



**APPENDIX A: RESOLUTION PROCESS
POLICY PROHIBITING SEX-BASED HARASSMENT, DISCRIMINATION, AND RETALIATION**

SEATTLE UNIVERSITY

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY PROHIBITING SEX-BASED HARASSMENT, DISCRIMINATION, AND RETALIATION (Hereinafter the “Resolution Process”)

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I. PRELIMINARY RESOLUTION STEPS

A. Overview

Seattle University will act on any Notice, Complaint, or Knowledge of a potential violation of the Policy Prohibiting Sex-Based Harassment, Discrimination, and Retaliation (the “Policy”) that is received by the Title IX Coordinator or any other Mandated Reporter by applying the Resolution Process described below. The terms used in this Process have the meanings described in the Policy unless otherwise noted.

The procedures below apply to all allegations of discrimination on the basis of Sex, including Harassment and Retaliation involving Students, staff, administrators, faculty members, or third



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parties. Unionized/other categorized Employees are subject to the terms of their agreements/Employees' rights to the extent those agreements do not conflict with federal or state compliance obligations. The Title IX Coordinator is responsible for coordinating the University's compliance with this Process.¹

B. Collateral Misconduct

Collateral Misconduct is defined to include potential violations of other Seattle University policies not incorporated into the Policy that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all alleged misconduct. Thus, the collateral allegations may be included along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with Seattle University officials who typically oversee such conduct (*e.g.*, Human Resources, Integrity Formation, Academic Affairs) to solicit input as needed on what potential violations should be included, but doing so is within the discretion of the Title IX Coordinator. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the Code of Student Conduct, Faculty Handbook, and Human Resources Policies.

C. Initial Evaluation

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial evaluation to determine Seattle University's next steps. This evaluation will typically occur within seven (7) business days of receiving the Notice, Complaint, or Knowledge of the alleged Policy violation. While the Title IX Coordinator is conducting the initial evaluation, or promptly thereafter, the Title IX Coordinator will contact the Complainant or the source of the Notice to offer Supportive Measures, provide information regarding resolution options, and determine how they wish to proceed.²

The initial evaluation typically includes:

- Assessing whether the reported conduct could reasonably constitute a violation of the Policy.
 - If the conduct could not reasonably constitute a violation of the Policy, the matter will typically be dismissed from the Resolution Process, consistent with the dismissal provision below. If applicable, the conduct will be referred to the appropriate Seattle University office for resolution.
- Determining whether Seattle University has jurisdiction over the reported conduct, as defined by the Policy.
 - If the conduct is not within Seattle University's jurisdiction under this Policy, the matter will typically be dismissed from the Resolution Process, consistent with

¹ 34 CFR 106.44(f).

² VAWA Section 304



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the dismissal provision below. If applicable, the conduct will be referred to the appropriate Seattle University office for resolution.

- Offering and coordinating Supportive Measures for the Complainant.
- Offering and coordinating Supportive Measures for the Respondent.
- Notifying the Complainant, or the person who reported the alleged violation(s), of the resolution process, including a supportive and remedial response, an Informal Resolution option, or the Resolution Process described below.
- Determining whether the Complainant wishes to make a Complaint.
- Notifying the Respondent of the resolution processes, including a supportive and remedial response, an Informal Resolution option, or the Resolution Process described below, if a Complaint is made.

D. Helping a Complainant to Understand Options³

If the Complainant indicates they wish to initiate a Complaint in a manner that can reasonably be construed as reflecting intent to make a Complaint, the Title IX Coordinator will help to facilitate the resolution of the Complaint, which will include:

Working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:

- a supportive and remedial response, and/or
- Informal Resolution, or
- the Resolution Process described below.

The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects to proceed with the Resolution Process below, and the Title IX Coordinator has determined the Policy applies and that Seattle University has jurisdiction, they will coordinate the appropriate Resolution Process, will provide the Parties with a Notice of Investigation and Allegation(s) (NOIA), and will initiate an investigation consistent with these Procedures.

If any Party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option (discussed below), the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and refer the matter, accordingly.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator), though the Complainant may elect to initiate the Resolution Process later, if desired.

³ 34 CFR 106.44(f)(1)



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E. Title IX Coordinator Authority to Initiate a Complaint

If the Complainant does not wish to proceed with the Resolution Process by submitting a Complaint, the Title IX Coordinator, who has ultimate discretion as to whether a Complaint is initiated, will offer Supportive Measures and determine whether to initiate a Complaint themselves.⁴ To make this determination, the Title IX Coordinator will evaluate the Complainant's request to determine whether there is a serious and imminent threat to someone's safety or whether Seattle University cannot ensure equal access to its education program or activity without initiating a Complaint.⁵ The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Complaint:

- The Complainant's request not to proceed with initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of discrimination would occur if a Complaint is not initiated;
- The severity of the alleged discrimination, including whether the discrimination, 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 Seattle University Employee;
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decision-maker in determining whether discrimination occurred;
- Whether Seattle University could end the alleged discrimination and prevent its recurrence without initiating its Resolution Process.⁶

If deemed necessary, the Title IX Coordinator may consult with appropriate Seattle University Employees, and/or conduct a violence risk assessment to aid their determination whether to initiate a Complaint.

When the Title IX Coordinator 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.⁷

F. Dismissal

Seattle University *may*, but is not required to, dismiss a Complaint if, at any time during the investigation or Resolution Process, one or more of the following grounds are met:

⁴ 34 CFR 106.44(f)(1)(v).

