

**QUEENS UNIVERSITY OF CHARLOTTE’S TITLE IX
NONDISCRIMINATION POLICY, AND SMIV POLICY**

**NOTICE OF NONDISCRIMINATION, AND GRIEVANCE PROCEDURES FOR (A)
COMPLAINTS OF SEX DISCRIMINATION; AND (B) COMPLAINTS OF SEX-BASED
HARASSMENT INVOLVING A STUDENT COMPLAINANT OR RESPONDENT**

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I. Nondiscrimination Policy

Queens University does not discriminate on the basis of sex and prohibits sex discrimination in any Education Program or Activity that it operates, as required by Title IX, including in admission and employment. Sex discrimination includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

II. Notice of Nondiscrimination

Queens University, in compliance with and as required by Title IX of the Education Amendments Act of 1972 and its implementing regulations ("Title IX") and other civil rights laws, as well as in furtherance of its own values as a higher education institution, does not discriminate in any Education Program or Activity that it operates on the basis of race, color, national origin, sex, sex stereotypes, sex characteristics, sexual orientation, gender, gender identity, gender expression, pregnancy or related conditions, disability, age, religion, veteran status, or any other characteristic or status protected by applicable local, state, or federal law in admission, treatment, access to, or employment in, its programs and activities.

Discrimination and harassment are antithetical to the values and standards of the Queens University community; are incompatible with the safe, healthy environment that the Queens University community expects and deserves; and will not be tolerated. Queens University is committed to providing programs, activities, and an education and work environment free from discrimination and harassment. Queens University is also committed to fostering a community that promotes prompt reporting and fair and timely resolution of those behaviors.

Inquiries about Title IX or any SMIV concerns may be referred to Queens University's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

Queens University's Title IX Coordinator is Kathryn Smith, Director of Equity Services and Title IX/Title IX Coordinator, Morison Hall #200, smithk15@queens.edu, 704-337-2228.

Queens University's Deputy Title IX Coordinator is Maddie Poirier, Morrison Hall #208, poirierm@queens.edu, 704-337-2591.

Queens University's nondiscrimination policy and grievance procedures can be located at [Title IX & Sexual Misconduct - Queens University of Charlotte](#).

To report information about conduct that may constitute sex discrimination or make a Complaint of sex discrimination under Title IX, please refer to our webpage at [Title IX & Sexual Misconduct - Queens University of Charlotte](#).

If you are experiencing an emergency, please immediately contact Campus Safety and Police, Watkins Hall, 704 337-2306 or call 911.

Individuals also may make inquiries regarding discrimination or harassment to the U.S. Department of Education's Office for Civil Rights by contacting the District of Columbia Office, 400 Maryland Avenue, SW, Washington, DC 20202-1475; Phone: 800-42. 481; email: OCR@ed.gov.

III. Provisions Applicable to Both Section IV. and Section V. Grievance Procedures

3.01 Reporting and Period of Limitations

Any person may report sex discrimination or Sex-Based Harassment in person, by mail, by telephone, or by electronic mail, using the contact information for the Title IX Coordinator or Deputy Title IX Coordinator listed in this document, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours).

Queens University requires all employees and other members of the Queens University community to promptly report concerns regarding suspected or known sex discrimination and/or Sex-Based Harassment to the Title IX Coordinator.

If you are experiencing an emergency, please immediately contact Campus Safety and Police, Watkins Hall, 704 337-2306 or call 911.

Additionally, Queens University has designated the following employees as Confidential Employees (providing free services):

- Queens University Counseling Services: QUCounseling@AtriumHealth.org, 24/7 Hotline: 704-337-2556, Watkins Hall (Behind Campus Safety and Police)
- Chaplain Adrian Bird, Belk Chapel, birda@queens.edu, 704-337-2290
- Rabbi Judy Schindler, schindlerj@queens.edu, 704-337-2507, Watkins 204
- Health and Wellness Center/Atrium, 2322 Wellesley Avenue, Charlotte, NC 28274, 704-337-2220, <http://www.queens.edu/Student-Life/Health-and-Wellness-Services.html>

Information about sex discrimination or harassment shared with these Confidential Employees typically will not be reported to other Queens University personnel (including the Title IX Coordinator), to the Respondent, or to others, unless the disclosing individual gives their consent to the disclosure or the law requires it (as may be the case with abuse involving a minor or under conditions involving imminent physical harm, for example). Confidential Employees may report non-identifying statistical information to the Title IX Coordinator for recordkeeping and compliance purposes.

Queens University requires Confidential Employees to explain to any person who informs them of conduct that reasonably may constitute sex discrimination: (1) the employee's status as confidential, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination; (2) how to contact [I.N.'s] Title IX Coordinator and how to make a Complaint of sex discrimination; and (3) that the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an informal resolution process or an investigation under Queens University's Title IX grievance procedures.

Queens University will address allegations of sex discrimination and Sex-Based Harassment appropriately no matter the length of time that has passed since the alleged conduct. However, Queens University strongly encourages prompt reporting to preserve evidence for a potential legal or disciplinary proceeding. Delay may compromise the ability to investigate, particularly if the

individuals involved in the alleged conduct are no longer Queens University Students or employees.

3.02 Public Awareness Events

To the extent information about conduct that reasonably may constitute sex discrimination (including Sex-Based Harassment) under Title IX was provided by a person during a public event to raise awareness about sex discrimination that was held either on campus or through an online platform sponsored by Queens University, Queens University is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a Complainant, any Students, employees, or other persons. Queens University will use this information, however, to inform its efforts to prevent sex discrimination, including by providing tailored training to address alleged sex discrimination in a particular part of its Education Program or Activity or at a specific location when information indicates there may be multiple incidents of sex discrimination.

3.03 Effect of Respondent Withdrawal, Graduation, or Resignation During Grievance Process

At the discretion of Queens University, a Respondent who withdraws or resigns from Queens University during the pendency of a grievance process under the grievance procedures set forth below may be barred from Queens University property and Queens University activities and events and may be ineligible for re-enrollment or to be re-hired. If a Respondent completes all requirements to graduate during the grievance process, Queens University may hold the Respondent's diploma until full resolution of the Complaint.

3.04 Privacy and Disclosure

Except as may be permitted by FERPA or as required by law or to carry out any investigation or resolution of sex discrimination and/or Sex-Based Harassment allegations, Queens University will keep private the identity of any individual who has made a report or Complaint of sex discrimination and/or Sex-Based Harassment, any Complainant, any Respondent, and any witness.

Queens University may report alleged sex discrimination (including Sex-Based Harassment) to local law enforcement if warranted by the nature of the allegations at issue, and Queens University administrators will share information regarding alleged sex discrimination, as appropriate and necessary, in order to address and resolve the allegation(s) at issue, prevent the recurrence of similar sex discrimination, and address the effects of the Sex-Based Harassment. Additionally, information regarding alleged sex discrimination may be used as a statistical, anonymous report for data collection purposes under the Clery Act.

To comply with FERPA, Title IX, and other applicable laws and to provide an orderly process for the presentation and consideration of Relevant information without undue intimidation or pressure, grievance processes carried out under these Title IX Grievance Procedures are not open to the general public. Accordingly, documents prepared in connection with such processes; documents, statements, or other information introduced in interviews, meetings, and proceedings;

and the final outcome letter may not be disclosed outside of those processes, except as may be required or authorized by law.

As permitted by and subject to the limitations of FERPA, Queens University reserves the right to notify parent(s) or guardian(s) of a Student Respondent of the outcome of any investigation involving that Respondent, redacting names of any other Students who do not consent to the disclosure of their information. At the written request of a Party, Queens University may include a Party's advisor on communications and share access to documents, including the investigation report. This access is subject to the advisor's acknowledgment and agreement to maintain the confidentiality of the documents.

While Queens University strongly encourages Parties to maintain privacy in connection with a grievance process, Queens University does not prohibit Parties from discussing the allegations under investigation or in any way inhibit the Parties from gathering or presenting Relevant evidence. In addition, Queens University's policy does not prohibit disclosure of the final outcome letter by either the Complainant or the Respondent.

