Trinity University Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy and Procedures

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General Description

Policy Summary:

1. NOTICE OF NON-DISCRIMINATION & TITLE IX

Trinity University ("the University") prohibits any form of discrimination and harassment on the basis of sex, race, color, age, religion, national or ethnic origin, sex stereotypes, sex characteristics, sexual orientation, gender identity or expression, pregnancy or related conditions, marital or family status, medical condition, genetic information, veteran status, citizenship status, or disability in any decision regarding admissions, employment, or participation in a University program or activity in accordance with the letter and spirit of federal, state, and local non-discrimination and equal opportunity laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age and Discrimination in Employment Act, The Americans with Disabilities Act and ADA Amendments Act, the Equal Pay Act, Texas Senate Bill 212, Texas House Bill 1735, and Texas Education Code Chapter 51.

The University also complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA). Title IX prohibits Retaliation against any individual who exercises their rights under Title IX, including reporting a violation of this policy or participating in any investigation under this policy. Similarly, the University prohibits retaliation for reporting potential misconduct under any University policy or participating in any investigation into reports of potential misconduct. The Non-Retaliation Policy (HMRS-0060) can be found here.

The University will promptly and equitably respond to all reports of Sex Discrimination and Sexual Harassment in order to eliminate the prohibited conduct, prevent its recurrence, and redress its effects on any individual or the community.

Purpose:

Trinity University is committed to fostering an environment free from Sex Discrimination, Sexual Harassment as defined under Title IX, and other forms of Sexual Misconduct. The University is also required to comply with Title IX of the Education Amendments of 1972 ("Title IX"), which prohibits discrimination based on sex — including Sexual Harassment — in education programs and activities that receive federal financial assistance. The University is committed to the principles of equal opportunity and seeks to establish and maintain an environment which ensures equal access to education for all University community members including students, applicants for admission, employees, applicants for employment, guests, and visitors. The University does not discriminate on the basis of sex in any education program or activity operated by the University including, but not limited to, admissions, employment, recruitment, compensation, and athletics as well as access to housing and facilities, classes and schools, counseling, employment assistance to students, health and insurance benefits and services, and fringe benefits. The University is required by Title IX and the Regulations thereunder not to discriminate in such a manner.

For additional information or inquiries about the application of Title IX and the regulations thereunder, contact the University's Director Title IX Compliance and/or the Assistant Secretary of the United States Department of Education.

The contact information for the University's Director Title IX Compliance and Deputy Title IX Coordinator can be found in **Section 3** of this Policy and below.

Dr. Michaela Postell
Director of Title IX Compliance
Northrup Hall 210J
210-999-7835
eos@trinity.edu

Benjamin Williams
Associate Dean of Students and Deputy Title IX Coordinator for Students
Coates Student Center
210-999-7359
bwillia7@trinity.edu

The United States Department of Education, Office for Civil Rights regional office contact information is as follows:

Office of Civil Rights

U.S. Department of Education 1999 Bryan Street, Suite 1620
Dallas, Texas 75201
Phone: (214) 661-9600
Fax: (214) 661-9587
Email: OCR.Dallas@ed.gov

Complaints to the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the Complainant believes was discriminatory. There is no time limit for making a report to the University.

Employees may also contact the following to complain of Sex Discrimination, Sexual Harassment, or the handling of cases:

U.S. Equal Employment Opportunity Commission
San Antonio District Office
5410 Fredericksburg Rd.
San Antonio, Texas 78229 Phone: (800) 669-4000
Fax: (210) 281-7690

Texas Workforce Commission
Civil Rights Division
101 E. 15th Street Guadalupe CRD
Austin, Texas 78778-0001
Phone: (512) 452-4778
Fax: (512) 463-2643 or (512) 463-2755
Email: EEOIntake@twc.state.tx.us

Scope:

2. SCOPE of POLICY

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to Sex Discrimination under any Trinity University academic, extracurricular, research, occupational training, or other education program or activity. This Policy applies to incidents of Sex Discrimination, Sexual Harassment (including Title IX and non-Title IX Sexual Harassment), Sexual Misconduct, and Retaliation (collectively "Prohibited Conduct") that occurs in a Trinity education program or activity.

Any person may experience and/or report Sex Discrimination, Sexual Harassment, Sexual Misconduct, or Retaliation, irrespective of the identity of the Complainant or Respondent, and is

encouraged to report such incidents to the University. Reports may be made at any time, including during non-business hours, in person, by mail to the office address listed for the Title IX Coordinator or Deputy Title IX Coordinator, by telephone, by email, or any other means that result in the Title IX Coordinator receiving a person's written or verbal report. However, in an emergency, please contact Trinity University Police Department (TUPD) at 210-999-7000.

There is no time limit for reporting allegations of Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Retaliation, however, the University strongly encourages the prompt reporting of such Prohibited Conduct to allow the University to respond promptly and effectively. The applicable grievance procedures will depend upon the form of Prohibited Conduct and status of the Complainant and/or Respondent at the University.

This Policy and Procedures applies to incidents that occurred after August 1, 2025. Incidents that occurred prior to August 1, 2025, will be addressed under the Policy in effect at the time of the incident. For information about the applicable Policy to incidents before August 1, 2025, contact the Director Title IX Compliance.

Exceptions:

JURISDICTION OF POLICY

Any person may experience Sex Discrimination, Sexual Harassment, or Sexual Misconduct anywhere. Therefore, any individual may report any incident to the Director Title IX Compliance. However, in accordance with federal law, Trinity University's response to such incidents is dependent upon the location of the alleged incident and other factors, as explained below.

This Policy applies to all Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Retaliation that occurs within University's education programs and activities.

Title IX Sexual Harassment: Alleged incidents of Sexual Harassment, as defined under Title IX and Section 4 of this Policy, that occur in a Trinity University Title IX Education Program or Activity (as defined in this Policy) and within the geographic boundaries of the United States will be addressed under Process A: Title IX Grievance Process of this Policy.

Sex Discrimination, Sexual Misconduct, Retaliation, and non-Title IX Sexual Harassment: All alleged incidents of Sex Discrimination, Sexual Misconduct, and Retaliation, within or outside of a Trinity University Title IX Education Program or Activity, as defined in Section 4 of this Policy, regardless of whether they occurred inside or outside of the United States, will be addressed under Process B. Non-Title IX Grievance Process of this Policy. Additionally, incidents of non-Title IX Sexual Harassment will be addressed under Process B. Non-Title IX Grievance Process of this

Policy.

Non-Community Member Respondents: If the reported Respondent is not a member of the University community or is no longer associated with the University at the time the report or grievance process is initiated, the University may be unable to conduct an investigation or take disciplinary action. The appropriate grievance process regarding a report will depend upon the form of Prohibited Conduct alleged and status of the Respondent at the University.

Other Conduct: Reported incidents that do not fall under this Policy may be addressed under other institutional policies, such as the Student Handbook, Policy Prohibiting Harassment and Discrimination Based on Protected Status, and the Faculty Handbook.

Responsible Department:

Human Resources

Policy Content

PRIVACY & CONFIDENTIAL RESOURCES

Trinity University is committed to protecting the privacy of all individuals involved in a report of Sex Discrimination, Sexual Harassment, Sexual Misconduct, and/or Retaliation. In any report under this Policy, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a careful assessment of the conduct alleged and any necessary steps to eliminate the alleged Prohibited Conduct, prevent its recurrence, and address its effects. Privacy, confidentiality, and privilege have distinct meanings under this Policy

Privacy

Generally means that information related to a report of Sex Discrimination, Sexual Harassment, or Retaliation will only be shared with a limited circle of individuals, including individuals who "need to know" in order to assist in the evaluation, investigation, or resolution of the report or to deliver resources or Supportive Measures; a law enforcement officer as necessary to conduct a criminal investigation of the report; a health care provider in an emergency situation, as determined by the University; the other Party involved in the alleged incident(s), and/or potential witnesses. While not bound by confidentiality or privilege, these individuals will be discreet and respect the privacy of all individuals involved in the process. All participants in an investigation of Sex Discrimination, Sexual Harassment, or Retaliation, including Advisors and witnesses, will be informed that privacy helps enhance the integrity of the investigation and

protect the privacy interests of the Parties and will be asked to keep any information learned in an investigation meeting or hearing confidential, to the extent consistent with applicable law and university policies.

The University will keep private the identity of any individual who has made a report of Sex Discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment or Sexual Misconduct, any Complainant, any individual who has been reported to be the perpetrator of Sex Discrimination, any Respondent, and any witness, except as may be permitted by the FERPA statute or regulations, 20 U.S.C. 1232g and 34 CFR part 99, or required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Confidential Resources

The University believes it is critical to provide community members who may be experiencing Prohibited Conduct access to trained and caring personnel who can provide confidential support, as well as information about available institutional resources, to empower those individuals to make informed decisions about their rights and options. A list of these Confidential Employees and Campus Resources can be found on the University's Equal Opportunity Services and Title IX Office Website and in Section 5 of this policy.

For reports made to employees designated as Confidential Employees or Campus Resources, the University will respect the reporting Party's expectations of privacy to the extent permissible by law while still ensuring compliance with other reporting obligations.

Confidential resources are required to maintain near complete confidentiality; talking to a confidential resource is sometimes called a privileged communication (e.g. Counselor). This means that confidential resources generally will not share specific information with the Title IX Coordinator or any other employee of the University without the express permission of the disclosing party. Confidential resources can provide information about the University and off-campus resources, support services and other options.

As noted above, because of the confidential nature of these employees' roles, disclosing information to or seeking advice from a Confidential Campus Resource does not constitute a report or Formal Complaint to the University and will not result in a response or intervention by the University. A person consulting with a Confidential Campus Resource may later decide to make a report or Formal Complaint to the University and/or law enforcement.

Community members wishing to seek completely confidential assistance may also speak with off-campus counselors, health service providers or rape crisis resources, who will maintain confidentiality.

Privilege:

Communication with certain individuals, such as counselors at the Counseling Center, may be privileged by operation of law and reports made to these individuals will not be shared with the Title IX Coordinator or law enforcement except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law.

Privileged communications cannot legally be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances such as allegations involving the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person.

3. TITLE IX COORDINATOR CONTACT INFORMATION

All educational institutions receiving federal financial assistance must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX. These designated employees are referred to as Title IX Coordinators. As appropriate, the University may delegate or permit a Title IX Coordinator to delegate specific duties to one or more designees.

The contact information for Trinity University's Title IX Coordinator is as follows:

Dr. Michaela Postell
Director of Title IX Compliance and Title IX Coordinator
Northrup Hall 210J
210-999-7835
eos@trinity.edu

Benjamin Williams
Associate Dean of Students and Deputy Title IX Coordinator for Students
Coates Student Center
210-999-7359

The Title IX Coordinator is responsible for coordinating the University's compliance under Title IX and responding to reports and Formal Complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Retaliation on behalf of the University.

When notified of Prohibited Conduct set forth under this Policy, the Title IX Coordinator or designee will evaluate the alleged conduct to determine the applicable grievance procedures and notify the Parties of the grievance procedures and informal resolution options, if available and appropriate. Overall, they will treat Complainants and Respondents equitably and offer and coordinate Supportive Measures. The Title IX Coordinator or designee will also conduct fact-specific determinations when deciding whether to initiate a Formal Complaint.

4.PROHIBITED CONDUCT

Trinity University prohibits a broad spectrum of behavior, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Retaliation. A single reported incident may come within the definition of more than one form of Prohibited Conduct. All such Prohibited Conduct can be reported to the Title IX Coordinator.

Sexual Harassment or Sexual Misconduct may also encompass criminal conduct under state and/or federal law. Additionally, Sex Discrimination, Sexual Harassment, or Sexual Misconduct under this Policy may result in civil and/or administrative legal consequences.

The following conduct is specifically prohibited under this Policy:

SEX DISCRIMINATION

Discrimination against an individual based on that person's sex.

Additional information about the University's Policy on nondiscrimination on the basis of pregnancy or related conditions can be found in The Trinity University Title IX Pregnancy or Related Conditions Response and Support Policy.

TITLE IX SEXUAL HARASSMENT ("Sexual Harassment")

Sexual Harassment is a form of Sex Discrimination. Title IX defines Sexual Harassment as conduct on the basis of sex that satisfies one or more of the following types of behavior:

Quid Pro Quo Harassment

A University employee conditioning provision of an aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct.

For example, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes Sexual Harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of or opportunities in any educational or employment program.

Quid pro quo harassment does not need to be severe and pervasive because the abuse of authority in the form of even a single instance is inherently offensive and serious enough to jeopardize equal educational access.