⁵ 34 CFR 106.44(f)(1)(v)(B).

⁶ 34 CFR 106.44(f)(1)(v)(A)(1)-(8).

⁷ 34 CFR 106.2 (definition of "Complainant").



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- 1) Seattle University is unable to identify the Respondent after taking reasonable steps to do so;
- 2) Seattle University no longer enrolls or employs the Respondent;
- 3) A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator declines to initiate a Complaint; or
- 4) Seattle University determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven.⁸

A Decision-maker can recommend dismissal to the Title IX Coordinator, if they believe the grounds are met, or the Title IX Coordinator can dismiss a Complaint if they determine one of the above grounds are met. The Title IX Coordinator will make the determination as to whether the above grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, the Title IX Coordinator will promptly send the Complainant a written notification of the dismissal and the basis for dismissal.⁹ If the dismissal occurs after the Respondent has been made aware of the allegations, Seattle University will also notify the Respondent of the dismissal.¹⁰

G. Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint.¹¹ The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been notified of the allegations.¹² All dismissal appeal requests must be submitted to the Title IX Coordinator in writing within three (3) business days of the notification of the dismissal, should specify at least one of the grounds below as the basis for the appeal, and should provide any reasons or supporting evidence for why the ground is met.

The Title IX Coordinator will notify the Party(ies) of any appeal of the dismissal.¹³ If the Complainant appeals but the Respondent had not yet been notified of the Complaint, the Title IX Coordinator must then provide the Respondent with a NOIA and will notify the Respondent of the Complainant's appeal with an opportunity to respond.¹⁴

The grounds for dismissal appeals are limited to:

- 1) Procedural irregularity that would change the outcome;

⁸ 34 CFR 106.44(d)(1).

⁹ 34 CFR 106.44(d)(2).

¹⁰ 34 CFR 106.44(d)(2).

¹¹ 34 CFR 106.44(d)(3).

¹² 34 CFR 106.44(d)(3).

¹³ 34 CFR 106.44(d)(3)(i).

¹⁴ 34 CFR 106.44(d)(3)(i).



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- 2) New evidence that would change the outcome and that was not reasonably available when the dismissal was decided;
- 3) The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome; or

Upon receipt of a dismissal appeal in writing, the Title IX Coordinator will share the appeal with the other Party(ies). This appeal will be provided in writing to the other Party(ies) and the Title IX Coordinator. The non-appealing Party(ies) will have three (3) business days to respond to the appeal. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response(s) provided by the other Party(ies) to the Decision-maker for consideration.

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Decision Maker has seven (7) business days to review and decide on the appeal, though extensions can be granted at the discretion of the Title IX Coordinator, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so. If the Request for Appeal does not provide information that would support one of the grounds above, the request will be denied by the Decision Maker, and the Parties, their Advisors, and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If the Decision Maker determines that some or all of the information in the appeal satisfies one or some of the grounds specified above, then the Decision Maker will notify all Parties and their Advisors, and the Title IX Coordinator, of this determination and their rationale in writing. The effect of such a determination will be to reinstate the Complaint.

The Decision Maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

Throughout the dismissal appeal process, Seattle University will:

- Implement dismissal appeal procedures equally for the Parties;
- Assign a trained Decision-maker who did not take part in an investigation of the allegations or dismissal of the Complaint;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal; and



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- Notify the Parties of the result of the appeal and the rationale for the result.¹⁵

H. *Interim Actions Involving Removal*

1) *Emergency Removal/Interim Suspension of a Student*

Seattle University may emergency remove a Student accused of Sex Discrimination or Sex-Based Harassment upon receipt of Notice/Knowledge, a Complaint, or at any time during the resolution process. Prior to an emergency removal, Seattle University will conduct an individualized risk assessment and may remove the Student if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any Students, Employees, or other persons arising from the allegations of Sex discrimination justifies such action.

When an emergency removal or interim suspension is imposed, wholly or partially, the affected Student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal or interim suspension within two (2) business days of the notification. Upon receipt of a challenge, the Title IX Coordinator will meet with the Student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or lifted. When this meeting is not requested within two (2) business days, objections to the emergency removal or interim suspension will be deemed waived. A Student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Title IX Coordinator for review.

An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX Coordinator will communicate the final decision in writing, typically within three (3) business days of the review meeting.

2) *Placing an Employee on Leave*

When the Respondent is an Employee, or a Student-Employee accused of misconduct in the course of their employment, existing provisions for interim action are typically applicable instead of the above emergency removal process.

¹⁵ 34 CFR 106.44(d)(3)(i)-(vi).



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I. Counter-Complaints

Seattle University is obligated to ensure that the resolution process is not abused for retaliatory purposes. Although Seattle University permits the filing of Counter-Complaints, the Title IX Coordinator will use an initial evaluation, 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 violation of the Policy. Counter-Complaints determined to have been reported in good faith will be processed using the Resolution Process described in this document. At the Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the initial Complaint.

J. Advisors in the Resolution Process

1) Who Can Serve as an Advisor?

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings and interviews during the Resolution Process, including intake.¹⁶ The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.¹⁷ The Title IX Coordinator will offer to assign a trained Advisor to any party if the party chooses. If the Parties choose an Advisor from the pool available from Seattle University, Seattle University will have trained the Advisor and familiarized them with Seattle University's Resolution Process.