3.05 Academic Freedom

Queens University affirms its commitment to academic freedom but notes that academic freedom does not allow any form of sex discrimination, including Sex-Based Harassment. Queens University recognizes that an essential function of education is a probing of opinions and an exploration of ideas, some of which, because they are controversial, may cause Students and others discomfort. This discomfort, as a product of free academic inquiry within a faculty member's area(s) of expertise, shall in no way be considered or construed to constitute sex discrimination or Sex-Based Harassment. Academic inquiry may involve teaching, research, and extramural speech. Furthermore, nothing in this document shall be interpreted to prohibit bona fide academic requirements for a specific Queens University program or activity. When investigating Complaints that a Party or the Title IX Coordinator believes may involve issues of academic freedom, the Title IX Coordinator will consult with the [Insert Title] with respect to contemporary academic practices and standards.

3.06 Documentation

Queens University will retain documentation (including but not limited to any Complaint, notifications, recording or transcripts of interviews, investigative report, written findings of fact, petitions for appeal, notifications of decisions (including the final outcome letter), audio recordings of hearings, and written communication with the Complainant and Respondent), for no less than seven (7) years.

3.07 Amnesty

Queens University considers the reporting and adjudication of sex discrimination and Sex-Based Harassment to be of paramount importance. Queens University does not condone underage drinking or the use of illegal drugs; however, Queens University may extend amnesty to Complainants, Respondents, witnesses, and others involved in a Title IX grievance process from punitive sanctioning for illegal use of drugs and/or alcohol when evidence of such use is

discovered or submitted in the course of a Title IX grievance process. Similarly, Queens University may, in its discretion, provide amnesty for other conduct code violations that are discovered in the course of a grievance process.

3.08 Individuals with Disabilities

Queens University will make arrangements to ensure that individuals with disabilities are provided appropriate adjustments, to the extent necessary and available, to participate in Queens University's grievance processes. Student requests for accommodation must be made to Student Accessibility Services, 704-688-2849, sashelp@queens.edu, Knight Crane Hall, Suite 102 & 100. All other requests for accommodation must be made to Human Resources Department, Teesha Boozer, Director Human Resources, Teesha Boozer, Director, Human Resources, boozert@queens.edu, [704-337-2513](tel:704-337-2513), McEwen 103.

IV. Grievance Procedures for General Complaints of Sex Discrimination²

Queens University has adopted grievance procedures that provide for the prompt and equitable resolution of Complaints made by Students, employees, or other individuals who are participating or attempting to participate in its Education Program or Activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

4.01 Complaints

The following people have a right to make a Complaint of sex discrimination, including Complaints of Sex-Based Harassment, requesting that Queens University investigate and make a determination about alleged discrimination under Title IX:

- A “Complainant,” which includes:
 - a Student or employee of Queens University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a Student or employee of Queens University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Queens University’s Education Program or Activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
- Queens University’s Title IX Coordinator.

Note that a person is entitled to make a Complaint of Sex-Based Harassment only if they themselves are alleged to have been subjected to the Sex-Based Harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint.

With respect to Complaints of sex discrimination other than Sex-Based Harassment, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any Student or employee Queens University; or
- Any person other than a Student or employee who was participating or attempting to participate in Queens University’s Education Program or Activity at the time of the alleged sex discrimination.

² This Section IV. addresses Queens University’s grievance procedures for Complaints of sex discrimination *other than* Complaints of Sex-Based Harassment involving a Student Complainant or Student Respondent. The grievance procedures for Complaints of Sex-Based Harassment involving a Student Complainant or Student Respondent are addressed in Section V. and are similar to, but different in important respects from, those in Section IV. Queens University’s Title IX Coordinator is responsible for determining whether Section IV. or Section V. applies to a given Complaint, based on the identities of the Parties and on how the allegations of the Complaint compare to the specific definition of Sex-Based Harassment contained in this document’s Appendix.

4.02 Initiation of Complaint by Title IX Coordinator

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a Complaint of sex discrimination.

To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- (1) The Complainant's request not to proceed with initiation of a Complaint;
- (2) The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- (3) The risk that additional acts of sex discrimination would occur if a Complaint is not initiated;
- (4) The severity of the alleged sex 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;
- (5) The age and relationship of the Parties, including whether the Respondent is an employee of Queens University;
- (6) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- (7) The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- (8) Whether Queens University could end the alleged sex discrimination and prevent its recurrence without initiating its Title IX grievance procedures.

If, after considering these and other Relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents Queens University from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If initiating a Complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures and, regardless of whether a Complaint is initiated, taking other appropriate prompt and effective steps, in addition to steps necessary to effectuate the Remedies provided to an individual Complainant, if any, to ensure that sex discrimination does not continue or recur within Queens University's Education Program or Activity.

A Title IX Coordinator is not required to consider initiating a Complaint upon being notified of conduct that may constitute sex discrimination if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex discrimination under Title IX.

4.03 Complaint Consolidation

Queens University may consolidate Complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of sex discrimination arise out of the same facts or circumstances; provided, however, that the affected Parties consent to the disclosure of their education records in accordance with FERPA requirements. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

4.04 Evidentiary Issues

Queens University will objectively evaluate all evidence that is Relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Queens University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are Relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless Queens University obtains that Party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

4.05 Notice of Allegations

Upon initiation of Queens University's Title IX grievance procedures, Queens University will notify the Complainant, or if the Complainant is unknown, the individual who reported the conduct, and the Respondent of the following:

- Queens University's Title IX grievance procedures and informal resolution process

- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited, and allegations of Retaliation in connection with a Title IX grievance process will be addressed under this document's Section IV. grievance procedures; and
- The Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence or an accurate description of this evidence. If I.N. provides a description of the evidence, the Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence upon the request of any Party.

If, in the course of an investigation, Queens University decides to investigate additional allegations of sex discrimination by the Respondent toward the Complainant that are not included in the notice provided or that are included in a Complaint that is consolidated, Queens University will notify the Parties of the additional allegations.

4.06 Complaint Dismissal

Queens University may dismiss a Complaint of sex discrimination if:

- Queens University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in I.N.'s Education Program or Activity and is not employed by Queens University;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and Queens University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Queens University determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the Complaint, Queens University will make reasonable efforts to clarify the allegations with the Complainant.
- Upon dismissal, Queens University will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then Queens University will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Complainant, or simultaneously if notification is in writing. Queens University will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. And, if the dismissal occurs after the Respondent has been notified of the allegations, then Queens University will also notify the Respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:
 - Procedural irregularity that would change the outcome;
 - New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and/or

- The Title IX Coordinator 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.

When a Complaint is dismissed, Queens University will, at a minimum:

- Offer Supportive Measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Queens University Education Program or Activity.

4.07 Investigation Parameters

Queens University will provide for adequate, reliable, and impartial investigation of Complaints.

The burden is on Queens University—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Queens University will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible.

Queens University will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance.

Queens University will provide each Party with an equal opportunity to access the evidence that is Relevant to the allegations of sex discrimination and not otherwise impermissible.

Queens University will provide each Party a reasonable opportunity to respond to the evidence; and

Queens University will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination are authorized.

4.08 Appointment of the Investigator/Decisionmaker and Challenging of the Same

Unless a Complaint is dismissed or the Parties elect to participate in informal resolution, the Title IX Coordinator will promptly appoint an investigator, who may be the Title IX Coordinator, and who will also serve as the decisionmaker, as expressly permitted by Title IX. The investigator/decisionmaker may be an Queens University employee or a non-employee contractor.

The Title IX Coordinator will contemporaneously share the investigator/decisionmaker name with the Complainant and/or Respondent. Within two business days of that notification the

Complainant or the Respondent may identify to the Title IX Coordinator in writing any alleged conflicts of interest or bias on the part of the assigned investigator/decisionmaker.

