § 668.46 (2020), or other individuals

prohibited by law from disclosing such reports, are, subject to applicable law, not required to be reported by those individuals. Those individuals are therefore completely confidential resources to whom an individual can report information.

**2.2 Initial Intake.** Upon receiving a Report of Title IX Sexual Harassment, within two (2) business days, the Title IX Coordinator will inform the Complainant of his or her resolution options and provide the Complainant with information related to resources, including Supportive Measures. Specifically, the Title IX Coordinator will:

- a) promptly contact the Complainant confidentially to discuss the availability of Supportive Measures, which are discussed more fully below;
- b) consider the Complainant's wishes with respect to Supportive Measures;
- c) inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint; and
- d) explain to the Complainant the process for filing a Formal Complaint.

**2.3 Supportive Measures.** As soon as determined to be necessary, the Title IX Coordinator and any appropriate WLU departments, offices, units, or employees shall implement Supportive Measures.

**2.3.1** Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the educational environment, or deter Sexual Harassment.

**2.3.2** Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any Supportive Measures provided to Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures. Such measures shall continue until the investigation is complete or until the measures taken are deemed no longer necessary.

2.4 **Formal Complaint.** If the Complainant files a Formal Complaint or, if the Title IX Coordinator files a Formal Complaint on behalf of the Complainant, within seven (7) business days the Title IX Coordinator will review the Formal Complaint to determine if it is within Title IX jurisdiction as set forth in BOG Policy 32.

2.4.1 “Formal Complaint” is defined as a document filed by the Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Title IX Sexual Harassment. A Formal Complaint may be filed in person, by mail, by electronic mail, or by submitting an online complaint. When the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party.

2.4.1.1 At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the University with which the Formal Complaint is filed.

2.4.2 If the Formal Complaint falls within Title IX jurisdiction, the Title IX Coordinator will do all of the following:

- a) provide notification of the Formal Complaint to the Complainant and the Respondent (Notice of Allegations);
- b) offer Supportive Measures to the Complainant and Respondent;
- c) provide an overview of the process to both Parties;
- d) notify the Parties’ of their respective rights;
- e) provide information about the Informal Resolution Process;
- f) provide a reminder that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the Parties;
- g) provide notice that the University cannot access, consider, disclose, or otherwise use a Party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized or paraprofessional, unless the University obtains that Party’s voluntary, written consent do so;
- h) provide notice that the Parties will have equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- i) provide notice that neither Party will be restricted in discussing the allegations under investigation or gathering or presenting Relevant Evidence; and

- j) provide notice that others may be present during any grievance proceeding, including an Advisor of choice at any meetings.

2.5 **Conflicts of Interest or Bias.** The Title IX Coordinator, Investigators, Decision-Maker(s), or any individuals who facilitate the Informal Resolution Process must be free from conflicts of interest or bias for or against the Complainant or Respondent.

2.6 **Emergency Removal.** The University may remove a Respondent from an Education Program or Activity, including placing a non-student Respondent on administrative leave, on an emergency basis, after the University does an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment justifies the removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

### **SECTION 3: Notice of Allegations**

3.1 **Notice.** After accepting a Formal Complaint, the Title IX Coordinator will inform the Complainant, Respondent, and, when appropriate, University departments, offices, units, or employees, of the allegations in the Notice of Allegations. The Title IX Coordinator shall provide the Notice of Allegations to both Parties and it shall include:

- a) A copy of or link to this Grievance Procedure;
- b) An explanation of the Informal Resolution Process;
- c) The specific details of the known allegations constituting Sexual Harassment, including the Parties involved in the incident, the conduct allegedly constituting Title IX Sexual Harassment, and the date and location of the incident, if known;
- d) A statement that the Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
- e) A statement that a determination of responsibility will not be made until the conclusion of this process;
- f) Notice of the right to have an Advisor of their choice, who may be, but is not required to be, an attorney;
- g) The right of the Parties and Advisors to inspect and review evidence; and
- h) Notice of the prohibition on knowingly making false statements or knowingly submitting false information during the process, which is prohibited by BOG Policy 32.