Seattle University cannot guarantee equal advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, Seattle University is not obligated to provide an attorney to advise that party.

If a Party wishes to include their Advisor in communications with the Title IX Coordinator and other University officials regarding the Resolution Process, they will be required to execute a release of information form permitting the Title IX Coordinator and University to communicate with the Advisor.

A party may elect to change Advisors during the Resolution Process. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

¹⁶ 34 CFR 106.46(c)(1)(ii)

¹⁷ 34 CFR 106.46(e)(2). "Available" means the Party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being an administrator who has an active role in the matter, or a supervisor who must monitor and implement Sanctions. Additionally, choosing an Advisor who is also a witness in the process creates potential for bias and conflicts of interest. A Party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker.



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Seattle University may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Title IX Coordinator. The decision to grant this request is at the Title IX Coordinator's sole discretion and will be granted equitably to all Parties.

[If a party requests that all communication be made through their attorney Advisor instead of to the party, Seattle University will communicate with the Advisor but continue to copy both the Party on all communications.

2) Advisor's Role in the Resolution Process

Advisors should help the Parties prepare for each meeting and are expected to advise their advisees ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are required to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

3) Advisors' Access to Records

Advisors are entitled to the same opportunity as their advisee to access Relevant evidence and/or the same written investigation report that accurately summarizes this evidence.¹⁸

Advisors are expected to maintain the confidentiality of the records, evidence, and/or investigation report (collectively "records") Seattle University shares with them. Advisors may not disclose any records obtained solely through the Resolution Process for any purpose not explicitly authorized by Seattle University. Accordingly, Advisors may be asked to sign Non-Disclosure Agreements (NDAs). Seattle University may decline to share records with any Advisor who has not executed the NDA. Seattle University may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the Seattle University's confidentiality requirements.

4) Advisor Expectations

Seattle University expects an Advisor to adjust their schedule to allow them to attend Seattle University meetings, interviews, and hearings with their advisees when planned, but Seattle University may change scheduled meetings, interviews, and hearings to accommodate an Advisor's inability to attend, when, in Seattle University's sole discretion, doing so does not cause an unreasonable delay in the Resolution Process.

¹⁸ 106.46(e)(6).



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Seattle University may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting, interview, or hearing by telephone, video conference, or other similar technology.

All Advisors are subject to the same Seattle University policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by Seattle University. Advisors are expected to advise their advisees without disrupting proceedings.

5) Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, shares information or evidence in a manner inconsistent with the Policy, refuses to comply with Seattle University's established rules of decorum, or otherwise violates a Seattle University policy while performing their duties and expectations as an Advisor will first be warned that they are in violation of a University policy, rule, or expectation and must cease the offending conduct immediately. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting, interview, or hearing may be ended, and other appropriate measures may be implemented, which may include Seattle University requiring the Party to use a different Advisor or providing a different Seattle University-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role. The Advisor may also be subject to discipline set forth in other Seattle University policies.

II. RESOLUTION PROCESS

This Resolution Process, consisting of Informal Resolution or Hearing Resolution, is Seattle University's chosen approach to addressing all forms of discrimination on the basis of Sex, as defined by the Policy. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion.

Resolution proceedings are Private. All individuals present at any time during the Resolution Process are expected to maintain the Privacy of the proceedings in accordance with Seattle University Policy.

A. *Informal Resolution*¹⁹

Through the Title IX Coordinator, Seattle University may offer the Parties an opportunity to resolve the Complaint through an informal resolution process, unless the Complaint includes an allegation that an Employee engaged in Sex-Based Harassment of a Student.²⁰

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a Final Determination, or the Title IX Coordinator may offer the option to the Parties, in writing. Seattle University will obtain voluntary, written

¹⁹ 34 CFR 106.44(k).

²⁰ 106.44(k)(1).



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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.²¹

Before initiation of an Informal Resolution process, Seattle University will provide the Parties with a Notice of Investigation and Allegations (“NOIA”) that explains:

- The allegations;
- The requirements of the Informal Resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume Seattle University’s Resolution Process;
- That the Parties’ agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the resolution process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties; and
- What information Seattle University will maintain, and whether and how it could disclose such information for use in its Resolution Process.²²

Seattle University offers four categories of Informal Resolution:

- 1) **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures designed to remedy the situation.
- 2) **Educational Conversation.** When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant’s concerns and institutional expectations or can assist the Complainant in their desire to confront the conduct.
- 3) **Accepted Responsibility.** When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to Sanctions, and the Complainant(s) and Seattle University are agreeable to the resolution terms.
- 4) **Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Decision-maker.

²¹ 106.44(k)(2).

²² 106.44(k)(3).



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It is not necessary to pursue Informal Resolution first in order to pursue a Hearing Resolution Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Hearing Resolution Process.

If an investigation is already underway, the Title IX Coordinator 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 Title IX Coordinator 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 Integrity Formation for failure to comply, application of the enforcement terms of the Agreement, etc.). The results of Complaints resolved by Alternative Resolution are not appealable.

If an Informal Resolution option is not available or selected, Seattle University will initiate or continue an investigation and subsequent Resolution Process to determine whether the Policy has been violated.