Hostile Environment Sexual Harassment

Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity. (i.e., creates a hostile environment).

Signs of enduring unequal educational access due to **severe, pervasive, and objectively offensive** Sexual Harassment may include skipping class to avoid a harasser, a decline in a student's grade point average, or having difficulty concentrating in class. However, no concrete injury is required to conclude that serious harassment would deprive a reasonable person in the Complainant's position of the ability to access the University Education Program or Activity on an equal basis with persons who are not suffering such harassment.

Typically, the following factors are considered when determining whether a hostile environment has been created: 1) The degree to which the conduct affected the complainant's ability to access the institution's education program or activity; 2) The type, frequency, and duration of the conduct; 3) The Parties' ages, roles within the institution's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct; 4) The location of the conduct and the context in which the conduct occurred; and 5) Other

Sexual Harassment in the institution's education program or activity.

Sexual Assault

Forcible or non-forcible sex offenses under the FBI's Uniform Crime Reporting program (U.C.R.). Various forms of sexual assault include:

Sex Offenses, Forcible: Any sexual act 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) 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 his/her/their youth or because of his/her/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 his/her/their youth or because of his/her/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 his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.
4. *Fondling/Criminal Sexual Contact: The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.*

Sex Offenses, Nonforcible: (Except Prostitution Offenses) 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 Texas law.
2. *Statutory Rape:* Nonforcible sexual intercourse with a person who is under the statutory age of consent. In the state of Texas, the age of consent is 17 years old.

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and 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
3. The frequency of interaction between the persons involved in the relationship

Domestic Violence

Felony or misdemeanor crimes of violence committed by:

1. A current or former spouse or intimate partner of the victim;
2. A person with whom the victim shares a child in common;
3. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or
5. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking

Engaging in a course of conduct (i.e. two or more acts) directed at a specific person that would cause a reasonable person to:

1. Fear for the person's safety or the safety of others; or
2. Suffer substantial emotional distress.

The University is required under federal Title IX regulations to respond to incidents of Sexual Harassment as stated above. Additionally, conduct outlined in the above definitions of Sexual Harassment may be considered a violation of state law and subject to mandatory reporting and/or criminal investigation.

NON-TITLE IX SEXUAL MISCONDUCT ("Sexual Misconduct")

Sexual misconduct includes unwanted sexual conduct that does not fall under Title IX but is still actionable at the University. It can occur both on or off campus and can take many forms. The misconduct may be subtle and indirect or blatant and overt. Such misconduct can also occur in person or via electronic, print or other media. It may consist of repeated actions or may arise from a single incident if sufficiently severe.

The University prohibits committing acts of Sexual Misconduct, such as

Gender-Based Discrimination or Harassment

Acts of aggression, intimidation, stalking, or hostility based on gender, gender identity, gender-stereotyping, or sexual orientation. Gender-based harassment or harassment can occur if an individual is discriminated against or harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute discrimination or harassment, the conduct must unreasonably interfere with an individual's education or academic activities or create an intimidating, hostile, demeaning, or offensive academic or living environment.

Intimate Partner Violence

Intimate Partner Violence includes both Dating and Domestic Violence, as defined in this Policy, as well as any act, threat, or pattern of abusive behavior (including sexual, physical,
psychological, and economic) that one person uses against a current or former partner in a
sexual, dating, spousal, domestic, parenting or other intimate relationship, to gain or maintain power or control over another. Intimate Partner Violence can be a single act or

a
pattern of behavior within a relationship.

The determination of whether any conduct constitutes Intimate Partner Violence is whether
the conduct is so severe, pervasive, or persistent as to interfere with an individual's ability
to learn and/or work or cause substantial emotional distress, when judged both objectively
(meaning that a "reasonable person" would find the behavior to be intimidating, frightening,
terrorizing, or threatening) and subjectively (meaning the impacted individual felt the behavior was intimidating, frightening, terrorizing, or threatening).

The existence of such a relationship shall be determined based on consideration of the following factors: the length of the relationship; the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Non-Title IX Sexual Harassment:

All forms of Title IX Sexual Harassment as defined in this Policy – including Quid Pro Quo Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking – that occurs against a person outside the United States or outside the scope of the University's Education Program or Activities as defined in this Policy.

Texas Prohibited Sexual Harassment:

Unwelcome, sex-based verbal or physical conduct that:

A) In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
B) In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at the University.

Texas Prohibited Sexual Assault:

Sexual contact or intercourse with a person without the person's consent, including sexual contact or intercourse against the person's will or in a circumstance in which the person is incapable of consenting to the contact or intercourse.

Texas Prohibited Dating Violence:

Abuse or violence, or a threat of abuse or violence, against a person with whom the actor has or has had a social relationship of a romantic or intimate nature.

Texas Prohibited Stalking:

A course of conduct directed at a person that would cause a reasonable person to fear for the person's safety or to suffer substantial emotional distress.

Sexual Exploitation:

Non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples of sexual exploitation include, but are not limited to:

- Observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and consent of all participants;
- Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all participants;
- Masturbating or exposing one's genitals or breasts in non-consensual circumstances or Inducing another to expose their genitals or breasts; or
  Inducing incapacitation for the purpose of making another person vulnerable to non- consensual sexual activity; or
- Knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge.

Sexual Intimidation:

Threatening behavior of a sexual nature directed at another person or group that reasonably leads the target(s) to fear their physical well-being or to engage in sexual conduct for self-protection, such as threatening to sexually assault another person or engage in indecent exposure. This also includes threatening to disclose or disclosing a person's sexual activities, sexual orientation, gender identity, or gender expression with

the intent to harm the person.

Stealthing:

Intentionally removing, damaging, or lying about the use of a prophylactic or contraceptive device (e.g. condom, female condom, other forms of birth control) when consent has only been given for protected sexual activity.

- Conduct that meets the definition of indecent assault under Texas Penal Code (22.012)
- Administering alcohol or drugs (such as date rape drugs) to another person without their knowledge and consent;
- Prostitution; and
- Intentionally aiding in a violation of this Policy.

Other forms of Sexual Misconduct

- Attempted forms of sexual assault, as defined in this Policy
- Non-consensual touching, bribery, demands for sexual favors, undue attention, unwanted embraces or bodily contact, sexual gestures, and verbal abuse.

TITLE IX RETALIATION ("Retaliation")

Trinity University prohibits Retaliation in its education programs and activities. This means that neither the University nor another person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX
or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and its implementing regulations.

Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for Student Handbook violations that do not involve Sex Discrimination, Sexual Harassment, or Sexual Misconduct, but arise out of the same facts or circumstances as a report or complaint of Sex Discrimination, or report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations.

This Retaliation provision may apply to any individual who has made a report or complaint of Sex Discrimination, including any individual who has made a report or filed a Formal Complaint

of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of Sex Discrimination, any Respondent, any witness, or any other individuals who participate (or refuse to participate) in any manner in an investigation, proceeding, or hearing in a Trinity University Title IX grievance process. This Policy includes protecting the Complainant, Respondent, and witnesses from being coerced, intimidated, threatened, or otherwise retaliated against, harassed, and/or discriminated against based on their participation or refusal to participate in the Title IX grievance process.

Trinity may not discipline or otherwise discriminate against an employee who in good faith: 1) makes a report as required under Texas SB 212; and 2) cooperates with the applicable grievance procedures relating to the report made by that employee. This provision does not apply to an employee who reports an incident perpetrated by that same employee or cooperates with the applicable grievance procedures related to the allegation that the employee perpetrated the alleged incident (i.e. the employee is the Respondent in the matter).

Charging an individual with a Student Handbook or other University Policy violation for making a materially false statement in bad faith in the course of the grievance process does not constitute Retaliation. However, a determination regarding responsibility alone is not sufficient to conclude that an individual made a materially false statement in bad faith. A Complainant's allegations may not have been false even where the ultimate determination is that the Respondent is not responsible and/or that the Complainant may not have acted subjectively in bad faith (and conversely, that a Respondent may not have made false, or subjectively bad faith, denials even where the Respondent is found responsible).

Exercising rights protected under the First Amendment generally does not constitute Retaliation. The Parties have the right to discuss the allegations under investigation, but this right does not preclude the University from warning the Parties not to discuss or disseminate the allegations in a manner that constitutes Retaliation or unlawful tortious conduct. It is unacceptable for any person to leak or disseminate information to Retaliate against another person.

OTHER CONDUCT

Other conduct that does not constitute Sex Discrimination, Sexual Harassment, or Sexual Misconduct as defined under this Policy may be prohibited by the University and therefore addressed under other institutional policies.

The Title IX Coordinator or designee has discretion to evaluate reports and determine the applicable Policy and procedures, if any, that govern the appropriate response to a report.

5. TITLE IX REPORTING OPTIONS

Individuals may report Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Retaliation to a variety of individuals at the University. Information about reporting is outlined below.

REPORTING TO THE TITLE IX COORDINATOR

Any person may report an incident(s) of Sex Discrimination, Sexual Harassment, Sexual Misconduct, or Retaliation to the Title IX Coordinator or designee. The reporting party may be the person who is alleged to have been subjected to conduct that could constitute Prohibited Conduct (referred to as "Complainant") or a third party. Reports of Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Retaliation may be written or verbal and may be made at any time (including non-business hours) in person, by using the telephone number or email address, or by mail to the office address, of the Title IX Coordinator. Individuals may also submit reports through the Online Reporting Form (preferred method).

When the Title IX Coordinator is notified of conduct that reasonably may constitute Sex Discrimination, Sexual Harassment, Sexual Misconduct, or Retaliation, they will promptly contact the Complainant to: 1) Discuss the availability of Supportive Measures, as defined in Section 5 Supportive Measures; 2) Consider the Complainant's wishes with respect to Supportive Measures; 3) Inform the Complainant of the availability of Supportive Measures with or without filing a Formal Complaint; and 4) Explain to the Complainant the applicable grievance procedures as outlined under this Policy, the informal resolution process (if available and appropriate), and process for filing a Formal Complaint under this Policy.

The Title IX Coordinator or designee will conduct an evaluation of the report (discussed in Section 6. of this Policy) to assist the reporting individual to decide if they wish or are able to make a Formal Complaint.

Note: If a report submitted by a third party does not contain the identity of the reporting party but does contain the identity of the Complainant, upon receipt of the report, the Title IX Coordinator will contact the Complainant to offer Supportive Measures and explain the process for making a Formal Complaint (if applicable). However, if a report does not contain the identity of the Complainant, the University will be unable to contact the Complainant to offer Supportive Measures. While the Title IX Coordinator will keep private the Complainant's identity (unless
disclosing the Complainant's identity is necessary to provide Supportive Measures for the Complainant, such as issuing no-contact orders), the Title IX Coordinator must know the identity of the Complainant to offer such Supportive Measures.

REPORTING TO RESPONSIBLE EMPLOYEES

Except for the employees designated as "Confidential" below, all non-student Trinity University employees and Residential Life student staff are designated as "Responsible Employees." Responsible Employees are required to report Sexual Harassment and Sexual Misconduct to the Title IX Coordinator or Deputy Title IX Coordinator when, in the course and scope of their employment, they witness or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes Sexual Harassment or Sexual Misconduct and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident.

Responsible employees must promptly submit reports of all information concerning the incident that is known to them to the Title IX Coordinator or designee via phone, email, in person, or through the Online Reporting Form(preferred).

Therefore, talking with any of these individuals constitutes a report to the University and will therefore be shared with the University Title IX Coordinator.

Responsible Employee's reporting responsibility applies regardless of where the incident occurred (on or off campus) and regardless of whether the individual(s) are still affiliated with Trinity. Responsible Employees are not required to make a report if: 1) The Responsible Employee received information about an alleged incident of Sexual Harassment or Sexual Misconduct due to a disclosure made at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by the University or by a University student organization (such as "Take Back the Night" or similar events); or 2) The Responsible Employee is the victim of the alleged Prohibited Conduct.

Employees are not required to report information received when they are not acting in the course and scope of employment or if the incident took place at a time when none of the individuals involved were affiliated with the University but are encouraged to do so. Reporting is important so that the Title IX Coordinator can provide information related to rights and resources that may be beneficial to the person who has reportedly experienced misconduct or take action to otherwise protect the University community.

All Trinity University Employees are required to cooperate with an investigation, disciplinary process, or a judicial proceeding relating to an allegation perpetrated by an incident prohibited under this policy. The University will terminate the employment of an employee whom the institution determines in accordance with the Policy on Mandatory Reporting Requirements for Sexual Harassment and Sexual Misconduct (PRES-0002) to have knowingly failed to report certain types of Sexual Harassment and Sexual Misconduct.