The Title IX Coordinator will consider such statements and will promptly assign a different investigator/decisionmaker if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

If the Title IX Coordinator is the designated investigator/decisionmaker, Queens University's _____ will consider any alleged conflicts of interest or bias submitted by the Parties pursuant to the previous paragraph and, if the _____ determines that a material conflict of interest or material bias exists, will appoint a new investigator/decisionmaker.

4.09 The Investigator/Decisionmaker's Activities, Including Questioning of Parties and Witnesses

The investigator/decisionmaker will take steps such as interviewing the Complainant, the Respondent, and witnesses (including expert witnesses, where applicable); recording, transcribing, and/or summarizing such interviews in writing; collecting and reviewing relevant documents; visiting, inspecting, and taking or reviewing photographs of Relevant sites; and collecting and reviewing other Relevant and not impermissible evidence.

The investigator/decisionmaker will question the Parties and witnesses in individual meetings to gather evidence and also to assess credibility to the extent credibility is both in dispute and Relevant to one or more allegations of sex discrimination.

4.10 Evidence Review

The investigator/decisionmaker will compile all Relevant and not inadmissible evidence (including items such as the Complaint, written statements of position, summaries or transcripts of all interviews conducted, photographs, descriptions of Relevant evidence, and summaries or copies of Relevant electronic records) and send to each Party an electronic or hard copy of such evidence.

The Parties then will have ten business days from the time that the evidence is provided to submit to the investigator/decisionmaker a written response to the evidence. In the response, the Parties may address the relevancy of any evidence that the Parties believe should be included in or excluded from the investigator/decisionmaker's analysis and may also address any further investigation activities or questions that they believe are necessary. If a Party wishes to submit additional evidence at this stage, they should explain how the evidence is Relevant and why it was not previously provided.

Due to the sensitive nature of the evidence in question, the Parties may not copy, publish, photograph, print, image, record, or in any other manner duplicate the evidence or any part thereof. Parties who violate these restrictions may be disciplined. Nothing in this document restricts the ability of either Party to discuss the allegations under investigation or to gather, preserve, and/or present Relevant evidence.

4.11 Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all Relevant and not otherwise impermissible evidence, the investigator/decisionmaker will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred by (1) evaluating Relevant and not otherwise impermissible evidence for its persuasiveness and, (2) determining whether the evidence establishes that it is more likely than not that sex discrimination occurred. If the investigator/decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the Parties in writing of the determination whether sex discrimination occurred under Title IX, including the rationale for such determination and the procedures and permissible bases for the Complainant and Respondent to appeal.
- Not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - o Coordinate the provision and implementation of Remedies to a Complainant and other people Queens University identified as having had equal access to Queens University's Education Program or Activity limited or denied by sex discrimination;
 - o Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions; and
 - o Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Queens University's Education Program or Activity.
- Comply with the grievance procedures before the imposition of any Disciplinary Sanctions against a Respondent; and
- Not discipline a Party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.³

4.12 Appeal of Dismissal and/or Determination

The Complainant or the Respondent may appeal Complaint dismissal and/or the investigator/decisionmaker's determination.

³ Queens University may address false statements by initiating a disciplinary process under its code of conduct so long as there is evidence of such independent of the determination whether sex discrimination occurred.

The following are the only permissible grounds for appeal: (1) procedural irregularity that affected the outcome; (2) new evidence that was not reasonably available at the time of the dismissal or determination and that could affect the outcome; and (3) the Title IX Coordinator or investigator/decisionmaker had a conflict of interest or bias that affected the outcome.

Appeals must be submitted in writing to the Title IX Coordinator within three business days of the Party's receipt of notification of the dismissal or determination. The Title IX Coordinator will promptly inform the other Party of the filing of the appeal, and the other Party will have three business days from such notification to submit a written response to the appeal.

Upon receipt of an appeal, the Title IX Coordinator will appoint an appeal officer, who is someone other than the person who made the dismissal or determination in question, and will notify the Parties of that appointment.

Within two business days of receiving notification of the appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias posed by assigning that appeal officer. The Title IX Coordinator will carefully consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

Within ten business days of the receipt of the appeal or the written response to such appeal, whichever is later, the appeal officer will determine (a) that the dismissal or determination should stand; or (b) that the dismissal or determination should be overturned and will issue a written explanation of that result and the rationale behind it.

4.13 Informal Resolution

In lieu of resolving a Complaint through Queens University's Title IX grievance procedures, the Parties may instead elect to participate voluntarily in an informal resolution process facilitated by the Title IX Coordinator or the Coordinator's designee. Queens University has discretion to determine whether it is appropriate to offer an informal resolution process and, even when such process may be applicable to conduct that reasonably may constitute sex discrimination under Title IX, may decline to offer informal resolution despite one or more of the Parties' wishes.

Queens University does not offer informal resolution to resolve a Complaint that includes allegations that an employee engaged in Sex-Based Harassment of an elementary or secondary school Student or when such a process would conflict with Federal, State, or local law.

Before the initiation of an informal resolution process, Queens University will explain in writing to the Parties:

- The allegations;
- The requirements of the informal resolution process;
- That any Party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;

- That if the Parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties;
- That measures the Parties agree to in the informal resolution process may include (but are not limited to): alcohol education classes for the Respondent; completion of online sexual harassment training; completion of an intervention program; regular meetings with an appropriate individual, unit or resource; permanent or temporary no contact order; restrictions for participation in certain activities, organizations, programs or classes; change in residential assignment or restrictions on access to certain residence halls or apartments; restriction of participation in certain events; reflection paper or written apology; counseling sessions; and/or Respondent's completion of an educational or behavioral plan; and
- The fact that any statements that the Parties make during the informal resolution process cannot be introduced in any other investigative or adjudicative proceeding, including if informal resolution is terminated and formal Complaint processing resumes under Queens University's Title IX grievance procedures.

A resolution reached pursuant to the informal resolution process is final and not subject to appeal.

4.14 Supportive Measures

The Title IX Coordinator will offer and coordinate Supportive Measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to Queens University's Education Program or Activity or provide support during Queens University's Title IX grievance procedures or during the informal resolution process.

Supportive Measures will vary depending on specific circumstances and may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex discrimination.

Supportive Measures will not unreasonably burden either Party and are designed to protect the safety of the Parties or Queens University's educational environment and/or to provide support during Title IX grievance procedures or informal resolution. Such measures may, as appropriate, be modified or terminated at the conclusion of the grievance procedures or informal resolution process.

Complainants or Respondents may seek modification or reversal of Supportive Measures applicable to them by submitting a written request—within three business days of notification of the measure(s) in question—to the Title IX Coordinator, who will assign an impartial Queens University employee to evaluate and respond to the request.

Queens University will not disclose information about any Supportive Measures to persons other than the person to whom they apply, including informing one Party of Supportive Measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to the Education Program or Activity.

If any Party has a disability, the Title IX Coordinator may consult, as appropriate, with Queens University's Office of [Insert name] in the implementation of Supportive Measures.

4.15 Emergency Removal

Queens University may remove a Respondent from its Education Program or Activity on an emergency basis, provided that Queens University undertakes an individualized safety and risk analysis; 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 removal; provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal; and does so in accordance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, as applicable.

4.16 Administrative Leave

Queens University may place an employee Respondent on administrative leave from employment responsibilities during the pendency of the grievance procedures, provided that it does so in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

4.17 Disciplinary Sanctions and Remedies

Following a determination that sex discrimination occurred, Queens University may impose Disciplinary Sanctions. Sanctions depend upon the nature and gravity of the misconduct, any record of prior discipline, or both.

Sanctions for employees may include, but are not limited to, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, and compensation adjustments.

Sanctions for Students may include, but are not limited to, expulsion or suspension, disciplinary probation, social restrictions, expulsion or suspension from campus housing, suspension or revocation of admission, suspension or revocation of degree, written warning, mandated counseling, completion of an intervention program, completion of violence risk assessment, parental notification, and/or education sanctions (such as community service, reflection paper(s), and/or fines).