B. Hearing Resolution Process

1) Notice of Investigation and Allegations

Prior to an investigation, the Title IX Coordinator will provide the Parties with a detailed written NOIA. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

The NOIA typically includes:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence
- The name of the Investigator, along with a process to identify to the Title IX Coordinator, in advance of the interview process, any conflict of interest that the Investigator may have



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- A statement that Seattle University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all Relevant evidence
- A statement that Retaliation is prohibited
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share Seattle University work product obtained through the Resolution Process
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process
- A statement informing the Parties that Seattle University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how a party may request disability accommodations during the Resolution Process
- Seattle University's VAWA Brochure
- An instruction to preserve any evidence that is directly related to the allegations
- A statement that Parties who are members of a union are entitled to union representation throughout the process

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the Parties as indicated in official Seattle University records, or emailed to the Parties' Seattle University-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

2) Resolution Timeline

Seattle University will make a good faith effort to complete the Resolution Process within sixty to ninety (60-90) business days, including any appeals, which can be extended as necessary for appropriate cause by the Title IX Coordinator. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take longer, depending on issues such as



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the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, Seattle University reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process.

Seattle University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to delay the investigation temporarily, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. Seattle University will promptly resume its Resolution Process as soon as feasible. During such a delay, Seattle University will implement and maintain supportive measures for the Parties as deemed appropriate.

Seattle University action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Seattle University will make a good faith effort to complete the Resolution Process as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the process.

3) Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Investigator, and Decision-maker, may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator, Decision-maker, and Appeals Decision-maker for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the Parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another trained individual will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Vice President for Diversity and Inclusion.

The Resolution Process involves an objective evaluation of all available Relevant and not otherwise impermissible evidence, including evidence that supports that



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the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

4) Investigator Appointment

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator to conduct it. These Investigators may be any properly trained Investigator, whether internal or external to Seattle University's community.

5) Witness Role and Participation in the Investigation

Employees (not including Complainant and Respondent) are required to cooperate with and participate in Seattle University's investigation and Resolution Process. Student witnesses and witnesses from outside the Seattle University community cannot be required to participate but are encouraged to cooperate with Seattle University 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, etc.), or, in limited circumstances, by telephone. Seattle 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, though not preferred.

6) Interview Recording

In some instances, Investigators may record interviews pertaining to the Resolution Process (other than Informal Resolution meetings). If so, the Parties may review copies of their own interviews, upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings. If an Investigator elects to audio and/or video record interviews, all involved individuals should be made aware of audio and/or video recording.

All interviews are recorded. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.



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7) Evidentiary Considerations

The Investigator and the Decision-maker will only consider evidence that is deemed Relevant and not otherwise impermissible.

Relevant evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

Impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent.

The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent or preclude a determination that Sex-Based Harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate Sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the Sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be Relevant unless it is fact evidence or relates to a pattern of conduct.

8) Respondent Admits Responsibility

At any point in the proceedings, if a Respondent elects to admit to the alleged violations and waive further process, the Decision-maker is authorized to accept that admission, adopt it as their Finding/Final Determination, and administer Sanctions. This would also waive all rights to appeal for the Respondent. If the Respondent rejects the Finding/Final Determination/Sanctions, or does not admit to all conduct alleged, the Resolution Process continues to its conclusion.

9) Investigation

All investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviews with all Relevant Parties and witnesses, obtaining Relevant evidence, and identifying sources of expert information, as necessary.



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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.

Seattle University may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator typically takes the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the Complainant.
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.
- Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations.
- Commence a thorough, reliable, and impartial investigation by 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.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.
- Interview the Complainant and the Respondent and conduct follow-up interviews with each, as necessary.
- Interview all available, Relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the Relevant evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator to ask of another party and/or witnesses. Document in the investigation report which questions were asked, with a rationale for any changes or omissions.



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- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a Finding.
- Ask the Parties to provide a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed Relevant, and for any question deemed not Relevant, will provide a rationale for not asking the question.
- Write 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.
- Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all Relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- The Investigator may share the investigation report with the Title IX Coordinator and/or legal counsel for their review and feedback.

10) Live Hearing Requirements

The following provisions apply to a live hearing:

- **Hearing Venue Options and Recordings.** The live hearing may occur in person or via video technology. The Decision-maker and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Title IX Coordinator's discretion.
 - The Parties may make a request to the Title IX Coordinator that the hearing occur in person or via video technology, but they must do so at least three (3) business days prior to the hearing. The Title IX Coordinator retains discretion to determine whether the hearing will occur in person or via video technology.
 - All hearings will be recorded, and Parties may request a copy of the recording from the Title IX Coordinator following the live hearing.
 - No unauthorized recordings are permitted.
- **Hearing Participants.** Persons who may be present for a hearing include the Decision-maker, hearing facilitator, Investigator, the Parties and their Advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, University Counsel, and anyone else deemed



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necessary by the Decision-maker. Witnesses are present only during their portion of the testimony.