REPORTING TO LOCAL LAW ENFORCEMENT

Trinity encourages anyone who has experienced Sex Discrimination, Sexual Harassment, or Sexual Misconduct to consider pursuing criminal action for incidents that may also be crimes under applicable criminal statutes. Law enforcement officers are trained in handling sexual assault and other cases involving Sexual Harassment or Sexual Misconduct. Reporting to law enforcement does not require prosecution of the offense and the reporting party's wishes will be
taken into account by law enforcement. The police report and any supporting evidence may be turned over to the appropriate District Attorney's Office, which decides whether there is sufficient evidence to prosecute. Information about the law enforcement process of reporting, the investigation, arrests, filing of charges, hearings, the trial and sentencing will be explained at
the time of the report.

University employees will assist the affected individual in contacting local law enforcement, if explicitly requested by that individual. However, reporting an incident of Sex Discrimination, Sexual Harassment, or Sexual Misconduct to the University does not in any way equate to reporting the incident to local law enforcement. An individual may decide to report an incident exclusively to the University, exclusively to local law enforcement, or to both the University and local law enforcement.

Reports of conduct that occurred on campus should be made to Trinity University Police Department:

Trinity University Police Department (TUPD)
Emergency: (210) 999-7000
Non-emergency: (210) 999-7070

In case of an off-campus emergency, call 911.

If the conduct occurred off campus, reports should be made to the law enforcement agency with
jurisdiction of the location. TUPD and the Title IX Coordinator can assist individuals in identifying the appropriate jurisdiction and contact information for making a criminal report off campus.

Should an individual report an incident of Sex Discrimination, Sexual Harassment, or Sexual Misconduct to both the University and local law enforcement, the University will comply with law enforcement requests for cooperation. Such cooperation may require the University to

temporarily suspend its own investigation into the alleged incident while local law enforcement gathers evidence. During this time, the University will continue to offer Supportive Measures to the Parties. As soon as local law enforcement or the University determines that a delay is no longer necessary, the University will promptly resume its Title IX or other internal investigation.

University Policy, definitions, and standard of proof differ from state criminal law. Neither law enforcement's determination whether to prosecute a Respondent nor the outcome of any criminal prosecution will influence a finding of whether Sex Discrimination or Sexual Harassment has occurred under this Policy. Proceedings under this Policy may be carried out prior to, simultaneously with or following civil or criminal proceedings off campus.

In addition to the foregoing, all faculty and staff who become aware of or suspect sexual abuse of a minor (under the age of 17) must report that information to local law enforcement and/or the Title IX Coordinator who shall then inform local, state and/or federal law enforcement officials of such incident as required by law.

ANONYMOUS REPORTING

Trinity University permits anonymous parties to report alleged incidents of Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Retaliation via the University's Online Reporting Form or by contacting the Campus Conduct hotline at (866) 943-5787 or through the Campus Conduct Online Reporting Form.

Responsible Employees are unable to anonymously report alleged incidents to the Title IX Coordinator because they are required to disclose all information concerning the incident that is
known to them to the Title IX Coordinator.

The University's ability to respond to anonymous reports may be limited. If the anonymous report contains the identity of the Complainant, upon receipt of the report, the Title IX Coordinator will contact the Complainant to offer Supportive Measures and explain the process for making a Complaint. However, if the anonymous report does not contain the identity of the Complainant, the University will be unable to contact the Complainant to offer Supportive Measures. While the Title IX Coordinator will keep private the Complainant's identity (unless disclosing the Complainant's identity is necessary to provide Supportive Measures for the Complainant, such as issuing no-contact orders), the Title IX Coordinator must know the identity
of the Complainant to offer such Supportive Measures.

Anonymous reports will be included in the University's required disclosures.

REPORTING TO CONFIDENTIAL RESOURCES

If you wish to report a possible violation of this Policy but would like your information to remain confidential (and therefore not reported to the Title IX Coordinator), you may choose to report to a Confidential Employee or Confidential Campus Resource. Individuals designated as confidential or who receive information under circumstances confidential or privileged by law will not share information that violates an expectation of privacy without written consent, unless otherwise required by law to do so.

For students only: The following employees are designated to receive confidential reports from students, as long as the information is received by the employee in the course and scope of the employee's job duties:

- All staff in Health Services
- All staff in Counseling Services
- All staff in the University Chaplain's Office
- All full-time Athletic Trainers

Additionally, any information conveyed by faculty, staff, students, or other individuals in a circumstance where the communication is confidential or privileged by law (e.g., ministerial, attorney-client privileged, HIPAA protected, etc.) will be confidential.

Individuals who are confidential resources and who receive information on a confidential basis are only required to share information with the Title IX Coordinator about the type of incident reported.

Off-campus clergy, health and mental health professionals, victim advocates, and rape-crisis counselors can also provide confidential assistance. Off-campus resources can be found at this link..

Amnesty for Complainants and Reporting Parties

Anyone, including a Complainant or witness, who reports an incident of Sex Discrimination, Sexual Harassment, Sexual Misconduct, or Retaliation in good faith may not be disciplined by the University for any related Student Handbook violation(s) occurring at or near the time of the alleged incident, such as underage drinking, regardless of the location at which the incident occurred or the outcome of the applicable grievance process regarding the incident, if any.

However, if an involved party is found to have violated the Student Handbook, Human Resources policies, or Faculty Handbook, the University may offer and encourage participation in support services, counseling, or educational programs designed to benefit both the individual and the broader community.

The University may investigate to determine whether a reported incident of Prohibited Conduct was made in good faith. This provision does not apply to a student or employee who reports their own commission or assistance in the commission of Prohibited Conduct.

False Accusations

Trinity University prohibits parties, including Complainants, Respondents, and witnesses, from knowingly making false statements or knowingly submitting false information during the grievance process.

The University reserves the right to charge an individual with a Student Handbook or other internal Policy violation for making a materially false statement in bad faith during the course of the grievance process. Such charges do not constitute Retaliation on behalf of the University against the individual as the individual has violated the University's own Policy.

Preserving Evidence

Individuals who have experienced Prohibited Conduct, particularly Sexual Harassment or Sexual Misconduct, are encouraged to preserve evidence to the greatest extent possible in order to aid with documenting an alleged criminal offense, to provide evidence in an administrative action, or to aid in securing a protective order. Evidence of an act of Sexual Harassment or Sexual Misconduct and the perpetrator's identity may be left on the victim's body. In addition, anyone who may have ingested an unknown substance (such as a date rape drug) should also be screened.

Access to Forensic Medical Services

Individuals who have experienced an act of sexual assault are strongly encouraged to contact the Forensic Center of Excellence at 210-767-9556 as soon as possible to obtain a forensic medical examination. Timely action is important, as forensic evidence can deteriorate quickly and may be critical in supporting a sexual misconduct allegation in both criminal and administrative proceedings.

The Forensic Center of Excellence provides services 24 hours a day, seven days a week, and is staffed by professionals who are specifically trained to respond to incidents of sexual assault.

These staff members are equipped to collect forensic evidence, assess for physical injuries, and provide care related to potential exposure to sexually transmitted infections.

A Sexual Assault Nurse Examiner (SANE) is a medical professional at the Center who has received advanced training in the care of sexual assault survivor. SANEs are qualified to perform comprehensive forensic examination, provide expert medical care, offer trauma- informed support, and when necessary, testify as an expert witness in legal proceedings. They are committed to delivering services with compassion, professionalism, and sensitivity to the needs of survivors.

It is important to note that individuals are not required to file a police report in order to receive a
forensic exam. However, undergoing a timely examination helps preserve evidence, allowing individuals to maintain the option of pursuing legal or administrative action in the future.

In addition, anyone who experienced Sexual Harassment or Sexual Misconduct should preserve all other potential evidence, such as text or social media messages, emails, phone messages, photos or videos, etc. One way to do this is to save this information to the cloud or email it to oneself or a trusted friend. Information can be secured with the use of a password or encryption.

6. EVALUATION OF REPORTED INCIDENTS

Upon receiving a report or Formal Complaint of an alleged incident of Prohibited Conduct, the Title IX Coordinator or their designee will evaluate the report or Formal Complaint to determine the University's response.

Generally, reports and Formal Complaints will be reviewed and evaluated within five (5) business days of receipt by the Title IX Coordinator.

PROHIBITED CONDUCT UNDER POLICY

The Title IX Coordinator or designee will assess if the reported conduct reasonably may constitute Sex Discrimination, Sexual Harassment, Sexual Misconduct, or Retaliation as set forth in this Policy.

If the alleged conduct could constitute Sex Discrimination, Sexual Harassment, Sexual Misconduct, and/or Retaliation, the Title IX Coordinator or designee will then evaluate the location of the Prohibited Conduct to determine which Grievance Process may be initiated.

If the alleged conduct would not constitute Prohibited Conduct as set forth in this Policy, the Title IX Coordinator or their designee will assess further to determine if it should be addressed under any other University Policy or conduct provision(s).

1. Non-sex-based discrimination and other misconduct not specifically implicated under this Policy may be addressed using other applicable institutional policies such as the Student Handbook (for incidents involving students), the Human Resources policies (for incidents involving employees), and Faculty Handbook
2. Non-actionable Reports are those deemed not actionable under any existing Policy, though the Complainant may request, and the University may provide, Supportive Measures as appropriate.

LOCATION OF PROHIBITED CONDUCT

The Title IX Coordinator or designee will conduct a fact-based analysis to determine whether the alleged Prohibited Conduct occurred in: 1) A Trinity University education program or activity;
and 2) The geographic boundaries of the United States. The University's education program or activity is explained in Section 2 of this Policy.

The location of the Prohibited Conduct will determine the applicable grievance procedures.

APPLICABLE GRIEVANCE PROCEDURES

All reported incidents that may constitute Prohibited Conduct under this Policy will be addressed in Section 9 Grievance Procedures set forth in this Policy.

After evaluating the reported incident, the Title IX Coordinator or designee will notify the Complainant of the applicable Grievance Procedures and Informal Resolution Process, if available and appropriate. If a Formal Complaint is made, the Title IX Coordinator will also notify the Respondent of the applicable Grievance Procedures and Informal Resolution Process, if available and appropriate.

The Grievance Procedures apply to Formal Complaints as follows:

- All Formal Complaints of Title IX Sexual Harassment that are alleged to have occurred both in a University education program or activity and in the United States will be addressed under Section 9.1. Process A: Title IX Grievance Process, or, as appropriate, an Informal Resolution Process as outlined in Section 10.
    - If a Formal Complaint contains multiple allegations of Prohibited Conduct and at least one of those allegations is Title IX Sexual Harassment, all allegations

contained in the Formal Complaint will be addressed under Section 9.1 Process A: Title IX Grievance Process, or, as appropriate, an Informal Resolution Process as outlined in Section 10.

- All Formal Complaints of Sex Discrimination and Retaliation will be addressed under Section 9.2. Process B: Non-Title IX Grievance Process, or, as appropriate, an Informal Resolution Process as outlined in Section 10.
- All Formal Complaints of Sexual Misconduct, including alleged incidents of non-Title IX Sexual Harassment that do not occur in a University education program or activity or in the United States will be addressed under Section 9.2. Process B: Non-Title IX Grievance Process, or, as appropriate, an Informal Resolution Process as outlined in Section 10.

7. SUPPORTIVE MEASURES

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and Respondent.

Supportive measures are designed to: 1) Restore or preserve equal access to the University's education program or activity without unreasonably burdening either Party; 2) Protect the safety of all parties or the University's educational environment; or 3) Deter Sexual Harassment. Supportive Measures may also be implemented to protect Parties from Retaliation.

Available Supportive Measures may include, but are not limited to, access to counseling services; extensions of deadline and other academic adjustments, including the option to drop a course in which both Parties are enrolled without academic penalty; modifications to work or class schedules; campus escort services; mutual restrictions on contract between the Parties; changes in work or housing locations; leaves of absence; increased security or monitoring in certain areas of campus; and training or educational programs related to Sexual Harassment. The specific measure implemented will depend on what the University determined to be reasonably available and appropriate under the circumstances.

In accordance with Texas state law, Complainants, Respondents, and any other individuals who reports an Incident of Sexual Harassment or Sexual Misconduct may be offered access to counseling services. To the greatest extent practicable, and based on the availability of University-employed counselors, counseling will be provided by a professional who is not assigned to provide services to any other individual involved in the reported incident.

Implementation:

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Although Supportive Measures may require collaboration with various Departments on campus, the Title IX Coordinator will serve as the point of contact for Complainants and Respondents.