Queens University may also provide Remedies to the Complainant and others affected by the sex discrimination in question. Those Remedies will vary depending on specific circumstances and may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in

class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs.

V. Grievance Procedures for Complaints of Sex-Based Harassment Involving a Student Complainant or Student Respondent

Queens University has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of Complaints made by Students, employees, or other individuals who are participating or attempting to participate in its Education Program or Activity, or by the Title IX Coordinator.

These Section V. grievance procedures address Complaints of Sex-Based Harassment that involve a Student Party.

When a Party is both a Student and an employee, Queens University's Title IX Coordinator will make a fact-specific inquiry to determine whether the Section IV. grievance procedures or Section V. grievance procedures apply. In making this determination, the Title IX Coordinator will, at a minimum, consider whether the Party's primary relationship with Queens University is to receive an education and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

5.01 Complaints

The following people have a right to make a Complaint of sex discrimination, including Complaints of Sex-Based Harassment, requesting that Queens University investigate and make a determination about alleged discrimination under Title IX:

- A "Complainant," which includes:
 - a Student or employee of Queens University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a Student or employee of Queens University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Queens University's Education Program or Activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
- Queens University's Title IX Coordinator.

Note that a person is entitled to make a Complaint of Sex-Based Harassment only if they themselves are alleged to have been subjected to the Sex-Based Harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint.

5.02 Initiation of Complaint by Title IX Coordinator

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a Complaint of Sex-Based Harassment.

To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- (1) The Complainant's request not to proceed with initiation of a Complaint;
- (2) The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- (3) The risk that additional acts of Sex-Based Harassment would occur if a Complaint is not initiated;
- (4) The severity of the alleged Sex-Based Harassment, including whether the Sex-Based Harassment, 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;
- (5) The age and relationship of the Parties, including whether the Respondent is an employee of Queens University;
- (6) The scope of the alleged Sex-Based Harassment, including information suggesting a pattern, ongoing sex discrimination, or Sex-Based Harassment alleged to have impacted multiple individuals;
- (7) The availability of evidence to assist a decisionmaker in determining whether Sex-Based Harassment occurred; and
- (8) Whether Queens University could end the alleged Sex-Based Harassment and prevent its recurrence without initiating its Title IX grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents Queens University from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If initiating a Complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures and, regardless of whether a Complaint is initiated, taking other appropriate prompt and effective steps, in addition to steps necessary to effectuate the Remedies provided to an individual Complainant, if any, to ensure that Sex-Based Harassment does not continue or recur within Queens University's Education Program or Activity.

A Title IX Coordinator is not required to consider initiating a Complaint upon being notified of conduct that may constitute Sex-Based Harassment if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute Sex-Based Harassment under Title IX.

5.03 Complaint Consolidation

Queens University may consolidate Complaints of Sex-Based Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of Sex-Based Harassment arise out of the same

facts or circumstances; provided, however, that the affected Parties consent to the disclosure of their education records in accordance with FERPA requirements. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

5.04 Complaint Processing Parameters

Queens University will treat Complainants and Respondents equitably.

Queens University requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

As expressly permitted by Title IX, under these grievance procedures the investigator and decisionmaker is the same person and may either be the Title IX Coordinator or someone so designated by the Title IX Coordinator. And, as set forth below, the Parties have an opportunity to challenge the participation of the investigator/decisionmaker for alleged conflict of interest or bias.

Queens University presumes that the Respondent is not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of its grievance procedures.

Queens University has established the following timeframes for the major stages of the grievance procedures:

- decision whether to dismiss or investigate a Complaint within 15 business days after the Title IX Coordinator's receipt of the Complaint;
- completion of any investigation within 45 business days after the Title IX Coordinator's receipt of the Complaint;
- issuance of any responsibility determination within 60 business days after the Title IX Coordinator's receipt of the Complaint; and
- decision on any timely-filed appeal within 15 business days after the Title IX Coordinator's receipt of the Party's appeal materials.

The timelines set forth above may be altered for good cause with written notice to the Parties of any delay or extension and the supporting reasons. Good cause may include considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; natural disasters, pandemic restrictions, and similar occurrences; or the need for language assistance or accommodation of disabilities.

Either Party may request an extension of any deadline by providing the Title IX Coordinator with a written request that includes the length of the proposed extension and the basis for the request. The Title IX Coordinator will review the request and make a determination to grant or deny within three business days.

Queens University will take reasonable steps to protect the privacy of the Parties and witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members,

confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The Parties cannot engage in Retaliation, including against witnesses.

5.05 Evidentiary Issues

Queens University will objectively evaluate all evidence that is Relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Queens University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are Relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless Queens University obtains that Party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

5.06 Written Notice of Allegations

Upon initiation of these Sex-Based Harassment Title IX grievance procedures, Queens University will notify the Parties in writing of the following with sufficient time for the Parties to prepare a response before any initial interview:

- Queens University's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited, and allegations of Retaliation in connection with a Title IX grievance process will be addressed under this document's Section IV. grievance procedures;
- The Respondent is presumed not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of these grievance procedures. Prior to such a

determination, the Parties will have an opportunity to present Relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;

- The Parties may have an advisor of their choice who may be, but is not required to be, an attorney. Parties must provide the name and contact of their advisor to the Title IX Coordinator in writing as soon as reasonably possible and must provide updated information if their advisor changes. All advisors will be required to assent to Queens University's Expectations for Advisors;
- The Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence.
- Section 9 of Queens University's Honor Code prohibits knowingly making false statements or knowingly submitting false information during grievance procedures.⁴

If, in the course of an investigation, Queens University decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated Complaint, it will provide written notice of the additional allegations to the Parties.

5.07 Complaint Dismissal

Queens University may dismiss a Complaint if:

- Queens University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in Queens University's Education Program or Activity and is not employed by Queens University;
- Queens University obtains the Complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a Complaint, and Queens University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Queens University determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX.

Before dismissing the Complaint, Queens University will make reasonable efforts to clarify the allegations with the Complainant. Upon dismissal, Queens University will promptly notify the Complainant in writing of the basis for the dismissal.

If the dismissal occurs after the Respondent has been notified of the allegations, then Queens University will notify the Parties simultaneously in writing.

⁴ Queens University may address false statements by initiating a disciplinary process under its code of conduct so long as there is evidence of such independent of the determination whether sex discrimination occurred.

Queens University will notify the Complainant that a dismissal may be appealed on the bases outlined in the Appeals section of this Section V.

If dismissal occurs after the Respondent has been notified of the allegations, then Queens University will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, Queens University will follow the procedures outlined in the Appeals section of this Section V.

When a Complaint is dismissed, Queens University will, at a minimum:

- Offer Supportive Measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Queens University's Education Program or Activity.

5.08 Investigation Parameters

Queens University will provide for adequate, reliable, and impartial investigation of Complaints.

The burden is on Queens University—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred.

Queens University will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate.

Queens University will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- Queens University will not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding.
- Queens University may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the Parties.

Queens University will provide the Parties with the same opportunities, if any, to have people other than the advisor of the Parties' choice present during any meeting or proceeding.

Queens University does/does not allow the Parties to present expert witnesses.

Queens University will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that is Relevant and not otherwise impermissible.

Queens University will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance.

Queens University will provide each Party and the Party's advisor, if any, with an equal opportunity to access the evidence that is Relevant to the allegations of Sex-Based Harassment and not otherwise impermissible, in the following manner:

- Queens University will provide an equal opportunity to access either the Relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. If Queens University provides access to an investigative report, it will further provide the Parties with an equal opportunity to access the Relevant and not otherwise impermissible evidence upon the request of any Party.;
- Queens University will provide a reasonable opportunity to review and respond to the evidence or the investigative report.; and

Queens University will take reasonable steps to prevent and address the Parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the Sex-Based Harassment grievance procedures.