- **Advisors.** The Parties may have the assistance of an Advisor of their choosing at the hearing or can request that Seattle University appoint a trained Advisor for them. Appointed Advisors are not attorneys. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves.
 - Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a matter consistent with Policy.
 - All questions during the hearing will be asked by the Decision-maker. Parties and Advisors may suggest questions to be posed by the Decision-maker during the pre-hearing meetings or by submission of written questions during the hearing. The method of submitting questions to the Decision-maker will be specified by the Decision-maker during the pre-hearing meetings.
- **Impact/Mitigation Statements.** Each party may submit an impact and/or mitigation statement to the Title IX Coordinator that the Decision-maker will review during any Sanction determination, if applicable.
 - Upon receipt of an impact and/or mitigation statement, the Title IX Coordinator will review the impact/mitigation statement to determine whether any immediate needs exist.
 - The Title IX Coordinator will only provide the impact statements to the Decision-maker if the Decision-maker determines that the Policy has been violated. If the Title IX Coordinator shares the impact statements with the Decision-maker, they will also be shared with the Parties.
- **Disability Accommodations and Other Assistance.** Parties should contact the Title IX Coordinator at least five (5) business days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, if possible.
- **Conflicts of Interest or Bias.** The Decision-maker must not have a bias for or against Complainants or Respondents generally or the individual Complainant or Respondent in particular.
 - The Decision-maker must recuse themselves if such bias or conflict of interest exists.
 - If the Decision-maker believes there is possible conflict of interest or bias, they will consult with the Title IX Coordinator about possible recusal or removal.
 - The Parties may raise challenges that the Decision-maker is biased or has a conflict of interest. The Parties must raise challenges with the Title IX Coordinator within two (2) business days of receiving the hearing notice. Challenges must include a rationale.



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- The Title IX Coordinator will only remove and replace a Decision-maker in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
- If a Decision-maker recuses themselves as the result of a conflict of interest or bias, or is removed, the Title IX Coordinator will promptly appoint a new Decision-maker who does not have a conflict of interest or bias and notify the Parties accordingly.
- **Evidence Provided to Decision-maker and Parties.**
 - The Decision-maker will be provided electronic copies of the Final Investigation Report and all Relevant but not impermissible evidence, including the names of all Parties, witnesses, and Advisors, at least seven (7) business days in advance of the hearing.
 - The Parties will be provided with electronic copies of all the materials provided to the Decision-maker as part of the hearing notice, unless those materials have already been provided.²³

11) Hearing Notice

The Title IX Coordinator will send the Parties a Notice of Hearing with sufficient time for the Parties to prepare for the hearing, typically at least seven (7) business days prior to the hearing. Once emailed, notice will be presumptively delivered. The hearing notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential Sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- A description of any technology that will be used to facilitate the hearing.
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the Parties and witnesses participating in the hearing, the identity of the Decision-maker, details related to questioning, the role of Advisors, impact/mitigation statements, and how to request disability accommodations or other assistance.

12) Witness Participation

Student witnesses are encouraged to participate in, and make themselves reasonably available for, the hearing. Employee witnesses are expected to participate in, and make themselves reasonably available for, the hearing. Witnesses may participate in-person or via video technology that allows the

²³ Hard-copy materials may be provided upon request to the Title IX Coordinator. The Final Investigation Report and Relevant evidence may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.



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Decision-maker and the Parties to see and hear the witness while that person is speaking. Witnesses are not permitted to be accompanied by an Advisor without express permission of the Title IX Coordinator. At the discretion of the Decision-maker, a witness may join by phone if no other reasonable alternative is available.

If any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Title IX Coordinator may reschedule the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet Seattle University's resolution timeline and ensure a prompt resolution. Employees, including Parties and witnesses, who do not have 12-month contracts are still expected to participate in Resolution Processes that occur during months between contracts.

The Title IX Coordinator will notify all witnesses of their requested participation in the hearing at least five (5) business days prior to the hearing. Witnesses will be present for the hearing only during their testimony.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator, unless:

- All Parties and the Decision-maker assent to the new witness's participation in the hearing without remanding the Complaint back to the investigator, and
- The Decision-maker deems the evidence presented by the new witness to be Relevant, not impermissible, and not information already established in the record, and
- The witness's late involvement was not the result of bad faith by the witness, the Parties, or others.

If the above criteria are not met, but the witness's evidence is deemed Relevant, not impermissible, and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing.
- Provide the Parties at least five (5) business days to review the Relevant portions of the new witness's statements, if such statements are submitted.
- Remand the Complaint back to the Investigator for further investigation or verification.



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- Allow the Parties to review and comment on the testimony of the new witness.

If the evidence is deemed not Relevant or impermissible, the Decision-maker may proceed with the hearing absent the new witness's participation.

13) Hearing Procedures

i. Evidentiary Considerations

The Parties must provide all evidence to the Investigator prior to completing the Final Investigation Report. Evidence offered after that time will be evaluated by the Decision-maker for relevance. If deemed Relevant and not impermissible, the Parties and Decision-maker must agree to admit it into the record. If the evidence is deemed not Relevant or impermissible, the Decision-maker may proceed with the hearing absent the new evidence.

The new Relevant evidence will be admitted to the record if:

- All Parties and the Decision-maker assent to the new evidence being included in the hearing without remanding the Complaint back to the investigator, and
- The evidence is not duplicative of evidence already in the record, and
- It is not impermissible, and
- The new evidence was either not reasonably available prior to the conclusion of the Final Investigation Report, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses, or others.

If the above criteria are not met, but the evidence is deemed materially Relevant and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing.
- Provide the Parties with at least five (5) business days to review the Relevant evidence.
- Remand the Complaint back to the Investigator for further investigation or analysis.
- Allow the Parties to review and comment on the new evidence.

If the evidence is deemed not Relevant or impermissible, the Decision-maker may proceed with the hearing without allowing the new evidence.

14) Collateral Misconduct



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The Decision-maker has the authority to hear and make determinations on all allegations of Sex-Based Discrimination, Harassment, Retaliation, and Other Prohibited Behavior under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the Sex-Based Discrimination, Harassment, Retaliation, or Other Prohibited Behavior, even though those collateral allegations may not specifically fall within the Policy.