The University will offer and coordinate Supportive Measures to every Complainant when the Title IX Coordinator receives a report of Sex Discrimination, Sexual Harassment, or Sexual Misconduct.

Upon receiving a report of an alleged incident of Sex Discrimination, Sexual Harassment, or Sexual Misconduct, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures and explain the option for filing a Formal Complaint as well as the applicable grievance process.

Supportive Measures are available to the Complainant both before and after the filing of a Formal Complaint, **even in cases where no Formal Complaint has been filed. Meaning, an individual may receive Supportive Measures even if they choose not to file a Formal Complaint.** Additionally, the University may offer Supportive Measures to Complainants in situations where the reported conduct does not meet the definition of Sex Discrimination or Sexual Harassment, or does not fall within the jurisdictional scope of the Policy. These measures are intended to ensure continued access to University programs and activities and to support the safety and well-being of all individuals involved.

The University may, as appropriate, modify or terminate Supportive Measures upon the conclusion of the grievance process or an informal resolution, as outlined in this Policy. Alternatively, the University may determine that certain Supportive Measures should continue beyond the resolution of the matter to ensure ongoing safety, access, or well-being or the individuals involved.

The University adheres to Federal Title IX regulations, which require the equitable treatment of Complainants and Respondents. Equitable treatment under Title IX includes providing Supportive Measures and Remedies for Complainants and avoiding disciplinary action against Respondents until the formal grievance process as outlined in this Policy is completed. While Respondents will be offered Supportive Measures, Title IX does not require equality or parity with respect to the Supportive Measures provided to Complainants and Respondents.

Privacy:

The University will keep private any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such privacy would not impair the ability of the

University to provide the Supportive Measures. For example, where a no-contact order is appropriate, the Respondent would need to know the identity of the Complainant in order to comply with the no-contact order, or campus police is informed about the no-contact order in order to help enforce its terms.

In order for the University to provide Supportive Measures to the Complainant or Respondent, the University must know the identity of that individual. Therefore, it is not possible for the Complainant to remain anonymous and receive Supportive Measures because at least one school official (such as the Title IX Coordinator) must know the Complainant's identity in order to offer and implement Supportive Measures.

Disability Accommodations

To the extent practicable, the University will provide equal access for participants under this Policy who have a disability. Individuals who have a disability may request that the University consult with appropriate individuals about any needed accommodations. Accommodations and
protective measures will be kept confidential to the extent the University is able to do so while providing the accommodation. The Title IX Coordinator or designee will also provide information about on-campus and off-campus support and resources to the individuals involved.

Emergency Removal

Trinity may remove a Respondent from its education program or activity on an emergency basis, provided that the University: 1) Undertakes an individualized safety and risk analysis; 2) Determines that an imminent threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct justifies removal; and 3) Provides the Respondent with post-removal notice and an opportunity to challenge the decision immediately following the removal.

Administrative Leave

The University may place a non-student employee Respondent on administrative leave from employment responsibilities during the pendency of the applicable grievance procedures.

8. FORMAL COMPLAINTS

To initiate the applicable Grievance Procedures under this Policy, a Complainant must file a Formal Complaint.

What is a Formal Complaint?

A Formal Complaint alleges Sex Discrimination, Sexual Harassment, Sexual Misconduct, or Retaliation against a Respondent and requests that the University investigate the documented allegations. Therefore, submitting a Formal Complaint indicates an intentional decision on behalf of the Complainant to initiate the applicable grievance process.

The Formal Complaint may be a document or electronic submission (such as email or online form) and must contain the Complainant's physical or digital signature or otherwise indicate that the Complainant is the person filing the complaint.

Who can file a Formal Complaint?

The Complainant or Title IX Coordinator must file the Formal Complaint.

While they can make reports, third parties cannot file Formal Complaints. Additionally, fundamental fairness principles require that a Respondent be informed of the details of the allegations made against them, to the extent that the details are known, to provide an adequate opportunity for the Respondent to respond. Therefore, a Complainant cannot remain anonymous and file a Formal Complaint. However, the Title IX Coordinator will keep private the identities of the Complainant and Respondent (and witnesses) from anyone not involved in the grievance process, except as permitted by FERPA, required by law, or as necessary to conduct the grievance process. For more information about privacy and confidentiality, see S**ection 2 Scope of Policy.**

While a Formal Complaint requires the Complainant's identity, Title IX does not require a Complainant to identify the Respondent in a Formal Complaint. If a Complainant does not know the Respondent's identity and files a Formal Complaint, the University may still be required to investigate the Formal Complaint because an investigation may reveal the Respondent's identity. If the Respondent's identity becomes known, the University will send both parties the written Notice of Investigation, follow the applicable grievance process under this Policy, and may impose Disciplinary Sanctions against the Respondent at the conclusion of the grievance process. However, if a Respondent's identity remains unknown, the University will be unable to comply with the required grievance process outlined in this Policy.

How to file a Formal Complaint?

Complainants may submit a Formal Complaint in person, by mail, or by email to the Title IX Coordinator or Deputy Title IX Coordinator, whose contact information is listed in **Section 3** of this Policy. Formal Complaints cannot be filed by telephone.

When can a Formal Complaint be Filed?

There is no time limit on a Complainant's decision to file a Formal Complaint, so the decision to sign and file a Formal Complaint does not need to occur in the immediate aftermath of an alleged incident or reporting an incident.

At the time of filing a Formal Complaint under Title IX (Process A), the Complainant must be participating in, or attempting to participate in, a University Education Program or Activity. Reports submitted by individuals who are not participating in, or attempting to participate in, a University Education Program or Activity fall outside the scope of the Title IX grievance process (Process A) and will instead be reviewed and addressed under the University's Non-Title IX Sexual Misconduct procedures (Process B).

This requirement does not exclude a Complainant who has graduated or is on a leave of absence if the Complainant intends to apply to a different University program, intends to remain involved in Trinity alumni programs and activities, or may intend to re-apply after a leave of absence.

Complaints Made by the Title IX Coordinator

Under certain circumstances, the Title IX Coordinator may determine that an investigation is necessary, even when the identity of the Complainant is unknown or the Complainant does not want an investigation. In this case, the Title IX Coordinator may choose to sign a Formal Complaint and initiate the grievance process. When this occurs, the Title IX Coordinator is not a Complainant or otherwise considered a Party included in the grievance process. The alleged victim will remain the Complainant and be treated as a Party in the grievance process. However, the Complainant is not required to participate in the grievance process. Respondents are also not required to participate in the grievance process.

If initiating a Formal Complaint as outlined in this section, 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.

The Title IX Coordinator may not complete the fact-specific determination and therefore file a Formal Complaint upon being notified of conduct that may constitute Prohibited Conduct if the Title IX Coordinator reasonably determines that the alleged conduct could not constitute Sex Discrimination, Sexual Harassment, Sexual Misconduct, or Retaliation under this Policy.

If the University does not file a Formal Complaint to investigate the alleged incident(s), the University reserves the right to take any steps the University determines necessary to protect the health and safety of the University's community in relation to the alleged incident(s).

Dismissal of FORMAL Complaints

The University will investigate the behavior alleged in a Formal Complaint. However, an investigation of the conduct alleged in the Formal Complaint may uncover new information about the incident, and the University may dismiss the Formal Complaint.

Reasons for Dismissal

The University reserves the right to dismiss a Formal Complaint or allegations therein, if at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
2. An employee Respondent is no longer employed by the University; or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Such dismissal does not indicate that a University Policy violation did not occur. Therefore, the University may choose to address such incidents under other applicable institutional policies. In that instance, the Parties will receive notice in accordance with the applicable Policy and procedures

Student Withdrawal or Graduation Pending:

If a student withdraws or graduates from the University pending a disciplinary charge alleging the student violated this Policy, the University may not end the applicable grievance process or issue a transcript to the student until a final determination of responsibility has been made, unless otherwise prohibited by law. In such a case, the University will expedite the grievance process as necessary to accommodate both Parties' interest in a prompt resolution.

Mandatory Dismissal Under Title IX

In accordance with Title IX, the University must dismiss a Formal Complaint of Title IX Sexual Harassment, or any of the allegations therein, and consequently stop Grievance Process A if at any point during the investigation or hearing process it is determined that the conduct alleged in the Formal Complaint:

1. Would not constitute Sexual Harassment as defined in this Policy, even if proven;
2. Did not occur in a University Education Program or Activity; or
3. Did not occur against a person within the geographic boundaries of the United States.

Formal Complaints or allegations of Sexual Harassment that are dismissed under Title IX may be considered Sexual Misconduct, another form of Prohibited Conduct under this Policy, or inappropriate behavior under other University policies. Therefore, after dismissing a Formal Complaint under Title IX, the University may choose to address the incident(s) under **Grievance Process B** and/or other applicable institutional policies. In that instance, the Parties will receive notice in accordance with the applicable Policy and procedures.

Notice of Dismissal

Upon dismissal, the University will promptly send a written notice of dismissal to both Parties simultaneously. The Notice will include the reason(s) for the dismissal and notify the Complainant and Respondent that they have the right to appeal a dismissal of a Formal Complaint. The bases for appeal and Appeal Procedures can be found in Section 9.1. Grievance Process A of the Policy.

If a Formal Complaint is dismissed, the University may continue to offer Supportive Measures to the Complainant and Respondent as appropriate.

COMPLAINT WITHDRAWALS

As noted above, Complainants may voluntarily withdraw any or all allegations in the Formal Complaint. Such withdrawals must be submitted to the Title IX Coordinator in writing. Although the Complainant's decision to withdraw the Formal Complaint (or any allegations therein) typically results in the dismissal of the Formal Complaint, under certain circumstances the University may not dismiss the Formal Complaint and continue with the applicable grievance process. Such a decision will be based upon a variety of factors, including the safety of the Parties involved, scope and severity of the allegations, and age and relationship of the Parties. The Complainant will not be required to participate in the grievance process if they withdraw the Formal Complaint (or allegations therein) and the University does not dismiss the Formal Complaint.

Consolidation of Complaints

Trinity University may consolidate Formal Complaints of Sex Discrimination, Sexual Harassment, or Sexual Misconduct 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 arise out of the same facts or circumstances.

9.GRIEVANCE PROCEDURES: GENERAL INFORMATION AND REQUIREMENTS

Trinity University will resolve Formal Complaints promptly and equitably. All processes, provisions, and rules stated in this Policy apply equally to both Parties—Complainants and Respondents.

Determination of a Party's credibility will not be based on a person's status as a Complainant, Respondent, or witness. The University presumes that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The University will take reasonable steps to protect the privacy of the Parties and witnesses during the pendency of the grievance procedures without restricting the ability of the Parties to gather and present relevant evidence; discuss the allegations under investigation (including by speaking to witnesses, except to prohibit Retaliation); consult with their family members,

confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

The role of the Title IX Investigator, Decision-Maker, Appeal Decision-Makers, and/or Informal Resolution Facilitator may be filled by appropriate University personnel and/or external parties. All University employees and external parties have received the appropriate training to participate in the Title IX grievance process (Grievance Process A), and training materials have been made publicly available on the University website.

If a Complainant or Respondent believes the University's treatment of a Formal Complaint of Prohibited Conduct may constitute discrimination on the basis of sex under Title IX, they may file a report of Sex Discrimination with the Title IX Coordinator.

Conflicts of Interest

Trinity University employees participating in the Title IX grievance process including the Title IX Coordinator, Investigators, Decision-Makers, Appeals Officers, and Informal Resolution Facilitators as well as external parties engaged by the University to complete Title IX investigations and adjudication functions (hearings, appeals, and informal resolution options) are prohibited from having a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

In an effort to avoid potential conflicts of interest, the University may provide the names and titles of internal and external Title IX investigators and adjudicators to the Parties at the initiation of the investigation, informal resolution process, hearing, or appeals process. Such information will be provided no less than five (5) business days before any meeting or hearing between the Party and the Investigator or Adjudicator. The Complainant or Respondent may request the removal of an Investigator or Adjudicator on the grounds of personal bias or other conflicts of interest by submitting a written statement to the Title IX Coordinator setting forth the basis for the request no more than three (3) business days after receiving notice of the identity of the individual involved in the Title IX grievance process. The Title IX Coordinator will review the written statement and make a determination if there is a conflict of interest.

Appropriate steps will be taken to ensure that no conflict of interest exists on the part of anyone involved in the Title IX investigation, hearing, appeals, or informal resolution processes. If a conflict of interest exists, another individual will be assigned to the appropriate role. If a conflict of interest exists between the Complainant or Respondent and the Title IX Coordinator, reports should be directed to the Deputy Title IX Coordinator (student reports) or Vice President for

People, Culture, and Community (employee reports).