- 3.2 **Supplemental Notice of Allegations.** If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations, the University will provide a Supplemental Notice of Additional Allegations to the Parties whose identities are known.
- 3.3 **Right to File a Criminal Complaint.** If applicable, the Title IX Coordinator may also notify the Complainant of the right to file a criminal complaint. However, if a separate law enforcement investigation is initiated, the University will continue investigating the matter and resolving the complaint. Further, the University will not wait until a law enforcement investigation is completed before resolving the complaint; unless that circumstances require the University to temporarily delay its resolution while law enforcement gathers evidence.

#### **SECTION 4: Dismissal of Complaint**

- 4.1 **Mandatory Dismissal.** If the Formal Complaint is filed as Title IX Sexual Harassment but does not fit within Title IX jurisdiction under BOG Policy 32, mandatory dismissal under this Section is required. Specifically, mandatory dismissal is required when allegations: (a) do not constitute Title IX Sexual Harassment, even if proven; (b) did not occur in an Educational Program or Activity; or (c) did not occur in the United States.
- 4.1.1 **Appeal of Mandatory Dismissal.** If a Formal Complaint is dismissed, both Parties can appeal. The bases for the appeal are: (a) procedural irregularity that affected the outcome of the matter; (b) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or (c) the Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
- 4.1.2 **Timeline for Appeal of Mandatory Dismissal.** The Complainant or Respondent will have three (3) business days to appeal a Mandatory Dismissal. The Appeal Officer, typically the VP of Student Services, CHRO, or designee, will decide the appeal within five (5) business days.
- 4.2 **Discretionary Dismissal.** Ongoing during the investigation and once the investigation is complete, the case will be reviewed and evaluated by the Title IX Coordinator to determine if it must be dismissed under Section 4.1, Mandatory Dismissals, or if it should be dismissed as a matter of discretion.

- 4.2.1 **Bases for Discretionary Dismissal.** Discretionary dismissal may occur when: (a) the Complainant indicates in writing their desire to withdraw their Formal Complaint or any allegations therein; (b) Respondent is no longer enrolled at the University; or (c) circumstances indicate that the University will not be able to gather sufficient evidence to reach a determination.
- 4.2.2 **Appeal of Discretionary Dismissal.** If Complaint is dismissed on a discretionary basis, both Parties can appeal that dismissal. Bases for the appeal are: (a) procedural irregularity that affected the outcome of the matter; (b) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or (c) the Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
- 4.2.3 **Timeline for Appeal of Discretionary Dismissal.** The Complainant or Respondent will have five (5) business days to appeal a Discretionary Dismissal. The Appeal Officer, typically the VP of Student Services, CHRO, or designee, will decide the appeal within five (5) business days.
- 4.3 **Notice of Dismissal.** The University must provide written notice to both Parties of a dismissal (mandatory or discretionary) and the reasons for dismissal.
- 4.4 If any Complaint is dismissed under Section 4.1 or 4.2, if appropriate and given the allegations contained in the Complaint, such as whether the conduct violates other provisions of University Policies and/or the Student Code of Conduct, the investigation can continue during this appeal process in accordance with those University Policies and/or the Student Code of Conduct.

## **SECTION 5: Investigation**

- 5.1 If the Formal Complaint is within Title IX jurisdiction, the University shall assign the matter to an Investigator to investigate the Formal Complaint. The Investigator shall be trained accordingly and may be an Investigator appointed from outside the University.
- 5.2 The Investigator will notify the Parties that he or she will be investigating the matter and provide their contact information and reference to all information provided in Section 2.4.2.
- 5.3 During the investigation, the Investigator shall have access to all necessary documents and the right to interview witnesses. Members of the University

Community are obligated to respond and acknowledge reasonable requests that may be made by the Investigator, the Title IX Coordinator, the CHRO, and/or the Office of Student Conduct. Investigators must provide Parties written notice of the date, time, location, participants, and purpose of all investigative interviews, which shall be provided a reasonable time before the interview.