15) Joint Hearings

In Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or Complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Complaint with respect to each alleged Policy violation.

16) Introductions and Hearing Procedure Explanation

The Decision-maker will explain the hearing procedures and introduce the participants. The Decision-maker will answer any procedural questions prior to and as they arise throughout the hearing.

17) Investigator Presentation of Final Investigation Report

The Investigator will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. The Investigator may be questioned first by the Decision-maker and then by the Parties. The Investigator may attend the duration of the hearing or be excused after their testimony at the Decision-maker's discretion.

18) Testimony and Questioning

The Parties and witnesses may provide Relevant information in turn, beginning with the Complainant's opening statement, then the Respondent's, and then questioning in the order determined by the Decision-maker. The Decision-maker will facilitate questioning of the Parties and witnesses first by the Decision-maker and then by the Parties through the Decision-maker. Questions that the Parties wish to have posed can be questions for that party themselves, another party, or witnesses.



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The Decision-maker will explain any decision to exclude a question as not Relevant, or to reframe it for relevance. The Decision-maker will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive. The Decision-maker has final say on all questions and determinations of relevance and appropriateness. The Decision-maker may consult with legal counsel on any questions of admissibility.

The Decision-maker then poses the questions deemed Relevant, not impermissible, and appropriate to the party and/or witness.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Decision-maker may elect to address those issues, consult with legal counsel, refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not an issue at the hearing, the Decision-maker should not permit irrelevant questions that probe for Investigator bias.

The Decision-maker will allow witnesses who have Relevant and not impermissible information to appear at a portion of the hearing to respond to specific questions from the Decision-maker and the Parties, and the witnesses will then be excused.

19) Refusal to Submit to Questioning and Inferences

Any Party or Student witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. Employee witnesses are required to participate in the hearing if they are reasonably available. The Decision-maker can only rely on the available Relevant and not impermissible evidence in making the ultimate determination of responsibility. The Decision-maker may not draw any inference **solely** from a party's or witness's absence from the hearing or refusal to answer any or all questions.²⁴

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

20) Hearing Recordings

²⁴ 34 CFR 106.46(1)(ii)(B)(4)



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Seattle University records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recording of any kind is permitted during the hearing.

The Decision-maker, the Parties, their Advisors, Appeal Decision-makers, and other appropriate Seattle University officials will be permitted to review the recording or review a transcript of the recording upon request to the Title IX Coordinator. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

21) Deliberation and Determination

After closing statements from the Parties, the Decision-maker will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the standard of proof. Deliberations are not recorded.

When there is a Finding of responsibility for one or more of the allegations, the Decision-maker may then consider any previously submitted impact and/or mitigation statement(s) provided by the Parties in determining appropriate Sanction(s). The Title IX Coordinator will ensure that any submitted statements are exchanged between the Parties if they are viewed by the Decision-maker. Impact/mitigation statements do not influence the Finding, they only potentially influence the Sanctions.

The Decision-maker will then prepare and provide the Title IX Coordinator with a written outcome letter detailing all Findings and Final Determinations, the rationale(s) explaining the decision(s), the Relevant and not impermissible evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any Sanction(s) and rationales explaining the Sanction(s).

This statement is usually five to fifteen (5-15) pages in length and is typically submitted to the Title IX Coordinator within ten (10) business days from the conclusion of the hearing, unless the Title IX Coordinator grants an extension. The Title IX Coordinator will notify the Parties of any extension.

22) Sanctions

For the purposes of Sanctioning, the Decision-maker will consult with the Provost (for Student and Faculty Respondents) or **INSERT HR REP TO CONSULT WITH** (for staff Respondents) to assure that the appropriate level of Sanctioning is imposed. Factors considered by the Decision-maker when determining Sanctions and responsive actions may include, but are not limited to:



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- 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 Sex-Based Discrimination, Harassment, and/or Retaliation
- The need for Sanctions/responsive actions to prevent the future recurrence of Sex-Based Discrimination, Harassment, and/or Retaliation
- The need to remedy the effects of the Sex-Based Discrimination, Harassment, and/or Retaliation on the Complainant and the community
- The impact on the Parties
- Any other information deemed Relevant by the Decision-maker

The Sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The Sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or Sanctions imposed, by external authorities.

i. Student and/or Student Club or Organization Sanctions

The following are common Sanctions that may be imposed upon Students singly or in combination. Student and Recognized Student Club or Organization Sanctions are outlined in Section 3.4 of the Code of Student Conduct, and include:

- Disciplinary Warning
- Disciplinary Probation
- Interim Suspension
- Deferred Suspension
- Suspension
- Dismissal
- Residence Hall Suspension or Dismissal
- Limitation or Loss of Privileges
- Parent/Guardian Notification
- Educational and/or Developmental Sanctions
- Withholding Honors and/or Degrees
- Revocation of Admission and/or Degrees
- Restitution, Fines, and/or Fees

ii. Employee Sanctions/Responsive/Corrective Actions



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Responsive actions for an Employee who has engaged in Sex-Based Discrimination, Harassment, and/or Retaliation include:

- Verbal or Written Warning
- Performance Improvement Plan
- Enhanced Supervision, Observation, or Review
- Required Training or Education
- Denial of Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Schedule adjustments
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above Sanctions/responsive actions, Seattle University may assign any other responsive actions as deemed appropriate.