RELEVANT EVIDENCE

Trinity University's grievance processes rely upon an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence.

Relevant evidence is considered to be evidence related to the allegations under investigation as part of the grievance procedures under this Policy. Questions posed by an Investigator, Decision-Maker, or Advisor are relevant when they seek evidence that may aid in showing whether the alleged conduct occurred, and evidence is relevant when it may aid a Decision-Maker in determining whether the alleged conduct occurred.

Certain evidence and questions seeking such evidence are never considered relevant:

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

  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 Sexual Harassment or preclude a determination that Sexual Harassment occurred.

- Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Such questions cannot be required, allowed, relied upon, or otherwise used.
- A Party's or witness's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's connection with the provision of treatment to a Party or witness unless the University obtains the Party's or witnesses' voluntary, written consent.

Demonstration of a pattern, repeated, and/or predatory behavior by the Complainant or the Respondent, including previous findings in any legal or campus proceeding, may be relevant to

the finding, not just the Disciplinary Sanction.

Standard of Proof

Trinity University applies the preponderance of the evidence standard of proof to determine whether Sex Discrimination, Sexual Harassment, Sexual Misconduct, or Retaliation has occurred. Preponderance of the evidence standard means that it is more likely than not that the Prohibited Conduct occurred. The University applies the same standard of proof for Formal Complaints against students and employees, including faculty, and applies the same standard of proof to all Formal Complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Retaliation.

Advisor:

All Parties are entitled to an Advisor of their choosing to assist them throughout the grievance procedures set forth in **Process A and Process B** or Informal Resolution Process. The Advisor may be a friend, counselor, faculty member, family member, attorney or any other individual a Party chooses to advise them who is eligible and available to serve during the grievance process. Any person who may be called as a witness may not serve as an Advisor.

Parties are entitled to be accompanied by their Advisor in all meetings, interviews, hearings, and appeals at which the Party is entitled to be present during the grievance process. Parties are required to have an Advisor present at the live hearing under **Process A.** If a Party does not have an Advisor available to be present at the live hearing under **Process A**, the University will provide the Party with an Advisor of the University's choice in the University's sole discretion, without fee or charge to that Party, who may or may not be an attorney.

The University cannot guarantee equal advisory rights. Consequently, if one Party selects an Advisor who is an attorney, but the other Party does not or cannot afford an attorney, the University is not obligated to provide an attorney or other Advisor, except at the hearing. The University is not required to provide an attorney as an Advisor at the hearing.

Support Person:

In addition to an Advisor, each Party may have one (1) Support Person of their choice accompany them to any meeting under Process A, Process B, or the Informal Resolution Process. These individuals may be a family member, friend, advocate, disabilities services representative, or interpreter. Any person who may be called as a witness may not serve as a Support Person. A Party is not required to have a Support Person present at any meeting, including the live hearing, and the University may not provide a Party with a Support Person unless it is considered a necessary accommodation for a Party.

Guidelines for Participation:

All Advisors and Support Persons are subject to the same University rules whether they are attorneys or not. Advisors and Support Persons may not present on behalf of their Party in a meeting or interview. Additionally, Advisors and Support Persons may not actively participate in the investigation or informal process. Advisors must conduct all questioning of the other Party and all witnesses in a live hearing under **Process A** even in the event that their Party is not present at the live hearing. A Support Person is not permitted to conduct questioning at the live hearing.

Accommodations, including the scheduling of meetings, interviews or hearings, will not be made for Advisors and/or Support Persons if they unduly delay the process. Each Party will be required to sign a release to allow these Advisors and/or Support Persons to receive information about the case.

Any Advisor or Support Person participating in the grievance process is expected to comply with the guidelines and expectations established by the University. If an Advisor or Support Person fails to adhere to these guidelines, they will receive an oral warning. Continued disruptions or failure to comply may result in the Advisor or Support Person being asked to leave the meeting, interview, hearing, or other proceeding.

If an Advisor or Support Person is removed from a proceeding, the process will be suspended until one of the following occurs: (1) the removed individual is reinstated, (2) the Party secures a new Advisor or Support Person, or (3) the University appoints a new Advisor for the purpose of the hearing, if necessary.

The Title IX Coordinator will determine whether a removed Advisor or Support Person may be reinstated or must be replaced for the remainder of the grievance process. Parties are required to notify the Title IX Coordinator of the identity of their Advisor or

Support Person no later than five (5) business days before the scheduled hearing. Parties must also provide timely notice of any changes to their Advisor or Support Person throughout the process.

Unless explicitly authorized by the University in accordance with institutional procedures, no audio or video recording of any kind is permitted during meetings, interviews, or hearings conducted by University officials.

9.1 PROCESS A: Title IX Grievance Process

The grievance procedures outlined in this section apply to Formal Complaints of Title IX Sexual Harassment.

Trinity University aims to complete the Process A: Title IX Grievance Process, including appeals and informal resolution processes, in a reasonably prompt time frame. Generally, the University will conclude the grievance process under this section within one hundred twenty (120) business days.

The University reserves the right to allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of the Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Notice of Investigation

Upon receipt of a Formal Complaint, the University will provide a written Notice of Investigation to the Parties whose identities are known, simultaneously. The Notice will include the following information:

1. Notice of the allegation(s) of Sexual Harassment potentially constituting Prohibited Conduct under this Policy, containing sufficient details known at the time, including:
    - The identities of the Parties involved in the incident(s) (if known)
    - Conduct allegedly constituting a Sexual Harassment under this Policy
    - Date and location of the alleged incident(s) (if known)
    - Other forms of Prohibited Conduct under this Policy, if applicable

2. Sufficient time for each Party to prepare a response before any initial interview
3. A statement that each Party has the right to an Advisor of their choice, who may be, but is not required to be, an attorney. The Advisor may participate during the Grievance Process, subject to limitations established by the University
4. A statement that Retaliation is prohibited
5. A statement that the Parties are entitled to an equal opportunity to inspect and review all evidence gathered during the investigation
6. A statement that the Respondent is presumed not to be responsible for the alleged conduct unless and until a determination of responsibility is made at the conclusion of the grievance process
7. Reference to the section of this Policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process
8. A copy of the Trinity University Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy and Procedures, which includes the applicable grievance procedures and informal resolution options, if any
9. List of Supportive Measures

Ongoing Notice

If, during the course of an investigation, the University decides to investigate additional allegations by the Respondent toward the Complainant that are not included in the initial Notice of Investigation provided to the Parties, the University will provide notice of the additional allegations to the Parties whose identities are known.

Complaint Investigations

After the Notice of Investigation is issued, the University will conduct a thorough and impartial investigation into the Formal Complaint within a reasonably prompt timeframe.

Role of the Title IX Investigator

A trained Title IX investigator (or team of investigators) will be assigned to investigate the conduct alleged in the complaint. The investigation typically includes interviewing the Complainant, Respondent, and witnesses as well as gathering relevant evidence. The Title IX

Coordinator or Investigator(s) will communicate with the Parties throughout the investigation process to provide notice of meetings and updates.

The University will inform the Parties of the name of the assigned investigator in the Notice of Investigation.

Burden of Proof and Evidence Collection

The burden to conduct an investigation that gathers evidence sufficient to determine whether Prohibited Conduct occurred is upon the University, not on the Parties. However, the Parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence to the Investigator during the Grievance Process. The Investigator may communicate with other campus offices to gather relevant evidence, if appropriate.

The Investigator will review all evidence gathered during the course of the investigation and determine what evidence is directly related and relevant to the allegations contained in the Formal Complaint.

Participating in Interviews or Meetings

In an effort to provide the Party sufficient time to prepare to participate, prior to any investigative meeting or proceeding, the University will provide to a Party whose participation is invited or expected a written notice of the date, time, location, names of participants, and purpose of the investigative meetings or proceedings.

Parties have an equal opportunity to be accompanied to any meeting or proceeding by an Advisor of their choice, who may be, but is not required to be, an attorney and one (1) Support Person. The institution has established restrictions regarding the extent to which the Advisor and/or Support Person may participate in the grievance procedures. Such restrictions apply equally to the Parties.

Investigative interviews may be recorded by the Investigator with the consent of the Parties or witnesses. Other recordings are not permitted without explicit permission from the Investigator and/or Title IX Coordinator.

Parties may not attend interviews of any other Party or witness or any meeting or hearing related to the investigation, unless invited and expected to participate by the University.

Review of Preliminary Investigative Report & Evidence

At the conclusion of the investigation but prior to the completion of the Final Investigative Report, each Party and their Advisor, if any, will have an equal opportunity to access, inspect, review, and respond to Preliminary Investigative Report and Evidence (collectively referred to as the "Investigation File"). Evidence may include statements made by the Parties and witnesses, information stored electronically, written or electronic communications, social media posts, or physical evidence. Each Party and their Advisor, if any, will have access to the Preliminary Investigation File in electronic or hard copy.

The Investigation File will contain any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence – whether obtained from a Party or other source – so that each Party can meaningfully respond to the evidence prior to conclusion of the investigation. All such evidence subject to the Parties' inspection and review will be made available at the live hearing to give each Party an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Prior to the release of the Preliminary Investigation File to the Parties and their Advisors, Trinity may redact confidential portions of the Investigation File as necessary to comply with applicable federal or state laws regarding confidentiality and/or require the Parties and their Advisors to execute nondisclosure agreements to preserve the confidentiality of information therein.

The Party and their Advisor, if any, will have ten (10) business days to review and submit a written response to the Preliminary Investigation File by email to the Investigator. Responses may be inserted as comments in the Investigative Report, consolidated into a single Word document, or consolidated in a single email. If a Party does not provide a written response within ten (10) business days, it will be assumed that the Party reviewed the information and chose not to respond.

The Parties' responses to the Preliminary Investigation File may include requests for additional witness interviews, evidence collections, general comments, or responses deemed appropriate

by the Party.

Creation of the Final Investigative Report and Evidence

After the deadline for submitting written responses to the Preliminary Investigation File has passed, the Investigator will review and consider any responses received from the Parties prior to completing the Final Investigative Report. This report will summarize the relevant evidence and be accompanied by the complete Final Investigative File.

The investigator retains discretion to conduct additional investigative steps or revise the investigation File based on the Parties' responses. Any written responses submitted by the Parties will be included as part of the Final Investigative File.

Sharing the Final Investigative Report and Evidence

Upon completion, the Title IX Coordinator(s) or Investigator will share the Final Investigation File with each Party, their Advisors (if any), and the Decision-Maker no less than ten (10) business days prior to a scheduled hearing, in electronic format or hard copy.

The Parties may choose to provide a written response to the Final Investigation File. Written responses must be submitted to the Title IX Coordinator at least five (5) business days prior to the start of the hearing and will be shared promptly with the panel of Decision-Makers, the other Party and their Advisor.

Hearing Process

After the investigation, a panel of Decision-Makers will conduct a live hearing, which is a mandatory part of the Title IX Grievance Process.

Role of the Decision-Maker

A trained panel of Decision-Makers will be assigned to facilitate the live hearing, question Parties and witnesses, assess credibility, and determine whether Sexual

Harassment and other Prohibited Conduct under this Policy (if applicable) occurred. The Decision-Makers cannot be the same person as the Title IX Coordinator or Investigator.

Notice of Hearing

No less than ten (10) business days before the hearing, the Title IX Coordinator will issue a Notice of Hearing to the Parties and their Advisors.

The Notice of Hearing will contain the following:

- Summary of the Alleged Conduct and Potential Policy Violations
- Identification of Applicable Policies
- Access to the Final Investigation File (which may have been previously provided by the Investigator)
- Date, Time and Location of the Pre-Hearing Meeting
- Date, Time, and Location of the Hearing
- Name of the Assigned Decision-Maker(s)
- Names of the Pre-Hearing Meeting and Hearing Participants
- Information on Requesting Accommodations for a Documented Disability or an Interpreter
- Additional Information about Pre-Hearing Meeting and Hearing Procedures, as necessary

Pre-Hearing Meetings

After the Final Investigation File is shared with the Parties and their Advisors and before the live hearing, the Decision-Maker may invite the Parties and their Advisors to participate in a pre-hearing meeting. Complainant, Respondent, their Advisor(s), and the Decision-Maker will meet separately for individual pre-hearing meetings.