- 5.4 Upon gathering all the evidence the Investigator initially determines to be relevant, the Investigator will provide both Parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination of responsibility and inculpatory or exculpatory evidence whether obtained for a Party or other source so that each Party can meaningfully respond to the evidence.
  - 5.4.1 The Investigator will make this evidence available for inspection and review, prior to completing the investigation report, to the Parties and their Advisors and the Parties will be given ten (10) business days to submit a written response, which will be considered prior to completion of the final investigation report.
- 5.5 If additional investigation is necessary and justified after the written responses are received, the University may investigate further, and the Parties will be given an additional ten (10) business days to respond to any supplemental investigation materials and prior to the completion of the final investigation report.
- 5.6 **Investigative Report.** Once the Parties' written submissions are received and the investigation is completed, the Investigator will create an investigative report that fairly summarizes the Relevant Evidence and send it to each Party and each Party's Advisor, if any, which must be done at least ten (10) business days before any hearing.
  - 5.6.1 Upon receiving the investigative report, the Parties and their Advisors will have five (5) business days before the hearing to submit any written responses to the Title IX Coordinator who will then share it with the other Party.

## **SECTION 6: Emergency Removal, Interim Suspension or Administrative Leave**

- 6.1 At any point after a Formal Complaint is filed, the University will continue to monitor the case to review for whether any individuals involved shall be placed on interim suspension, administrative leave or any other temporary designation, including emergency removal, until the matter is concluded.

**SECTION 7: Informal Resolution**

7.1 At any time during the process after a Formal Complaint is filed, an informal resolution may be reached, if agreed upon in writing by both Parties. However, if a Formal Complaint involves any type of Title IX Sexual Harassment by an employee against a student, informal resolution is not permitted. The informal resolution may be tailored to the specific situation and allegations.

7.1.1 Methods of informal resolution may include, but are not limited to mediating the situation, training, educational measures, and other agreeable alternative dispute options.

7.1.2 In addition to obtaining voluntary, written consent from both Parties, the University will also provide to both Parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a Formal Complaint arising from the same allegations, provided, however, 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 grievance process with respect to the Formal Complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

7.1.3 An Informal Resolution Agreement is a contract; the Parties remain free to negotiate the terms of the agreement but, once entered into, is binding according to its terms. An Informal Resolution Agreement entered into by both Parties ends the grievance process unless one of the Parties fails to adhere to the terms of the Agreement.

**SECTION 8: Hearing**

8.1 If a Formal Complaint is not dismissed and the Parties are unable to come to an Informal Resolution Agreement, then the matter will proceed to a live hearing with Cross-Examination and the following will apply:

8.1.1 **Notice of Charge.** Prior to the hearing, the Parties will be provided with a charging document that specifically sets forth sufficient information related to the facts and bases of the charge and puts the Parties on notice of what the hearing will address as well as the range of potential sanctions.

8.1.2 **Pre-hearing Meeting.** The Title IX Coordinator will meet with the Parties to discuss the hearing procedures; ensure that both the Complainant and Respondent have an Advisor in advance of the hearing; and explain that the Parties can request that the hearing occur in separate



locations, but the Decision-Maker(s) and Parties must “see and hear” the Party/witnesses answering questions.

8.1.3 **Evidentiary Standard.** To determine whether Sexual Harassment occurred, the Decision Maker(s) shall use a Preponderance of the Evidence standard.

8.1.3.1 “Preponderance of the Evidence” means evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

8.1.4 **Advisors.** Parties are permitted to have an Advisor of their choice, including legal counsel at the expense of the Party. If a Party does not have an Advisor present at the live hearing, the University will provide an Advisor of the University’s choice, without fee or charge to that Party, who may be, but is not required to be, an attorney, to conduct Cross-Examination on behalf of that Party. An Advisor may not be a Witness.

8.1.4.1 The University may establish restrictions regarding the extent to which Advisors may participate in the proceedings, however, any restrictions will apply equally to the Advisors of both Parties.

8.1.4.2 Advisors are not permitted to respond to questions during interviews or live hearings. Each Party is expected to personally respond to questions posed by an Investigator or by any individual authorized to ask questions during a live hearing.

## 8.2 Hearing Procedural Rules

### 8.2.1 Hearing Generally & Questioning

8.2.1.1 The Title IX Coordinator, or a designee, may facilitate the hearing (provide copies of reports, book facilities, ensure equipment is working properly, determine length and provide breaks during hearing, provide copies of audio/video transcripts post hearing etc.) but may play no other role in the hearing.

8.2.1.2 The hearing will be closed to all members of the campus and outside community except those directly involved with the Complaint.