5.09 Appointment of the Investigator/Decisionmaker and Challenging of the Same

Unless a Complaint is dismissed or the Parties elect to participate in informal resolution, the Title IX Coordinator will promptly appoint an investigator, who may be the Title IX Coordinator, and who will also serve as the decisionmaker, as expressly permitted by Title IX. The investigator/decisionmaker may be a Queens University employee or a non-employee contractor.

The Title IX Coordinator will contemporaneously share the investigator/decisionmaker name with the Complainant and Respondent. Within two business days of that notification the Complainant or the Respondent may identify to the Title IX Coordinator in writing any alleged conflicts of interest or bias on the part of the assigned investigator/decisionmaker.

The Title IX Coordinator will consider such statements and will promptly assign a different investigator/decisionmaker if the Title IX Coordinator determines that a material conflict of interest or material bias exists. If the Title IX Coordinator is the designated investigator/decisionmaker, Queens University's Associate Provost for Academic Affairs, Greg D. Pillar, Ph.D., (704) 337-2579, pillarg@queens.edu, will consider any alleged conflicts of interest or bias submitted by the Parties pursuant to the previous paragraph and, if the Associate Provost for Academic Affairs determines that a material conflict of interest or material bias exists, will appoint a new investigator/decisionmaker.

5.10 The Investigator/Decisionmaker's Activities, Including Questioning of Parties and Witnesses

The investigator/decisionmaker will take such steps as interviewing the Complainant, the Respondent, and witnesses (including expert witnesses, where applicable); recording, transcribing, and/or summarizing such interviews in writing; collecting and reviewing Relevant documents; visiting, inspecting, and taking or reviewing photographs of Relevant sites; and collecting and reviewing other Relevant and not impermissible evidence.

The investigator/decisionmaker will question the Parties and witnesses in individual meetings to gather evidence and also to assess credibility to the extent credibility is both in dispute and Relevant to one or more allegations of sex discrimination.

Queens University's process for proposing and asking Relevant and not otherwise impermissible questions and follow-up questions of Parties and witnesses, including questions challenging credibility, will:

- Allow the investigator/decisionmaker to ask such questions during individual meetings with a Party or witness;
- Allow each Party to propose such questions that the Party wants asked of any Party or witness and have those questions asked by the investigator/decisionmaker during one or more individual meetings, including follow-up meetings, with a Party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each Party with an audio or audiovisual recording or transcript with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

5.11 Procedures for the Investigator/Decisionmaker to Evaluate the Questions and Limitations on Questions

The investigator/decisionmaker will determine whether a proposed question is Relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not Relevant or otherwise impermissible. Questions that are unclear or harassing of the Party or witness being questioned will not be permitted. The decisionmaker will give a Party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the Party sufficiently clarifies or revises the question, the question will be asked.

5.12 Refusal to respond to questions and inferences based on refusal to respond to questions

The investigator/decisionmaker may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant and not impermissible. The investigator/decisionmaker will not draw an inference about whether Sex-Based Harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

5.13 Evidence Review

The investigator/decisionmaker will compile all Relevant and not inadmissible evidence (including items such as the Complaint, written statements of position, summaries or transcripts of all interviews conducted, photographs, descriptions of Relevant evidence, and summaries or copies of Relevant electronic records) and send to each Party an electronic or hard copy of such evidence and also provide each Party with an audio or audiovisual recording or transcript of Party and witness interviews with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

The Parties then will have ten business days from the time that the evidence is provided to submit to the investigator/decisionmaker a written response to the evidence. In their responses, the

Parties may address the relevancy of any evidence that the Parties believe should be included in or excluded from the investigator/decisionmaker's analysis and may also address any further investigation activities or questions that they believe are necessary. If a Party wishes to submit additional evidence at this stage, they should explain how the evidence is Relevant and why it was not previously provided.

Due to the sensitive nature of the evidence in question, the Parties may not copy, publish, photograph, print, image, record, or in any other manner duplicate it. Parties who violate these restrictions may be disciplined. Nothing in this document restricts the ability of either Party to discuss the allegations under investigation or to gather, preserve, and/or present Relevant evidence.

5.14 Post-Evidence-Review Follow-Up Meetings

Following the Parties' review of and response to the evidence, the investigator/decisionmaker may need to meet again with the Parties (and with witnesses, as necessary and appropriate) to ask follow-up questions, including those raised by the Parties' response to the evidence and/or specifically suggested by the Parties in that response.

5.15 Written Determination Whether Sex-Based Harassment Occurred

Following an investigation and evaluation of all Relevant and not otherwise impermissible evidence, Queens University will:

- Use the preponderance of the evidence standard of proof to determine whether Sex-Based Harassment occurred. The standard of proof requires the investigator/decisionmaker to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness. If the investigator/decisionmaker is not persuaded under the applicable standard by the evidence that Sex-Based Harassment occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that Sex-Based Harassment occurred.
- Notify the Parties simultaneously in writing of the determination whether Sex-Based Harassment occurred under Title IX including:
 - o A description of the alleged Sex-Based Harassment;
 - o Information about the policies and procedures that Queens University used to evaluate the allegations;
 - o The decisionmaker's evaluation of the Relevant and not otherwise impermissible evidence and determination whether Sex-Based Harassment occurred;
 - o When the decisionmaker finds that Sex-Based Harassment occurred, any Disciplinary Sanctions Queens University will impose on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided by Queens University to the Complainant, and, to the extent appropriate, other Students identified by Queens University to be experiencing the effects of the Sex-Based Harassment; and

o Queens University's procedures and permissible bases for the Complainant and Respondent to appeal.

- Queens University will not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited Sex-Based Harassment.

- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:

- o Coordinate the provision and implementation of Remedies to a Complainant and other people Queens University identifies as having had equal access to Queens University's Education Program or Activity limited or denied by Sex-Based Harassment;

- o Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions; and

- o Take other appropriate prompt and effective steps to ensure that Sex-Based Harassment does not continue or recur within Queens University's Education Program or Activity.

- Comply with the Title IX grievance procedures before the imposition of any Disciplinary Sanctions against a Respondent; and

- Not discipline a Party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether Sex-Based Harassment occurred..

The determination regarding responsibility becomes final either on the date Queens University provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

5.16 Appeal of Dismissal and/or Determination

The Complainant or the Respondent may appeal Complaint dismissal and/or the investigator/decisionmaker's determination whether Sex-Based Harassment occurred.

The following are the only permissible grounds for appeal: (1) procedural irregularity that would change the outcome; (2) new evidence that would change the outcome and was not reasonably available at the time of the dismissal or determination; and (3) the Title IX Coordinator or investigator/decisionmaker 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.

Appeals must be submitted in writing to the Title IX Coordinator within three business days of the Party's receipt of notification of the dismissal or determination. The Title IX Coordinator will promptly inform the other Party in writing of the filing of the appeal, and the other Party will have three days from such notification to submit a written response to the appeal.

Upon receipt of an appeal, the Title IX Coordinator will appoint an appeal officer who is someone other than the person who investigated and made the dismissal or determination in question and will notify the Parties of that appointment.

Within two business days of receiving notification of the appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias posed by assigning that appeal officer. The Title IX Coordinator will carefully consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

Within ten business days of the receipt of the appeal the appeal officer will determine (a) that the dismissal or determination should stand; or (b) that the dismissal or determination should be overturned and will issue a written explanation of that result and the rationale behind it.

5.17 Informal Resolution

In lieu of resolving a Complaint through Queens University's Title IX grievance procedures, the Parties may instead elect to participate voluntarily in an informal resolution process facilitated by the Title IX Coordinator or the Coordinator's designee. Queens University has discretion to determine whether it is appropriate to offer an informal resolution process and, even when such process may be applicable to conduct that reasonably may constitute sex discrimination under Title IX, may decline to offer informal resolution despite one or more of the Parties' wishes.

Queens University does not offer informal resolution to resolve a Complaint that includes allegations that an employee engaged in Sex-Based Harassment of an elementary or secondary school student or when such a process would conflict with Federal, State, or local law.