23) Notice of Outcome

Within ten (10) business days of the conclusion of the Resolution Process, the Title IX Coordinator provides the Parties with a written outcome notification. The outcome notification will specify the Finding for each alleged Policy violation, any applicable Sanctions that the Seattle University is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker, supporting the Findings to the extent Seattle University is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to take to request an appeal, and when the determination is considered final if neither Party appeals.

The Title IX Coordinator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as



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indicated in official Seattle University records, or emailed to the Parties' Seattle University-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

24) Withdrawal or Resignation Before Complaint Resolution

a. Students

Should a Student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a Student Respondent withdraws from Seattle University, the Resolution Process may continue, or Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, Seattle University will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged Sex-Based Discrimination, Harassment, and/or Retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, Seattle University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Sex-Based Discrimination, Harassment, and/or Retaliation.

When a Student withdraws or leaves while the process is pending, the Student may not return to Seattle University in any capacity until the Complaint is resolved and any Sanctions imposed are satisfied. If the Student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Complaint. The Registrar and Office of Admissions will be notified, accordingly.

If the Student Respondent takes a leave for a specified period of time (e.g., one quarter or semester), the Resolution Process may continue remotely. If found in violation, that Student is not permitted to return to Seattle University unless and until all Sanctions, if any, have been satisfied.

b. Employees

Should an Employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an Employee Respondent resigns or otherwise departs from Seattle University with unresolved allegations pending, the Resolution Process may continue, or Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed,



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Seattle University may still provide reasonable Supportive or remedial Measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged Sex-Based Discrimination, Harassment, and/or Retaliation.

When an Employee resigns and the Complaint is dismissed, the Employee may not return to Seattle University in any capacity. Human resources, the registrar, and Admissions will be notified, accordingly, and a note will be placed in the Employee's file that they resigned with allegations pending and are not eligible for academic Admission or rehire with Seattle University. The records retained by the Title IX Coordinator will reflect that status.

25) Appeal of the Determination

The Title IX Coordinator will designate a single trained internal or external Appeal Decision-maker to hear the appeal. No Appeal Decision-maker will have been previously involved in the Resolution Process for the Complaint, including in any Supportive Measure or dismissal appeal that may have been heard earlier in the process.

a. Appeal Grounds

Appeals are limited to the following grounds:

- 1) A procedural irregularity that would change the outcome
- 2) New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made
- 3) The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that would change the outcome
- 4) The Sanctions are disproportionate to the outcome, considering the cumulative conduct/disciplinary record of the Respondent (applicable to Sanctions of suspension, dismissal, or termination, only)

b. Appeals

Any Party may submit a written request for appeal to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

The appeal will be forwarded to the appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a



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Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the appeal does not provide information that meets the grounds in this Policy, the request will be denied by the appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the grounds in the appeal meet the grounds in this Policy, then the appeal Decision-maker will notify all Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator and/or the original Decision-maker.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator and/or the Decision-maker will be provided a copy of the appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing Party (if any) may also choose to appeal at this time. If so, that Appeal will be reviewed by the Decision-maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the Party who initially requested an appeal, the Title IX Coordinator, and the Investigator and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties will be notified accordingly, in writing.

No Party may submit any new Appeals after this time period. The Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the appeal Decision-maker, who will promptly render a decision.

c. Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The appeals Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.



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Appeal decisions are to be deferential to the original determination, making changes to the Finding only when there is clear error and to the Sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence standard.

An appeal is not an opportunity for the appeal Decision-maker to substitute their judgment for that of the original Decision-maker merely because they disagree with the Finding and/or Sanction(s).

The appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

d. Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator and/or Decision-maker or the Title IX Coordinator (as in cases of bias), the appeal Decision-maker may order a new investigation and/or a new determination with new trained individuals serving in the Investigator and/or Decision-maker roles.

A notice of appeal Outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The appeal outcome will specify the Finding on each ground for appeal, any specific instructions for remand or reconsideration, any Sanction(s) that may result which Seattle University is permitted to share according to federal or state law, and the rationale supporting the essential Findings to the extent Seattle University is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official institutional records, or emailed to the Parties' Seattle University-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the appeal outcome will be presumptively delivered.



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Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or Sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the Finding or Sanction, that decision is final. When an appeal results in a new Finding or Sanction, that Finding or Sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the four available appeal grounds.

e. Sanction Status During the Appeal

Any Sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and Supportive Measures may be maintained or reinstated until the appeal determination is made.

If any of the Sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures (detailed above) for a “show cause” meeting on the justification for doing so must be permitted within two (2) business days of implementation.

26) Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any Sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term Remedies or actions with respect to the Parties and/or the Seattle University community that are intended to stop the Sex-Based Discrimination, Harassment, and/or Retaliation, remedy the effects, and prevent recurrence.

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

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for Employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance



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- Implementation of long-term contact limitations between the Parties
 - Implementation of adjustments to academic deadlines, course schedules, etc.
- At the discretion of the Title IX Coordinator, certain long-term Supportive Measures may also be provided to the Parties even if no Policy violation is found.

When no Policy violation is found, the Title IX Coordinator will address any Remedies Seattle University owes the Respondent to ensure no effective denial of educational access.

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

27) Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned Sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker, including the Appeal Decision-maker or the Informal Resolution agreement.