8.2.1.3 At the live hearing, the Decision-Maker(s) will permit each Party’s Advisor to ask the other Party and any witnesses all relevant

questions and follow-up questions, including those questions challenging credibility.

8.2.1.4 At the request of either Party, the University will provide for the hearing to occur with the Parties located in separate rooms with technology enabling the Decision-Maker(s) and Parties to simultaneously see and hear the Party or the witness answering questions. Live hearings pursuant to this Section may be conducted with all Parties physically present in the same geographic location or, at the University's discretion, any or all Parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

8.2.1.5 If a Party fails to appear at any live hearing after receiving proper notice and without notifying the Title IX Coordinator, the hearing will proceed and the Decision-Maker(s) will make a decision based on the evidence subject to Section 8.2.2.1

8.2.2 **Cross-Examination.** Cross-Examination at the live hearing will be conducted directly, orally, and in real time by the Party's Advisor of choice and never by a Party personally. Only relevant Cross-Examination and other questions may be asked of a Party or witness. Before a Complainant, Respondent, or witness answers a Cross-Examination or other question, the Decision-Maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

8.2.2.1 If a Party or witness does not submit to Cross-Examination at the live hearing, the Decision-Maker(s) must not rely on any statement of that Party or witness in reaching a determination regarding responsibility; provided, however, that the Decision-Maker(s) cannot 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, except if the Respondent's statement, itself, constitutes the sexual harassment at issue.

8.2.3 **Decorum.** Parties and their Advisors must not be disruptive, follow reasonable instructions regarding hearing decorum, and must abide by the instructions of the Decision-Maker(s).

8.2.3.1 Investigators may remove Advisors from interviews/meetings and/or may end an interview/meeting at the Investigator's discretion for failure to follow the rules. If an Advisor is

removed from an interview/meeting, the Party will be given the option to end the interview/meeting or to proceed without the Advisor.

8.2.3.2 Advisors may be removed from a live hearing by the Decision-Maker(s) at the Decision-Maker(s)'s discretion for failure to follow the rules set forth in this procedure. If an Advisor is removed from a live hearing, the Party will be given the option to end the hearing or to proceed without the Advisor.

8.2.3.3 If the Party does not wish to proceed without an Advisor, the live hearing will be placed on hold (ended for the day). The hearing will be rescheduled within a reasonable time. The Party without an Advisor may:

- a) Choose another Advisor to attend the rescheduled hearing,
- b) Request that the University appoint an Advisor, or
- c) Advise the Title IX Coordinator that the Party wishes to proceed without an Advisor if Cross-Examination of the opposing Party has occurred.

#### 8.2.4 **Certain Information and Evidence Not Relevant or Inadmissible**

8.2.4.1 **Sexual Evidence.** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

8.2.4.2 **Privileged Evidence.** Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege is not admissible, unless the person holding such privilege has waived the privilege.

8.2.5 **Recordings.** An audio or audiovisual recording, or transcript, of any live hearing will be made and available to the Parties for inspection and review.

8.3 **Notice of Outcome.** The Decision-Maker(s), who will not be the same person(s) as the Title IX Coordinator or the Investigator(s) but will be appointed

by the University, will issue a written determination regarding responsibility, which will occur as soon as practical after a hearing and typically within ten (10) business days.

8.3.1 The written notice of outcome will be sent to both Parties simultaneously and will include:

- a) identification of the allegations potentially constituting Sexual Harassment;
- b) a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) findings of fact supporting the determination;
- d) conclusions regarding the application of BOG Policy 32 to the facts;
- e) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; and
- f) the procedures and permissible bases for the Parties to appeal.

8.3.2 If the Respondent is found responsible in the Notice of Outcome, the Parties will be allowed to submit written positions on the appropriate sanctions within ten (10) business days of the Notice of Outcome.

8.4 **Notice of Sanctions.** If the Respondent is found responsible, the Decision-Maker(s) will then issue a written Notice of Sanctions to both Parties simultaneously, typically within five (5) business days which will set forth any disciplinary sanctions the University imposes on the Respondent; whether remedies designed to restore or preserve equal access to the University's Education Program or Activities will be provided by the University to the Complainant; and the University's procedures and permissible bases for the Parties to appeal.