The purpose of the Pre-Hearing Meeting is to prepare the Parties for the hearing process by addressing procedural and logistical matters. During this meeting, the following will be discussed: the hearing procedures, rules of decorum, and the technology that will be used; identification of witnesses who will be asked to appear at the hearing; how to handle any new evidence a Party seeks to present that was not reasonably available during the investigation; any issues related to privilege; and any other matter that the Decision-Maker(s) determine should be resolved in advance of the hearing, at their discretion.

The purpose of the Pre-Hearing Meeting is to discuss the hearing procedures, rules of

decorum, and technology that will be used during the hearing; identify witnesses that will be asked to appear at the hearing; to determine how to address any new evidence the Parties seek to offer at the hearing that was not previously available during the investigation, if any (see below), any issues of privilege; and to resolve any other matters that the Decision-Makers determines should be resolved before the hearing (at their discretion).

New Evidence

Parties are encouraged to provide all relevant witnesses and evidence during the investigation. Parties asking that additional relevant and not otherwise impermissible evidence (including witness testimony) that was not previously provided to the investigators be considered may be asked to demonstrate why such evidence was not reasonably available to them at the time of the investigation. If any Party seeks to introduce such new evidence, the Decision-Maker may, at their discretion: 1.) accept the new evidence as admissible, share it with all Parties and their Advisors (if any) prior to the hearing, and proceed with the scheduled hearing; 2.) postpone the hearing to allow sufficient time for the Investigator to gather such new evidence and provide all Parties and their Advisors (if any) an equal opportunity or review and respond to such evidence; or 3.) take other measures as they deem appropriate.

Submission of Questions to the Decision-Maker

The Parties or the Advisors may submit in writing proposed questions that the Party wants asked of any Party or witness to the Decision-Maker no less than five (5) business days before the hearing (referred to as “cross-examination questions”). The Decision-Maker will determine whether a proposed question is relevant prior to the hearing and notify the Parties of their determination on each question no less than three (3) business days prior to the hearing. If the Decision-Maker decides that a question is not relevant, they will explain that decision to the Party in writing no less than three (3) business days before the hearing.

Questions posed to a Party or witness that are determined to be unclear, harassing, or unnecessarily repetitive are not permitted. If such questions are proposed, the Decision Maker will notify the submitting Party in writing no fewer than three (3) business days before the hearing. The Party will be given an opportunity to clarify or revise the identified question(s).

Revised questions must be submitted to the Decision-Maker within twenty-four (24) hours of the notice. If the Decision-Maker determines that the revised question is appropriate, it will be posed during the hearing.

If some or all cross-examination questions are not submitted to the Decision-Maker prior to the hearing, Advisors are permitted to ask cross-examination questions during the live hearing in accordance with the Live Hearing Procedures provided in this Policy.

Live Hearing Procedures

The hearing will take place no less than ten (10) business days after the Final Investigation File is shared with each Party and their Advisor.

The Decision-Maker, Complainant, Respondent, their Advisors, and relevant witnesses will be invited to participate in the live hearing. The University will proceed with the live hearing in the absence of any Party or witness, and the Decision-Maker may reach a determination of responsibility in their absence. The Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The live hearing may be conducted with the hearing attendees physically present in the same geographic location, or the hearing may be conducted with the Parties in physically separate locations with technology enabling the Decision-Maker, Parties, and Advisors to simultaneously see and hear the Party or witness while that person is speaking. If the hearing is conducted with the Parties at the same geographic location, at the request of either Party, the University must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision-Maker and Parties to simultaneously see and hear the Party or the witness answering questions.

The University will create an audio or audiovisual recording or transcript of the live hearing, which will be made available to the Parties for inspection and review. To request access to the recording or transcript, the Parties or their Advisors may contact the Title IX Coordinator. Cell phones or tablets may not be used during the hearing unless approved by the Decision-Maker in advance.

During the live hearing, the Decision-Maker has the right to ask the Complainant,

Respondent, and witnesses questions to aid in evaluating allegations and assessing credibility. Each Party's Advisor will also have the opportunity to propose and ask relevant questions and follow-up questions of Parties and witnesses, including questions challenging credibility. This is referred to as "cross-examination." Cross-examination must be conducted directly, orally, and in real time by the Party's Advisor. Cross-examination will not be conducted by a Party personally.

Only relevant cross-examination and other questions may be asked of a Party or witness. Therefore, before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant. If a Decision-Maker determines that a question is relevant, then the Party or witness may answer that question. The Decision-Maker must explain any decision to exclude a question as not relevant.

Questions that are unclear, harassing, or repetitive of the Party or witness being questioned are not permitted. If the Decision-Maker determines that a question is unclear or harassing, the Decision-Maker will give a Party an opportunity to clarify or revise the question. If a question is sufficiently clarified or revised, the question will be asked.

Any Party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Panel can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. If a Party or witness does not attend or does not submit to cross-examination at the hearing, the Decision-Maker may nevertheless rely on any relevant statement of that Party or witness in reaching a determination regarding responsibility.[1] The Hearing Panel may not draw an inference on responsibility solely on the Party or witness's absence from the hearing or refusal to answer questions.

Additional rules of decorum and hearing procedures that apply equally to the Parties and their Advisors may be shared prior to the hearing.

[1]This provision is effective as to any determination regarding responsibility rendered by Decision Makers on or after August 24, 2021. It replaces a provision in prior versions of Title IX procedures that prohibited reliance on such statements. That provision was based on a regulatory requirement of the U.S. Department of Education that has since been vacated by a federal court and that is no longer enforced by the Office for Civil Rights. See Suzanne B. Goldberg, Acting Assistant Secretary for Civil Rights, U.S. Department of Education, "Letter to Students, Educators, and other Stakeholders re Victim Rights Law Center et al. v. Cardona," p.1 (August 24, 2021).

Advisors at the Hearing

Parties are required to have an Advisor present at the live hearing to ask cross-examination questions. If a Party does not have an Advisor present at the live hearing, the University will provide the Party with an Advisor of the University's choice, without charge to the Party, for the purpose of Advisor-conducted questioning. The Advisor will not be a Confidential Employee and may or may not be an attorney. The University cannot guarantee equal advisory rights. Consequently, if one Party selects an Advisor who is an attorney, but the other Party does not or cannot afford an attorney, the University is not obligated to provide an attorney or other Advisor, except at the hearing. The University is not required to provide an attorney as an Advisor at the hearing.

NOTICE OF OUTCOME

Following the investigation and live hearing, the panel of Decision-Makers will make a determination whether Sexual Harassment and other Prohibited Conduct, if applicable, occurred. The panel of Decision-Makers will draft and issue a written determination regarding responsibility called the Notice of Outcome, which will be shared with the Parties simultaneously.

To reach a determination, the Decision-Maker(s) will apply the preponderance of the evidence standard, as defined in this Policy.

Elements of the Notice of Outcome

The Notice of Outcome will include the following elements:

1. Identification of the allegations potentially constituting Sexual Harassment, and other Prohibited Conduct (if applicable) under this Policy
2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;

4. Conclusions regarding the application of the University's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
    a. A determination regarding responsibility
    b. Any Disciplinary Sanctions the University imposes on the Respondent, and
    c. Whether Remedies designed to restore or preserve equal access to the institution's education program or activity will be provided to the Complainant; and
6. Trinity's procedures and permissible bases for the Complainant and Respondent to appeal.

The Notice of Outcome becomes final on the date the University provides the Parties with the written determination of the result of any appeal, if an appeal is filed. If no appeal is filed, the Notice of Outcome becomes final when the deadline to submit an appeal has passed and is no longer considered timely.

Disciplinary Sanctions

Disciplinary Sanctions may not be imposed upon a Respondent for Sexual Harassment prohibited by this Policy unless there is a determination at the conclusion of the applicable grievance procedures that the Respondent engaged in Prohibited Conduct and therefore violated the Policy. The University reserves the right to impose a range of sanctions depending on the severity of the offense and taking into account any previous disciplinary history.

The range of possible Disciplinary Sanctions for students includes, but is not limited to: written warning; probation; probation with suspension of privileges; campus restrictions (such as no contact orders or bans from particular locations on campus); educational remedies (such as training); suspension; and/or expulsion.

The range of possible Disciplinary Sanctions for employees includes, but is not limited to: written warning; counseling; removal from position; suspension without pay; restrictions on participation in certain University activities; and/or termination of employment.

A Party, witness, or others participating in either grievance process will not be disciplined for making a false statement or for engaging in consensual sexual conduct based solely on the panel of Decision-Maker's determination whether Sexual Harassment occurred.

Sanctioning Officer

After the Panel of Decision-Makers has made a determination regarding responsibility and before issuing the Notice of Outcome, the Panel may consult with an individual(s) designated as the Sanctioning Officer(s) in an effort to identify appropriate Disciplinary Sanctions for the Respondent. The Sanctioning Officer will not be the Title IX Coordinator, Investigator, Informal Resolution Facilitator, or Appeal Decision-Maker.

Typically, for matters involving student Respondents, the Sanctioning Officer is the Dean of Students or designee, for matters involving Staff Respondents, the Chief Human Resources Officer and immediate supervisors, and for matters involving Faculty Respondents, the Dean(s) will typically serve as the Sanctioning Officer(s).

The Decision-Maker will notify the Parties of the identity of the Sanctioning Officer during the live hearing.

Remedies

The Title IX Coordinator will coordinate the provision and implementation of Remedies to a Complainant.

The Range of possible Remedies that may be provided following a determination of responsibility includes, but is not limited to, access to counseling services; extensions of deadline and other academic adjustments; modifications to work or class schedules; campus escorts services; mutual restrictions on contact between the Parties; changes in work or housing locations; leaves of absence; increased security or monitoring in specific areas of campus; participation in training or educational programs related to Sexual Harassment; and any other remedies deemed appropriate to restore or preserve the Complainant's equal access to the University's education program or activities.

Appeals

Complainants and Respondents have the right to appeal the dismissal of a Formal Complaint and the Notice of Outcome and make a statement in support of, or challenging, the outcome

Role of the Appeal Decision-Maker

Generally, for matters involving a student Respondent, the role of the Appeal Decision-Maker will be filled by the Vice President for Student Affairs or designee, for matters involving a staff member or third-party Respondent, the role of the Appeal Decision-Maker will be filled by the Vice President for People, Culture, and Community or designee, and for matters involving a faculty member, the role of the Appeals Decision Maker will be filed by the Provost and Vice President for Academic Affairs or designee. The University reserves the right to engage an external Appeal Decision-Maker.

In all cases, the Appeal Decision-Maker will be free from bias and conflict of interest. The Appeal Decision-Maker will not be the Title IX Coordinator, the Investigator involved in the matter, or the original Decision-Maker who determined responsibility or dismissal. Additionally, the Appeal Decision-Maker will have completed all required Title IX training.

Procedures for Filing an Appeal

The following appeal procedures apply equally to the Parties.

1. Request for Appeal

Any Party may file a written Request for Appeal to the Title IX Coordinator within five (5) business days of delivery of the Notice of Outcome or Notice of Dismissal.

The Request for Appeal will be forwarded to the Appeal Decision-Maker for consideration to determine if the Request meets the grounds for appeal (Review for Standing).

This review is not a review of the merits of the appeal, but solely a

determination as to whether the request meets the grounds set forth below and is timely filed.

Grounds for Appeal

The Parties may appeal the determination on the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and
4. The Disciplinary Sanctions imposed are substantially disproportionate to the severity of the violation.

If any of the grounds in the Request for Appeal do not meet the grounds set forth in this Policy, that Request will be denied by the Appeal Decision-Maker. The Parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker will notify the other Party(ies), their Advisor(s), Title IX Coordinator, and, at the discretion of the Appeal Decision-Maker, the Investigator and/or the Decision-Maker.

2. Response to Appeal

The other Party(ies) and their Advisors (if any), Title IX Coordinator, and, if appropriate, the Investigator and/or the Decision-Maker will be provided the Request for Appeal with the approved grounds and will be

given ten (10) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Decision-Maker to all Parties for review and comment.

The non-appealing Party (if any) may also choose to raise a new ground for appeal at this time. If so, that request will be reviewed for standing by the Appeal Decision-Maker and either denied or approved. If approved, it will be forwarded to the Party who initially requested an appeal, Title IX Coordinator, and the Investigator and/or Decision-Maker (as necessary), who will submit their responses within seven (7) business days, which will be circulated for review and comment by all Parties.

Parties cannot submit any new Requests for Appeal after this time period.

3. Notice of Appeal Outcome

The Appeal Decision-Maker will collect any additional information needed and all documentation regarding the approved grounds and subsequent responses. The Appeal Decision-Maker will apply the preponderance of the evidence standard.