Before the initiation of an informal resolution process, Queens University will explain in writing to the Parties:

- The allegations;
- The requirements of the informal resolution process;
- That any Party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the Parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties;
- That measures the Parties agree to in the informal resolution process may include (but are not limited to): alcohol education classes for the Respondent; completion of online sexual harassment training; completion of an intervention program; regular meetings with an appropriate individual, unit or resource; permanent or temporary no contact order; restrictions for participation in certain activities, organizations, programs or classes; change in residential assignment or restrictions on access to certain residence halls or apartments; restriction of participation in certain events;

reflection paper or written apology; counseling sessions; and/or Respondent's completion of an educational or behavioral plan; and

- The fact that any statements that the Parties make during the informal resolution process cannot be introduced in any other investigative or adjudicative proceeding, including if informal resolution is terminated and formal Complaint processing resumes under Queens University's Title IX grievance procedures.

A resolution reached pursuant to the informal resolution process is final and not subject to appeal.

5.18 Supportive Measures

The Title IX Coordinator will offer and coordinate Supportive Measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to Queens University's Education Program or Activity or provide support during Queens University's Title IX grievance procedures or during the informal resolution process. For Complaints of Sex-Based Harassment, these Supportive Measures may include counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Sex-Based Harassment.

Supportive Measures will not unreasonably burden either Party and are designed to protect the safety of the Parties or Queens University's educational environment and/or to provide support during Title IX grievance procedures or informal resolution. Such measures may, as appropriate, be modified or terminated at the conclusion of the grievance procedures or informal resolution process.

Complainants or Respondents may seek modification or reversal of Supportive Measures applicable to them by submitting a written request—within three business days of notification of the measure(s) in question—to the Title IX Coordinator, who will assign an impartial Queens University employee to evaluate and respond to the request.

Queens University will not disclose information about any Supportive Measures to persons other than the person to whom they apply, including informing one Party of Supportive Measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to the Education Program or Activity.

5.19 Emergency Removal

Queens University may remove a Respondent from its Education Program or Activity on an emergency basis, provided that Queens University undertakes an individualized safety and risk analysis, 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-Based Harassment justifies removal, provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal, and does so in accordance with the

Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, as applicable.

5.20 Administrative Leave

Queens University may place an employee Respondent on administrative leave from employment responsibilities during the pendency of the grievance procedures, provided that it does so in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

5.21 Disciplinary Sanctions and Remedies

Following a determination that Sex-Based Harassment occurred, Queens University may impose Disciplinary Sanctions which may include: expulsion or suspension, disciplinary probation, social restrictions, expulsion or suspension from campus housing, suspension or revocation of admission, suspension or revocation of degree, written warning, mandated counseling, completion of an intervention program, completion of violence risk assessment, parental notification, and/or education sanctions (such as community service, reflection paper(s), and/or fines).

Queens University may also provide Remedies which may include: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs.

VI. Appendix:

6.01 SMIV and Title IX Definitions

Complainant means: (1) A Student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) A person other than a Student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in Queens University's Education Program or Activity at the time of the alleged sex discrimination.

Complaint means: an oral or written request to Queens University that objectively can be understood as a request for Queens University to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Confidential Employee means: (1) An employee whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; (2) An employee whom the recipient has designated as confidential under this part for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services; or (3) An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination-but the employee's confidential status is only with respect to information received while conducting the study.

Consent is informed, freely and actively given, mutually understandable words or actions that indicate a willingness and readiness to participate in mutually agreed upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the Parties to have manifested a clear and unambiguous agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another.

Consent cannot be inferred from: silence, passivity, or lack of resistance alone; a current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else); attire; the buying of dinner or the spending of money on a date; or Consent previously given (i.e., Consenting to one sexual act does not imply Consent to another sexual act).

Consent is not effective if it is obtained through the use of physical force, violence, duress, deception, intimidation, coercion, or the threat, expressed or implied, of bodily injury. Whether a Party used any of these means to obtain Consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.

Consent may never be given by the following individuals: minors, even if the other participant did not know the minor's age; mentally disabled persons, if their disability was reasonably knowable to a person who is not mentally disabled; or persons who are Incapacitated. The use of alcohol

or drugs does not diminish one's responsibility to obtain Consent and does not excuse conduct that constitutes Sex-Based Harassment.

If at any time during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of Consent, it is incumbent upon each individual involved in the activity to stop and clarify the other's willingness and readiness to continue and capacity to Consent. Neither Party should make assumptions about the other's willingness and readiness to continue.

Disciplinary Sanctions means consequences imposed on a Respondent following a determination under Title IX that the Respondent violated Queens University's prohibition on sex discrimination.

Education Program or Activity means all of Queens University's operations and includes conduct that (1) occurs in any building owned or controlled by a student organization that is officially recognized by Queens University, and (2) is subject to Queens University's disciplinary authority. The obligation to address a Sex-based hostile environment under Queens University's Education Program or Activity may extend to some conduct that occurred outside Queens University's Education Program or Activity or outside the United States, if such conduct is alleged to be contributing to the hostile environment.

Incapacitated means lacking the physical and/or mental ability to make informed, rational judgments. A person may be Incapacitated for a variety of reasons, including but not limited to being asleep or unconscious, having consumed alcohol or taken drugs, or experiencing blackouts or flashbacks.

Party means a Complainant or Respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are Relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a Complainant or any other person Queens University identifies as having had their equal access to Queens University's Education Program or Activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to Queens University's Education Program or Activity after Queens University determines that sex discrimination occurred.

Respondent means a person who is alleged to have violated Queens University's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by Queens University, a Student, or an employee or other person authorized by Queens University to provide aid, benefit, or service under the Queens University's Education Program or Activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-Based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

(1) Quid pro quo harassment. An employee, agent, or other person authorized by Queens University to provide an aid, benefit, or service under Queens University's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) Hostile environment harassment. Unwelcome Sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Queens University's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

(i) The degree to which the conduct affected the Complainant's ability to access Queens University's Education Program or Activity;

(ii) The type, frequency, and duration of the conduct;

(iii) The Parties' ages, roles within Queens University's Education Program or Activity, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the conduct;

(iv) The location of the conduct and the context in which the conduct occurred; and

(v) Other Sex-Based Harassment in the Queens University's Education Program or Activity; or

(3) Specific offenses.

(i) "Sexual Assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. As of the effective date of this Policy, those offenses are defined as follows:

(i) Forcible sex offense: any sexual act, including rape, sodomy, sexual assault with an object or fondling, directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent. (1) Forcible rape (except statutory rape (defined below)) — the carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of their temporary or permanent mental or physical incapacity. (2) Forcible sodomy — oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of their youth or because of their temporary or permanent mental or physical incapacity. (3) Sexual assault with an object — to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of their youth or because of their temporary or permanent mental or physical incapacity. (4) Forcible fondling — the touching of the private body parts of

another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of their youth or because of their temporary or permanent mental or physical incapacity.

(ii) Nonforcible sex offense: unlawful, nonforcible sexual intercourse. (1) Incest — nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (2) Statutory rape — nonforcible sexual intercourse with a person who is under the statutory age of Consent.

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of Queens University or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

Student means a person who has gained admission to Queens University.

Supportive Measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

(1) Restore or preserve that Party's access to Queens University's Education Program or Activity, including measures that are designed to protect the safety of the Parties or Queens University's educational environment; or (2) Provide support during Queens University's grievance procedures or during an informal resolution process.

6.02 Tips for Risk Reduction from SMIV

The majority of sexual assaults are perpetrated by friends, acquaintances, or partners of the victim. To prevent similar crimes from happening, we recommend everyone familiarize themselves with what constitutes sexual misconduct and, as a community, be vigilant in stopping it:

1. Know your sexual desires and limits, and communicate them clearly with your partner.
2. Be aware of social pressures. There's nothing wrong with not scoring or hooking up.
3. Always seek consent and accept your partner's decisions. Stop your sexual advances if the other person indicates no interest, and especially if they say "no." Do not assume that previous permission for sexual contact applies to the current situation. Engaging in any type of sexual activity without the

consent of your partner is sexual assault. The absence of a "no" is not a "yes."