8.5 **Corrective Action.** If there is a finding of Sexual Harassment, the University will take steps toward immediate corrective action and is responsible for effective implementation of any remedies. The purpose of any such corrective action is to take the appropriate steps to end the misconduct, prevent any further misconduct or retaliation, remedy the effects of misconduct, and eliminate any hostile environment that has been created.

8.5.1 If corrective action involves any type of adverse employment action, then such action will be taken consistent with Human Resources and/or Provost/Faculty procedures and applicable due process.

### **Section 9: Appeal**

- 9.1 **Appeal.** Both the Complainant and the Respondent are entitled to appeal the determination of responsibility in the Notice of Outcome and the sanction in any Notice of Sanctions.
- 9.2 **Timing of an Appeal.** If the Respondent is found not responsible and no Notice of Sanction is issued, the Parties will have five (5) business days from the Notice of Outcome to appeal. If the Respondent is found responsible, then the Parties will have five (5) business days from the Notice of Sanctions to appeal both the outcome and any sanctions.
- 9.2 **Grounds for Appeal.** The bases for appeal are: (a) procedural irregularity that affected the outcome of the matter; (b) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or (c) the Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or respondents generally or the individual Complainant or respondent that affected the outcome of the matter.
- 9.3 **Appeal Responses.** If an Appeal is filed, the other Party will receive a copy of the Appeal and will have five (5) business days to respond. Thus, both Parties will have an opportunity to submit a written statement in support of or challenging the outcome.
- 9.4 **Finality.** The determination regarding responsibility becomes final either on the date that the University provides the Parties with a Determination of Appeal, if an appeal is filed, or the date on which an appeal would no longer be considered timely, if an appeal is not filed,. Typically, the Appeal Officer will decide the appeal in thirty (30) business days.

### **SECTION 10: Retaliation**

- 10.1 Complaints alleging Retaliation, as defined by BOG Policy 32, may be filed according to these Grievance Procedures as it relates to Title IX Sexual Harassment.

### **SECTION 11: Discretion**

- 11.1 The University shall have sufficient latitude and authority to implement any reasonable measures necessary for the fair and efficient administration of these procedures and minor deviations are acceptable as long as such deviations are not found to be materially harmful to a Complainant or Respondent or inconsistent with federal regulations. Further, a Complainant, Respondent, and

the University may agree in advance to minor deviations from these procedures so long as they are not inconsistent with federal regulations.

**SECTION 12: Definitions**

- 12.1 The definitions set forth in West Liberty University Board of Governors Policy 32, Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, Retaliation, and Relationships, are incorporated by reference as if fully set forth herein.
- 12.2 **“Advisor”** means any person intended to assist the Complainant or Respondent during the disciplinary process, including but not limited to, a WLU appointed Advisor, faculty member, legal counsel or other person.
- 12.3 **“Cross-Examination”** means the opportunity to question the opposing Party or any witness who has answered questions posed by the opposing Party or the Decision-Maker(s). The opportunity to cross-examine usually occurs as soon as the other Party completes his or her initial testimony, called direct testimony. Cross-examiners attempt to get the witness to say something helpful to their side, or to cast doubt on the witness's testimony by eliciting something that reduces the witness's credibility -- for example, that the witness's eyesight is so poor that the witness may not have seen an event clearly.
- 12.4 **“Decision-Maker(s)”** means any individual(s) who makes a determination on whether the Respondent is responsible for conduct alleged in a Formal Complaint. Decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the Investigator(s). Decision-maker(s) cannot make decisions on appeals filed in accordance with section of this procedure. The decision-maker may be a single individual or a board comprised of more than one individual.
- 12.5 **“Investigator”** means one or more individuals designated by the University to investigate Formal Complaints. An Investigator cannot be the same person as the Title IX Coordinator and may not serve as a Decision-Maker(s) or make any appeal decisions for a complaint investigated by the Investigator. References in this procedure to the “Investigator” include the plural.
- 12.6 **“Relevant Evidence”** means evidence that has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action. Relevance is determined from a layperson’s perspective and relevance determinations are made based on applying logic and common sense.
- 12.7 **“Title IX Coordinator”** means the individual assigned to serve in this capacity.