Failure to abide by the Sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional Sanction(s)/action(s), including suspension, dismissal, and/or termination from Seattle University. Supervisors are expected to enforce the completion of Sanctions/responsive actions for their Employees.

A suspension imposed for non-compliance with Sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

28) Recordkeeping²⁵

For a period of at least seven (7) years following the conclusion of the Resolution Process, Seattle University will maintain records of:

- i. Each Sex-Based Discrimination, Harassment, and Retaliation Resolution Process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation
- ii. Any disciplinary Sanctions imposed on the Respondent
- iii. Any Supportive Measures provided to the Parties and any Remedies provided to the Complainant or the community designed to restore or preserve equal access to the Seattle University's education program or activity
- iv. Any appeal and the result therefrom

²⁵ 34 CFR 106.8(f)



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- v. Any Informal Resolution and the result therefrom
- vi. All materials used to provide training to the Title IX Coordinator, Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitator, and any person who is responsible for implementing Seattle University's Resolution Process, or who has the authority to modify or terminate Supportive Measures. Seattle University will make these training materials available for review upon request.
- vii. All materials used to train all Employees consistent with the requirements in the Title IX Regulations.

Seattle University will also maintain any and all records in accordance with state and federal laws.

III. ACCOMMODATIONS AND SUPPORT DURING THE RESOLUTION PROCESS

A. Disability Accommodations²⁶

Seattle University is committed to providing reasonable accommodations and support to qualified Students, Employees, or others with disabilities to ensure equal access to the Seattle University's Resolution Process.

Anyone needing such accommodations or support should contact the Title IX Coordinator, who will work with disability support colleagues 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.

B. Other Support

Seattle University will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Resolution Process
- Other support as deemed reasonable and necessary to facilitate participation in the Resolution Process

IV. REVISION OF THESE PROCEDURES

These procedures succeed any previous procedures addressing Sex-Based Discrimination, Harassment, and/or Retaliation for incidents occurring on or after August 1, 2024. The Title IX Coordinator will regularly review and update these procedures. Seattle University

²⁶ 34 CFR 106.8(e)



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reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

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

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

These procedures are effective August 1, 2024.

V. TITLE IX PARTNERS

The Resolution Process relies on a pool of Title IX Partners to carry out the process. Title IX Partners may be Employees of Seattle University or may be externally sourced.

A. *Title IX Partner Roles*

Title IX Partners are trained annually, and can serve in the following roles, at the discretion of the Title IX Coordinator:

- Appropriate intake of an initial guidance pertaining to Complainants
- Advisor to the Parties
- Informal Resolution Facilitator
- Perform or assist with initial evaluation
- Investigator
- Hearing Facilitator
- Decision-maker for challenges to emergency removal and Supportive Measures
- Decision-maker
- Appeal of Dismissal Decision-Maker
- Appeal Decision-maker

B. *Title IX Partner Appointment*

The Title IX Coordinator, in consultation with senior administrators as necessary, appoints the Title IX Partners, which act with independence and impartiality. Although Title IX Partners are typically trained in a variety of skills sets and can rotate amongst the different roles listed above in different Complaints, Seattle University can also designate permanent roles for individual Title IX Partners.

C. *Training*²⁷

Title IX Partners receive annual training related to their respective roles. This training may include, but is not limited to:

- The scope Seattle University's Policy Prohibiting Sex-Based Harassment, Discrimination, and Retaliation

²⁷ 34 CFR 106.8(d)(2)



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- Seattle University's Resolution Process
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias and confirmation bias
- Treating Parties equitably
- Disparate Treatment
- Disparate Impact
- Reporting, confidentiality, and Privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
 - How to implement appropriate and situation-specific Remedies
 - How to investigate in a thorough, reliable, timely, and impartial manner
 - Trauma-informed practices pertaining to investigations and resolution processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render Findings and generate clear, concise, evidence-based rationales
 - The definitions of all prohibited conduct
 - How to conduct an investigation and grievance process, including administrative resolutions, hearings, appeals, and Informal Resolution Processes
- How to serve impartially by avoiding prejudice of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of Sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance and creating an investigation report that fairly summarizes Relevant and not impermissible evidence
- How to determine appropriate Sanctions in reference to all forms of Sex-Based Discrimination, Harassment, and/or Retaliation allegations
- Recordkeeping

Additional Training Elements Specific to Title IX

All investigators, Decision-makers, and other persons who are responsible for implementing Seattle University's Title IX policies and procedures will receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or this part, and annually thereafter. Materials will not rely on sex stereotypes. Training topics include, but are not limited to:



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- How to conduct a Sex discrimination resolution process consistent with the Resolution Process for the Policy Prohibiting Sex-Based Harassment, Discrimination, and Retaliation, including issues of Disparate Treatment, Disparate Impact, Sex-Based Harassment, Quid Pro Quo, Hostile Environment Harassment, and Retaliation
- The meaning and application of the term “Relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the Title IX Regulations
- Training for Informal Resolution facilitators on the rules and practices associated with Seattle University’s Informal Resolution process
- The role of the Title IX Coordinator
- Supportive Measures
- Clery Act/VAWA requirements applicable to Title IX
- Seattle University’s obligations under Title IX
- How to apply definitions used by Seattle University with respect to Consent (or the absence or negation of Consent) consistently, impartially, and in accordance with Policy
- Reasonable modifications and specific actions to prevent discrimination and ensure equal access for pregnancy or related conditions
- Any other training deemed necessary to comply with Title IX