The Notice of Appeal Outcome will be sent to all Parties and their Advisors (if any) simultaneously and will include the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome may contain specific instructions for remand or reconsideration and any sanctions or measures that may result that the institution is permitted to share in accordance with state and federal law.

Generally, the Appeal Decision-Maker will then draft and issue a Notice of Appeal Outcome in no more than thirty (30) business days after receiving all timely responses.

9.2 PROCESS B: Non-Title IX Grievance Process

The grievance procedures outlined in this section apply to Formal Complaints of Sex Discrimination, Non-Title IX Sexual Misconduct, and Retaliation.

The University aims to complete the grievance processes in a reasonably prompt time frame. Generally, the University will conclude the grievance process under this section within one hundred twenty (120) business days.

The University reserves the right to allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of the Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities

NOTICE OF INVESTIGATION

Upon receipt of a Formal Complaint of Sex Discrimination, Sexual Misconduct, and/or Retaliation, the University will provide a written Notice of Investigation to the Parties whose identities are known, simultaneously. The Notice will include the following information:

1. Notice of the allegation(s) potentially constituting Prohibited Conduct under this Policy, containing sufficient details known at the time, including:
    - The identifies of the Parties involved in the incident(s) (if known)
    - Conduct allegedly constituting Sex Discrimination, Sexual Misconduct and/or Retaliation under this Policy
    - Date and location of the alleged incident(s) (if known)
2. Sufficient time for each Party to prepare a response before any initial interview
3. A statement that each Party has the right to an Advisor of their choice, who may be, but is not required to be, an attorney. The Advisor may participate during the Grievance Process, subject to limitations established by the University
4. A statement that Retaliation is prohibited
5. A statement that the Parties are entitled to an equal opportunity to inspect and review all evidence gathered during the investigation
6. A statement that the Respondent is presumed not to be responsible for the alleged conduct unless and until a determination of responsibility is made at the conclusion of the grievance process

7. Reference to the section of this Policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process
8. A copy of the Trinity University Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy and Procedures, which includes the applicable grievance procedures and informal resolution options, if any
9. List of Supportive Measures

Ongoing Notice

If, during the course of an investigation, the University decides to investigate additional allegations by the Respondent toward the Complainant that are not included in the initial Notice of Investigation provided to the Parties, the University will provide notice of the additional allegations to the Parties whose identities are known.

COMPLAINT INVESTIGATIONS

After the Notice of Investigation is issued, the University will conduct a thorough and impartial investigation into the allegations within a reasonably prompt timeframe.

Role of the Title IX Investigator

A trained Title IX investigator (or team of investigators) will be assigned to investigate the conduct alleged in the complaint. The investigation typically includes interviewing the Complainant, Respondent, and witnesses as well as gathering relevant evidence. The Title IX Coordinator or Investigator(s) will communicate with the Parties throughout the investigation process to provide notice of meetings and updates.

The University will inform the Parties of the name of the assigned investigator in the Notice of Investigation.

Burden of Proof and Evidence Collection

The burden to conduct an investigation that gathers evidence sufficient to determine whether Prohibited Conduct occurred is upon the University, not on the Parties. However, the Parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence to the Investigator during the Grievance Process. The Investigator may communicate with other campus offices to gather relevant evidence, if appropriate.

The Investigator will review all evidence gathered during the course of the investigation and determine what evidence is directly related and relevant to the allegations contained in the Formal Complaint.

Any Party may decide to participate or not participate in the investigation

Participating in Interviews or Meetings

Parties have an equal opportunity to be accompanied to any meeting or proceeding by an Advisor of their choice, who may be, but is not required to be, an attorney and one (1) Support Person. The University has established restrictions regarding the extent to which the Advisor and/or Support Person may participate in the grievance procedures. Such restrictions apply equally to the Parties.

The Advisor may be a friend, counselor, faculty member, family member, attorney, or any other individual a Party chooses to advise them, provided the person is eligible and available to serve during the grievance process. However, anyone who may be called as a witness may not serve as an Advisor.

Guidelines for Participation:

All Advisors and Support Persons are subject to the same University rules, regardless of whether they are attorneys. Advisors and Support Persons may not present on behalf of their Party during meetings or interviews, nor may they actively participate in the investigation or informal resolution process.

Investigative interviews may be recorded by the Investigator with the consent of the Parties or witnesses. Other recordings are not permitted without explicit permission from the Investigator and/or Title IX Coordinator.

Parties may not attend interviews of any other Party or witness or any meeting related to the investigation, unless invited and expected to participate by the University

Review of Preliminary Investigative Report & Evidence

At the conclusion of the investigation but prior to the completion of the Final Investigative Report, each Party and their Advisor, if any, will have an equal opportunity to access, inspect, review, and respond to Preliminary Investigative Report and Evidence (collectively referred to as the “Investigation File”). Evidence may include statements made by the Parties and

witnesses, information stored electronically, written or electronic communications, social media posts, or physical evidence. Each Party and their Advisor, if any, will have access to the Preliminary Investigation File in electronic or hard copy.

The Investigation File will contain any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence – whether obtained from a Party or other source – so that each Party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to the release of the Preliminary Investigation File to the Parties and their Advisors, Trinity may redact confidential portions of the Investigation File as necessary to comply with applicable federal or state laws regarding confidentiality and/or require the Parties and their Advisors to execute nondisclosure agreements to preserve the confidentiality of information therein.

The Party and their Advisor, if any, will have ten (10) business days to review and submit a written response to the Preliminary Investigation File by email to the Investigator. Responses may be inserted as comments in the Investigative Report, consolidated into a single Word document, or consolidated in a single email. If a Party does not provide a written response within ten (10) business days, it will be assumed that the Party reviewed the information and chose not to respond.

The Parties' responses to the Preliminary Investigation File may include requests for additional witness interviews, evidence collections, general comments, or responses deemed appropriate by the Party.

Final Investigative Report and Evidence

After the deadline to submit responses to the Preliminary Investigation File has passed, the Investigator will review and consider the Parties' written responses before completing the Final Investigative Report, which fairly summarizes relevant evidence, and the evidence ("Final Investigation File"). The Investigator has discretion to further investigate or revise the Investigation File based upon the Parties' responses.

The Parties' responses to the Preliminary Investigation File, if any, will be included within the

Final Investigation File.

EVALUATION OF ALLEGATIONS

Following the investigation, a Decision-Maker will review and evaluate the Final Investigation File, which includes all relevant evidence, to determine whether it is more likely than not that: 1) The alleged Prohibited Conduct occurred; and 2) Any of the Prohibited Conduct found to have occurred constitutes a violation of this Policy.

At their discretion, the Decision-Maker may pose questions and follow up questions (as needed) to the Parties and witnesses in writing. Each Party and witness will have five (5) business days to submit a written response to the Decision-Maker. The Decision-Maker will consider the submitted responses before making a determination of responsibility.

The Decision-Maker may be the Investigator in the matter or another individual, either internal or external to the University.

NOTICE OF OUTCOME

Following the review of the Final Investigation File, the Decision-Maker will make a determination whether Sex Discrimination, Sexual Misconduct, and/or Retaliation occurred. The Decision-Maker will draft and issue a written determination regarding responsibility called the Notice of Outcome, which will be shared with the Parties simultaneously.

To reach a determination, the Decision-Maker will apply the preponderance of the evidence standard, as defined in this Policy.

Elements of the Notice of Outcome

The Notice of Outcome will include the following elements:

1. Identification of the allegations potentially constituting Sex Discrimination, Sexual Misconduct, and/or Retaliation under this Policy
2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties,

interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the University's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:

    a. A determination regarding responsibility
    b. Any Disciplinary Sanctions the University imposes on the Respondent, and
    c. Whether Remedies designed to restore or preserve equal access to the institution's education program or activity will be provided to the Complainant; and

6. Trinity's procedures and permissible bases for the Complainant and Respondent to appeal.

The Notice of Outcome becomes final on the date the University provides the Parties with the written determination of the result of any appeal, if an appeal is filed. If no appeal is filed, the Notice of Outcome becomes final when the deadline to submit an appeal has passed and is no longer considered timely.

Disciplinary Sanctions

Disciplinary Sanctions may not be imposed upon a Respondent for Prohibited Conduct under this Policy unless there is a determination at the conclusion of the applicable grievance procedures that the Respondent engaged in Prohibited Conduct and therefore violated the Policy.

The range of possible Disciplinary Sanctions for students includes, but is not limited to: written warning; probation; probation with suspension of privileges; campus restrictions (such as no contact orders or bans from particular locations on campus); educational remedies (such as training); suspension; and/or expulsion

The range of possible Disciplinary Sanctions for employees includes, but is not limited to: written warning; counseling; removal from position; suspension without pay; restrictions on participation in certain University activities; and/or termination of

employment

A Party, witness, or others participating in either grievance process will not be disciplined for making a false statement or for engaging in consensual sexual conduct based solely on the Decision-Maker's determination whether Prohibited Conduct occurred.

Sanctioning Officer

After the Decision-Makers has made a determination regarding responsibility and before issuing the Notice of Outcome, they may consult with an individual(s) designated as the Sanctioning Officer(s) in an effort to identify appropriate Disciplinary Sanctions for the Respondent. The Sanctioning Officer will not be the Title IX Coordinator, Investigator, Informal Resolution Facilitator, or Appeal Decision-Maker.

Typically, for matters involving student Respondents, the Sanctioning Officer is the Dean of Students or designee, for matters involving Staff Respondents, the Chief Human Resources Officer and immediate supervisors, and for matters involving Faculty Respondents, the Dean(s) will typically serve as the Sanctioning Officer(s).

Remedies

The Title IX Coordinator will coordinate the provision and implementation of Remedies to a Complainant and other persons the institution identifies as having had equal access to its education program or activity limited or denied by Sex Discrimination, Sexual Harassment, or Retaliation.

The Range of possible Remedies that may be provided following a determination of responsibility includes, but is not limited to, access to counseling services; extensions of deadline and other academic adjustments; modifications to work or class schedules; campus escorts services; mutual restrictions on contact between the Parties; changes in work or housing locations; leaves of absence; increased security or monitoring in specific areas of campus; participation in training or educational programs related to Sexual Harassment; and any other remedies deemed appropriate to restore or preserve the Complainant's equal access to the University's education program or activities.

APPEALS

Complainants and Respondents have the right to appeal the Notice of Outcome and make a statement in support of, or challenging, the outcome.

Role of the Appeal Decision-Maker

Generally, for matters involving a student Respondent, the role of the Appeal Decision-Maker will be filled by the Vice President for Student Life or their designee, and for matters involving a staff member or third-party Respondent, the role of the Appeal Decision-Maker will be filled by the Vice President of People Culture and Community or designee and for matters involving a faculty member, the role of the Appeals Decision Maker will be filed by the Provost and Vice President for Academic Affairs or designee. The University reserves the right to engage an external Appeal Decision-Maker.

In all cases, the Appeal Decision-Maker will be free from bias and conflict of interest. The Appeal Decision-Maker will not be the Title IX Coordinator, the Investigator involved in the matter, or the original Decision-Maker who determined responsibility or dismissal. Additionally, the Appeal Decision-Maker will have completed all required Title IX training.

Procedures for Filing an Appeal

Appeal procedures can be found in **Section 9.1. Process A** of this Policy and apply equally to the Parties.

10. INFORMAL RESOLUTION OPTIONS

At any time following the filing of a Formal Complaint and prior to reaching a determination regarding responsibility under Grievance Processes A and B, the University may offer to a Complainant and Respondent an informal resolution process. Informal Resolution will not be offered if use of such a process would conflict with Federal, State or local law.

Discretion to Offer Informal Resolution

Trinity University has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute Sex Discrimination, Sexual Harassment, Sexual Misconduct, or Retaliation under this Policy or when a complaint of such Prohibited Conduct is made. The University may decline to offer informal resolution despite one or more of the Parties' wishes. Circumstances when the institution may decline to allow informal resolution include, but are not limited to, when the institution determines that the alleged conduct would present a future risk of harm to others. Informal resolution is not offered to resolve allegations that an employee sexually harassed a student.