4. People who are incapacitated by alcohol or drugs (i.e. highly intoxicated, passed out or asleep) cannot give consent. Do not have sex or take advantage of someone who is passed out, incoherent, sleeping or otherwise incapacitated.
5. Drink responsibly. Remember that alcohol can interfere with your ability to read body language and can lead you to misinterpret your surroundings. It can also increase aggression and interfere with self-control. Intoxication is not a defense for perpetrating sexual assault.
6. Do not use threats or coercion to engage in sexual activity.
7. Be aware if someone is deliberately trying to intoxicate, isolate, or corner someone. Get in the way or create a distraction by drawing attention or separating them.

With no intent to victim blame and in recognizing that only abusers are responsible for the abuse they perpetrate, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best

place to be.

5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged, and that you have cab money or a ride-share app for getting home.

7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call.

If you've left your drink alone, just get a new one.

11. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
12. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the

amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

13. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
14. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. Make up an excuse. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

6.03 How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”⁷ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list⁸ of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated, as long as this will not put you at risk of being in danger.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

6.04 Immediate Steps If You Are Sexually Assaulted

Individuals are encouraged to report potential crimes of sexual assault (whether perpetrated by an acquaintance or a stranger) to law enforcement in addition to the Title IX Coordinator/Deputies. The Title IX Coordinator/Deputies are available to assist an individual in notifying law enforcement. Criminal and University investigations are separate and may be conducted simultaneously. The University will typically not wait for the completion of a criminal investigation in order to respond.

Although the University strongly encourages all members of its community to report criminal misconduct to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. The University AVP of Public Safety/Chief of Police or the Title IX Coordinator/Deputies will assist any victim with notifying local police if they so choose. Information about how to

contact the Charlotte-Mecklenburg Police Department may also be located at the rear of this policy under “Off Campus Resources.”

Immediate steps to take if you are sexually assaulted:

1. Get to a safe place if the assault is recent (for example -- someone’s home, the nearest hospital or police department).
2. Call 911 to be taken to an emergency room for medical care and/or for immediate police protection and assistance. A complete medical evaluation will include a physical examination, treatment, evidence collection, and/or counseling. Remember, you will not be made to do anything you do not want to do and may decline any of the elements of this evaluation. You may have evidence collected without making an immediate report to law enforcement. It is your decision whether or not to make a report, but that should not inhibit you from having evidence collected. If you have been raped, it is important to seek medical care, especially if you have been physically injured. Even if you do not have any visible physical injuries from the assault, there may be physical injuries that you cannot see, and medical and health centers can provide additional services such as testing for sexually transmitted diseases and emergency contraception, if appropriate.
3. When you call 911, explain what has happened and request to be sent to an emergency department that has a SANE nurse (Sexual Assault Nurse Examiner.) In the meantime, do not change clothes, bathe, douche, or brush your teeth. This is important for the evidence collection process that will occur at the hospital.
4. If you seek to place a report with the police or cooperate with a criminal investigation into your assault, it is best for evidence collection to occur within 96 hours of the assault. Evidence collection does not require you to place a report with the police or press charges; it just preserves these options for the future. Your right to have evidence collected without cost to you and without initially cooperating with law enforcement is afforded to you under the Violence Against Women Act (originally of 1994.) Check with the hospital or local prosecuting attorney’s office to determine how long your evidence will be preserved absent a formal report to law enforcement as this varies from state to state.
5. Alternatively, go directly to the nearest Emergency Room. If you go to the nearest emergency department that does not have SANE services, you can be transferred to the nearest facility.

Preserving Evidence

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at the closest emergency room. Victims

who agree to have forensic evidence collection conducted as part of their care can locate hospitals with such emergency rooms in the Resources section of this policy or by calling the Charlotte-Mecklenburg Police Department at 911 or 704-336-7600.

In the State of North Carolina, evidence may be collected even if you chose not to make a report to law enforcement.⁴ It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

⁴ Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not “require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University administrators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the University Chief of Police or local law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

Anonymous reports are also accepted and should be directed to the Title IX Coordinator, but the supplier of the anonymous report should be mindful that failure to disclose identifying information about the accused party, the victim of the misconduct, or the facts and circumstances regarding the misconduct severely limits the University’s ability to respond to, address, and remedy the effects of sexual misconduct or interpersonal violence. Anonymous reports that provide enough information to constitute a criminal offense will be reported to the University Chief of Police sans any identifying information regarding the complainant for purposes of inclusion in the Annual Security Report and to assess for purposes of sending out a Timely Warning Notice as required by the Clery Act.

6.05 Obtaining an Order of Protection in North Carolina

Queens complies with North Carolina law in recognizing Domestic Violence Protection Orders (50B orders) as well as Civil No-Contact Order (50C orders) by complying with court orders. For example, any person who obtains an order of protection from North Carolina or any state in the U.S. should provide a copy to Public Safety and the Office of the Title IX Coordinator (students) or Human Resources (employees). A complainant may then meet with Public Safety to develop a Safety Action Plan, which is a plan for Campus Police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.

Queens cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services at the Mecklenburg County Magistrate's Office in Charlotte. Queens can and does issue institutional "No Contact" directives to prevent contact between parties. Any complainant may request an institutional "No Contact" order by contacting the Title IX Coordinator/Deputy assigned to their case. Protection from abuse orders may be available through the following process in North Carolina:

Step 1: Proceed to the Mecklenburg County Superior Court building at 832 East Fourth Street in Charlotte to obtain and file the necessary forms. During business hours, go to the clerk of civil court. Otherwise, go to the magistrate's office in order to file for a domestic violence protective order—also known as a "DVPO" or 50B (Domestic) or 50C (Civil). If emergency protection is needed, request an ex parte/temporary emergency order from the clerk. To find contact information for the courthouse in your area, click on: http://www.womenslaw.org/gethelp_state_type.php?type_name=Courthouse%20Locations&state_code=NC.

The abused can obtain the forms needed from the clerk or obtain the forms beforehand online at: <http://www.nccourts.org/Forms/Documents/CompleteIndex.pdf> in the Civil Section. On the complaint, the accuser will be the "plaintiff" and the accused will be the "defendant." In the space provided, write about the most recent incidents of violence, using specific language (slapping, hitting, grabbing, threatening, etc.) that fits your situation. Include details and dates if possible. Clerks and magistrates can assist the accuser with which blanks to fill in, but they cannot help the accuser with what to write. Do not sign the forms until in front of a notary or a clerk. If the abuser has any firearms, be sure to alert the court so the firearms can be removed from the abuser's possession. If children are involved, the box asking for temporary custody may be checked.

Step 2: The accuser can ask for an ex parte temporary order for immediate protection. If the accuser needs immediate protection, he/she can check the box on the complaint to ask for an ex parte order. An ex parte order is a temporary emergency order that a judge can grant if the accuser and his/her children are in immediate danger. The accused will not be notified beforehand that the accuser is asking the judge for an ex parte order. If the judge believes the accuser or his/her children are in serious and immediate danger, s/he may issue an ex parte order which is good for 10 days, until the full court hearing is held. If the accuser is there after business hours, some magistrates may issue an ex parte order which is good only until the case is heard by a judge, which should occur by the end of the next day on which the court is in session in the county. The accuser must return to the courthouse to see a judge to get an ex parte order that will last for up to 10 days, until a full court hearing is held. Whether the judge or magistrate grants an ex parte order or not, a court date for a full court "hearing" will be scheduled within 10 days. This hearing will be in front of a judge at the time shown on the Notice of Hearing. At this hearing, the accused and the accuser will both have a chance to explain their side to the judge.

Step 3: Take the forms to the sheriff's department. If the clerk does not provide this service, the accuser may have to take the appropriate forms to the sheriff's department so they can serve the defendant with the summons, complaint, and notice of hearing (and the ex parte order if one was granted). Counties do this differently. In some counties, the clerk of courts sends the forms to the sheriff; in other counties, the plaintiff has to take the forms to the sheriff. The accuser can receive assistance by contacting the local domestic violence program or the clerk of court to find out the way it is handled in the respective county. The accuser will have to provide some contact information for the defendant so the sheriff can find him/her. The accuser may want to provide the sheriff a picture of the defendant and any information that will help them locate him/her. The defendant must receive notice of the hearing from the sheriff. If the defendant does not receive notice, the hearing will be rescheduled. In addition, if an ex parte order was granted, the defendant must be served with the order for it to be in effect and be enforced.

⁷ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779- 792.

⁸ Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

6.06 Resources and Support for SMIV and Title IX Concerns:

Inquiries about any Title IX or SMIV concerns may be referred to Queens University’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both.

Queens University’s Title IX Coordinator is Kathryn Smith, Director of Equity Services and Title IX/Title IX Coordinator, Morison Hall #200, smithk15@queens.edu, 704-337-2228.

Queens University’s Deputy Title IX Coordinator is Maddie Poirier, Morrison Hall #208, poiererm@queens.edu, 704-337-2591.

Queens University’s nondiscrimination policy and grievance procedures can be located at [Title IX & Sexual Misconduct - Queens University of Charlotte](#).

To report information about conduct that may constitute sex discrimination or make a Complaint of sex discrimination under Title IX, please refer to our webpage at [Title IX & Sexual Misconduct - Queens University of Charlotte](#).

If you are experiencing an emergency, please immediately contact Campus Safety and Police, Watkins Hall, 704 337-2306 or call 911.

Individuals also may make inquiries regarding discrimination or harassment to the U.S. Department of Education’s Office for Civil Rights by contacting the District of Columbia Office, 400 Maryland Avenue, SW, Washington, DC 20202-1475; Phone: 800-42. 481; email: OCR@ed.gov.

Off Campus Resources/Support Information

LOCAL Police Department	Charlotte-Mecklenburg Police 601 E. Trade Street Charlotte, NC 28202	704-336-7600 http://charmeck.org/city/charlotte/CMPD/Pages/default.aspx
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STATE Police Department	North Carolina Department of Public Safety 512 North Salisbury Street Raleigh, NC 27604	State Patrol: 919-733-7952 http://www.ncdps.gov/Our-Organization/Law-Enforcement/State-Highway-Patrol State Bureau of Investigation: 919-662-4509 http://www.ncdps.gov/Our-Organization/Law-Enforcement/state-bureau-investigation
Closest Emergency Room- 1	Presbyterian Medical Center 200 Hawthorne Lane Charlotte, NC 28204	704-384-4000 https://www.novanthealth.org/presbyterian-medical-center/patients--visitors/locations-and-directions.aspx
Closest Emergency Room- 2	Atrium Health's Carolinas Medical Center 1000 Blythe Boulevard Charlotte, NC 28203	704-355-2167 https://atriumhealth.org/locations/detail/carolinas-medical-center
Closest Emergency Room- 3	Atrium Health's Carolinas Medical Center—Mercy 2001 Vail Avenue Charlotte, NC 28207	704-304-5000 https://atriumhealth.org/locations/detail/carolinas-medical-center
Hospital w/ SANE Services (sexual assault evidence collection services; rape kits)- 1	Presbyterian Medical Center 200 Hawthorne Lane Charlotte, NC 28204	704-384-4000 https://www.novanthealth.org/presbyterian-medical-center/patients--visitors/locations-and-directions.aspx
Hospital w/ SANE Services (sexual assault evidence collection services; rape kits)- 2	Carolina Medical Center 1000 Blythe Boulevard Charlotte, NC 28203	704-355-2000 http://www.carolinashealthcare.org/cmc
Hospital w/ SANE Services (sexual assault evidence collection services; rape kits)- 3	Carolina Medical Center—Mercy 2001 Vail Avenue Charlotte, NC 28207	704-304-5000 http://www.carolinashealthcare.org/cmc-mercy

District Attorney's Office	Mecklenburg County District Attorney 700 East Trade Street Charlotte, NC 28202	704-686-0700 http://charmecckda.com/
Where to obtain a protective order	Mecklenburg County Superior Court 832 E 4th St #2132 Charlotte, NC 28202	704-686-0400 http://www.nccourts.org/County/Mecklenburg/Courts/Superior.asp
Victim Advocacy (confidential) 24/7	Safe Alliance (24 hours a day) CONFIDENTIAL	704-332-9034 or 980-771-4673 http://www.safealliance.org/charlotte
Victim Advocacy	Charlotte Children and Family Services Center 601 E. Fifth Street, Suite 400 Charlotte, NC 28202	
Mental Health/Counseling Services (Confidential)	Safe Alliance Charlotte Children and Family Services Center 601 E. Fifth Street, Suite 400 Charlotte, NC 28202	704-332-9034 or 980-771-4673 http://www.safealliance.org/charlotte CONFIDENTIAL *24 HOURS a day
Legal Assistance- 1 (Confidential)	Safe Alliance Charlotte Children and Family Services Center 601 E. Fifth Street, Suite 400 Charlotte, NC 28202	704-332-9034 or 980-771-4673 http://www.safealliance.org/charlotte
Legal Assistance- 2	Legal Aid of North Carolina 832 E. Fourth Street, Room 3725 Charlotte, NC 28202	704-686-0400 http://www.nccourts.org/county/mecklenburg/selfserve/resources.html
Visa & Immigration Assistance	U.S. Department of Homeland Security 6130 Tyvola Centre Dr. Charlotte, NC 28217	https://studyinthestates.dhs.gov/students

Rape Crisis Line (Confidential)	24-Hour Mecklenburg County Rape Crisis Line Confidential	980-771-4673 https://www.safealliance.org/programs/greater-charlotte-hope-line/
Domestic Violence Shelter (Confidential)	Safe Alliance (Confidential Charlotte location)	704-944-0169 https://www.safealliance.org/programs/domestic-violence-shelter/
Resources Specific to Male Victims (Confidential)	Safe Alliance Charlotte Children and Family Services Center 601 E. Fifth Street, Suite 400 Charlotte, NC 28202	704-332-9034 http://www.safealliance.org/charlotte
Resources for the LGBTQIA+ Community	Time Out Youth 3800 Monroe Rd. Charlotte, NC 28205	704) 344-8335 http://www.timeoutyouth.org
Other	Rape, Abuse and Incest National Network	http://www.rainn.org
	Department of Justice	http://www.ovw.usdoj.gov/sexassault.htm
	Department of Education, Office of Civil Rights	http://www2.ed.gov/about/offices/list/ocr/index.html

If you need help and are not sure if you'd like to report, contact:

Safe Alliance at 980-771-4673.

Safe Alliance offers rape crisis programs in Mecklenburg County, including a local hotline, with an additional office in the Lake Norman area. They have a variety of services to aid adult sexual assault survivors and their loved ones. Their services include:

- 24-hour hotline
- 24-hour hospital accompaniment to all area hospitals in Mecklenburg (regardless of whether a rape kit is completed)
- Ongoing support Counseling
- Support groups
- Safety planning
- Case management

- Referral to other support services
- Court education and court accompaniment
- Assistance with Crime Victim's Compensation
- Photographic injury documentation

If you prefer texting, text "Go" to 741741. A live, trained crisis counselor from Crisis Text Line will respond.

Should you or a loved one need help or information, please call the nearest rape crisis program at:

- Mecklenburg Rape Crisis Line: 980-771-4673
- Cabarrus Rape Crisis Line: 704-721-0110 (Operated by Esther House)
- Union Rape Crisis line: 704-283-7770 (Operated by Turning Point)

How to Contact the U.S. Department of Education's Office of Civil Rights

To file a complaint directly with the Department of Education's Office for Civil Rights (OCR), contact the office responsible for the State of North Carolina:

Washington DC (Metro) Office for Civil Rights

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1475

Telephone: 202-453-6020

FAX: 202-453-6021; TDD: 800-877-8339

Email: OCR.DC@ed.gov