The University will not require or pressure the Parties to participate in an informal resolution process. The Title IX Coordinator or their designee will obtain the Parties' voluntary consent to the informal resolution process, and the University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints as outlined in this Policy. Additionally, the University will not require the Parties to participate in an informal resolution process under this Policy and may not offer informal resolution for allegations of Sexual Harassment unless a Formal Complaint is filed

Notice of Informal Resolution

Before initiation of an informal resolution process, the University will provide to the Parties written notice that explains:

1. The allegations
2. The requirements of the informal resolution process, including the circumstances under which it precludes the Parties from resuming a Formal Complaint arising from the same allegations
3. That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume the appropriate grievance procedures with respect to the Formal Complaint
4. That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming grievance procedures arising from the same allegations
5. 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
6. What information and records will be maintained or could be shared, and whether and how the University could disclose such information for use in Grievance Process A or B (as applicable), if grievance procedures are initiated or resumed

Informal Resolution Facilitator

The Facilitator for the informal resolution process must not be the same person as the Investigator or the Decision-Maker in the grievance procedures. Any person designated by the University to facilitate an informal resolution process must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Any person facilitating informal resolution must receive the training required under Title IX.

Potential Terms

Potential terms that may be included in an informal resolution agreement include, but are not limited to: 1) Restrictions on contact; 2) Restrictions on the Respondent's participation in one or more of the institution's programs or activities or attendance at specific events, including restrictions the institution could have imposed as Remedies or Disciplinary Sanctions had the University determined at the conclusion of the applicable grievance procedures that Sex Discrimination, Sexual Harassment, or Retaliation occurred; and/or 3) Additional terms as mutually agreed upon by the Parties.

Each Party must sign the terms of the informal resolution prior to its finalization

ADDITIONAL INFORMATION

The obligation to comply with Title IX and this part is not obviated or alleviated by any State or local law or other requirement that conflicts with Title IX.

The obligation to comply with Title IX is not obviated or alleviated by FERPA, 20 U.S.C. 1232g, or its implementing regulations, 34 CFR part 99.

Provisions in this Policy must not be construed to modify any rights under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

Measures or outcomes described under this Policy must not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

Where a grievance process involves more than one Complainant or more than one Respondent,

references in this Policy to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

Request for Training Materials

All the University employees and external parties employed by the University involved in the Title IX complaint evaluation, grievance procedures, and informal resolution processes have received the appropriate training under Title IX. Training materials can be accessed by members of the general public upon request.

AMENDMENT TO THIS POLICY

Technical and non-substantive amendments to this policy may be made administratively. Substantive amendments will be adopted by a vote of the Board of Trustees, following a vote by the Faculty Senate, Faculty Assembly, and TSEC.

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this Policy, , or the invalidated elements of this Policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by the date of that opinion or order publication. Should the hearing process (Process A) for formal adjudication of Sexual Harassment be revoked in this manner, any Sexual Harassment will be investigated and adjudicated under Process B, or as otherwise required by law.

OFF-CAMPUS RESOURCES

National Resources

National Sexual Assault Hotline
Phone: 1 (800) 656-HOPE (4673)

Rape & Sexual Assault Crisis Line
Phone: 1-888-421-1100

Rape Abuse and Incest National Network (RAINN)

Phone: 1-800-656-HOPE
Website: www.rainn.org
The RAINN hotline offers free, confidential counseling and support 24 hours a day, from anywhere in the country.

National Resource Center on Domestic Violence Hotline (24 hours)
Phone: 800-799-SAFE

National Domestic Violence Hotline
Phone: 1-800-799-SAFE

National Domestic Violence Hotline Spanish
Phone: 1-800-942-6908

Terms & Definitions

Terms and Definitions:

Term:	Definition:
Actual Knowledge:	Notice of Sexual Harassment and Sexual Misconduct or allegations of Sexual Harassment and Sexual Misconduct delivered to the University Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the institution. Such notice includes reports sent to the Title IX Coordinator in person, by mail, by telephone, by email, telephone call, in-person, or any other

Term:	Definition:
	means that result in the Title IX Coordinator receiving a person's written or verbal report. Individuals may also submit a report to the Title IX Coordinator via email, mail, or in person or complete and submit an **Online Reporting Form.** This standard is not met when the only official of the recipient with actual knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment and Sexual Misconduct or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient.
Advisor	An individual who provides support, guidance, and/or assistance to the Complainant or Respondent throughout the investigation, hearing, appeals, and/or informal resolution process. Complainants and Respondents have the right to select an Advisor of their choice. Advisors may be a friend, mentor, family member, attorney, or any other supporter a Party chooses to advise them who is both eligible and available. Advisors may not have personal involvement regarding any facts or circumstances of the alleged misconduct and cannot be a witness in the matter. Advisors are required during the hearing process, under Process A. If a Party does not have an Advisor present at the hearing process, the University will provide the Party with an advisor. Additional information about the role of advisors can be in **Section 9. Grievance Procedures.**
Complainant:	An individual who is alleged to be the victim of conduct that could constitute Sex Discrimination, Sexual Harassment, or Retaliation. A Complainant may, but is not required to, be a student, employee, or other the University community member.
Coercion:	The act of unreasonably pressuring another person into sexual activity against their will. Sexual coercion can involve using physical force and/or convincing another person to engage in sexual activity by use of verbal and emotional pressure including manipulation, intimidation, blackmail, and/or the use of alcohol or other drugs to

Term:	Definition:
	make someone more vulnerable. What is unreasonable will be determined on a case-by-case basis, considering a number of factors such as the intensity, frequency, and duration of persuasion, and the isolation of individuals. The use of coercion to obtain consent invalidates the consent.
Confidential Employee (also referred to as Confidential Campus Resource):	An employee of the University whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this Policy, is only with respect to information received while the employee is functioning within the scope of their duties to which the privilege or confidentiality applies.
Consent:	Knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity or contact. • A person can withdraw consent at any time during sexual activity by expressing in words or actions that they no longer want the act to continue, and, if that happens, the other person must stop immediately. Continued pressure can be coercive, which negates consent given under such circumstances. • Consent cannot be inferred from silence or the absence of resistance. • Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). • A current or previous dating or sexual relationship is not sufficient to constitute consent. • There is no requirement that someone resist the sexual advance or request, but resistance is a clear demonstration of non-consent. • Consent cannot be obtained by coercion, force, or from someone who is incapacitated. • In the state of Texas, in order to give effective consent, one must be 17 years old.

Term:	**Definition:**
	The University will determine the existence of consent based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.
Disciplinary Sanctions:	Consequences imposed upon a Respondent following a determination that the Respondent violated the University's prohibition on Sex Discrimination, Sexual Harassment, or Retaliation. The Title IX Coordinator will coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions.
Title IX Education Programs and Activities:	Locations, events, or circumstances over which the University exercises substantial control over both: 1) the Respondent; and 2) the context in which the alleged Sexual Harassment occurs. This includes, but is not limited to: • Conduct that occurs on campus • Conduct that occurs in any building owned or controlled by a student organization that is officially recognized by the University • Conduct that occurs in off-campus settings that are operated or overseen by the University such as field trips, online classes, and athletic programs • Conduct that takes place via school-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, the University, including AI technologies. Factual circumstances of electronic, digital, and online Sexual Harassment will be analyzed on a case-by-case basis to determine the context in which the harassment occurred • Conduct that occurs during training programs sponsored by the University at another location Conduct subject to the University's disciplinary authority that occurs off campus such as off-campus housing

Term:	**Definition:**
Examples of Non-Title IX Trinity Education Programs and Activities:	Prohibited Conduct that does not occur in an Education Program or Activity as defined above but is nevertheless actionable under this Policy includes, but is not limited to: • Conduct that occurs off campus and involves a University Complainant or University Respondent • Conduct that occurs during study abroad programs in which a member of the University community participates • Conduct that occurs on personal electronic devices, non-University computer and internet networks and digital platforms, including AI technologies This is not an exhaustive list of conduct or scenarios that may fall under this Policy. Additional forms of conduct or scenarios may fall under this Policy, depending on the facts. Therefore, the application of this Policy will rely upon a fact-based analysis to determine if the University has disciplinary authority over the Respondent's conduct in the context in which the alleged conduct occurred.
Force:	The use of force to obtain consent invalidates the consent. Force is the direct or indirect use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.
Formal Complaint	A document that initiates Grievance Process A and/or Grievance Process B of this Policy, as applicable. The Formal Complaint must be signed and filed by the Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the University investigate the documented allegation(s). At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in an education program or activity at the University.

Term:	Definition:
	A Formal Complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the Formal Complaint. Formal Complaints must be submitted via email, mail, or in-person or by any other method designated by the University. to the Title IX Coordinator. Submission of a Formal Complaint to the Title IX Coordinator is not equivalent to filing charges with local law enforcement and does not require Complainant or the University to file charges with local law enforcement.
Incapacitation:	A person is incapacitated and cannot consent to sexual activity if that person is asleep, unconscious, or otherwise unable to resist; is unaware that sexual activity is occurring; does not have the ability to make informed, rational judgments about whether or not to engage in sexual activity; and/or the person does not have the legal capacity to consent. Someone also can be incapacitated due to the voluntary or involuntary use of alcohol or drugs. Some signs that someone may be incapacitated include stumbling, slurring words, a lack of control of their motor skills, or an inability to understand what is happening. • An individual who engages in sexual activity when the individual knows, or should know, that the other person is incapacitated, has violated this Policy. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment. • Being drunk or intoxicated is not a defense for not obtaining consent. • Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

Term:	Definition:
	A person who is not sure if they are interacting with a person who has diminished capacity should, as a matter of practice, avoid engaging in sexual activity with that person at that time. A person who has sexual interactions with anyone who may be under the influence of any substance is vulnerable to accusations of violations of this Policy.
Party:	A Complainant or Respondent (together, the "Parties")
Remedies:	Measures designed and provided to a Complainant to restore or preserve equal access to the institution's education program or activity after the institution determines that Prohibited Conduct as set forth in this Policy occurred. Remedies may include the same individualized services described in **Section 7. Supportive Measures**. However, Remedies do not need to be non-disciplinary or non-punitive and may burden the Respondent.
Report:	Notice, either written or verbal, provided to the Title IX Coordinator of an alleged incident of Sex Discrimination, Sexual Harassment, Sexual Misconduct or Retaliation. Any person, regardless of whether or not the person reporting the alleged incident is the person alleged to be the victim in the incident, may report Sex Discrimination, Sexual Harassment, or Retaliation. Reports may be made at any time, including during non-business hours, in person, by mail to the office address listed for the Title IX Coordinator, by telephone, by email, or any other means that result in the Title IX Coordinator receiving a person's written or verbal report. Individuals may also complete the **Online Reporting Form**. A report is distinguished from a Formal Complaint as defined above.
Respondent:	An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
Responsible Employees:	All the non-student University employees (excluding Confidential Employees and Confidential Campus Resources) and Residential Life staff are designated as Responsible Employees. These individuals are required to report all known details of an incident (including the identities of both the reporting Party and Respondent) to the Title IX Coordinator or Deputy Title IX Coordinator, typically via the **Online Reporting Form** (preferred), when in the course and scope of their

Term:	Definition:
	employment, they witness or receive information regarding an incident that the employee reasonably believes constitutes Sexual Harassment or Sexual Misconduct and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident. Talking with a Responsible Employee about an alleged incident of Prohibited Conduct constitutes a report to the University and will therefore be shared with the University Title IX Coordinator**.**
Standard of Evidence (Preponderance of Evidence):	The standard used to determine if a violation of this Policy occurred. The University uses a "preponderance of evidence" standard, which means that the evidence gathered in the grievance process (either A or B) demonstrates that it is more likely than not that the alleged conduct or Policy violation occurred.
Student:	For the purpose of this Policy, the University defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the University.
Supportive Measures:	Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education programs or activities without unreasonably burdening the other Party, including measures designed to protect the safety of all parties or the University's educational environment, or deter Sexual Harassment. Supportive measures are described in further detail in **Section 7. Supportive Measures.**
Title IX:	Title IX of the Education Amendments of 1972 (Pub. L. 92-318; 20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688, 1689), as amended. It is a law that protects against sex-based discrimination and provides for equal opportunity for students to pursue education and have equal and safe access to all of a school's programs and facilities and protects these environments from becoming hostile environments. It is mandated

Term:	Definition:
	through the Office of Civil Rights in the U.S. Department of Education that institutions receiving federal funds or providing federal financial aid to students must adhere to Title IX's rules and provisions.

Related Documents

Related Documents:

Document Type:	Document Name:	Document Number:
Policy	Policy on Mandatory Reporting Requirements for Sexual Harassment and Sexual Misconduct	PRES-0002
Policy	Anti-Discrimination and Harassment Policy	PRES-0003

Related Content:

Chapter 51, Subchapters E-2 and E-3 of the Texas Education Code

Revision Management

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Vice President Approval:

Name:	Title:
Brandi Jones	Vice President for People, Culture, and Community