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A Culture of Respect: Rivier University Policy Regarding Prohibited Sex-based Harassment and Discrimination (the Policy)

I. Introduction & Overview: Institutional Values and Community Principles

Rivier University is a Catholic coeducational institution founded by the Sisters of the Presentation of Mary. The University trusts that all members of the Rivier community enter voluntarily with knowledge and understanding of Rivier’s mission. Commitment to self-discipline and mutual respect towards one another is expected of all members of the University community and are essential elements of an environment centered on Christian principles.

The application of the Sex Based Discrimination and Harassment strives to ensure that we uphold our institutional values and community principles to maintain a community free from the harmful consequences of sexual and gender-based harassment. Harassment and discrimination threaten our ability to thrive personally, academically, and professionally at Rivier. Sexual misconduct, a form of sex discrimination, violates a person’s rights, dignity, and integrity and violates our community principles and the mission of the University.

Rivier University is committed to providing a non-discriminatory and harassment-free educational, living and working environment for all members of the Rivier community. The University maintains a community characterized by trust, mutual respect, and responsibility where all can feel secure and free from discrimination in the classroom; social, recreational, and residential environments; and the workplace. All members of the community are expected to adhere to the requirements of the law and to the standards of the University.

The University recognizes that sex discrimination and sex-based harassment can occur in conjunction with misconduct related to an individual's race, color, national or ethnic origin, religion, age, disability, or other protected statuses. In the event alleged discrimination is reported to be based on more than one protected status, including sex, the University will coordinate the investigation and resolution efforts to address harassment related to the targeted individual's sex, gender, gender identity or expression, or sexual orientation together with the conduct related to the targeted race, color, national or ethnic origin, religion, age, disability or other statuses.

1.3 Jurisdiction

- Responsible for monitoring full compliance with all procedural requirements and timeframes outlined in this policy;
- Responsible for overseeing training, prevention and education efforts and periodic reviews of climate and culture; and
- Responsible for compiling annual reports.

Inquiries or complaints concerning the application of Title IX may be referred to the University's Title IX Coordinator and/or to the U.S. Department of Education's Office for Civil Rights or New Hampshire Human Rights Commission.

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603-897-8211

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603-897-8244

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New Hampshire Human Rights Commission

2 Industrial Park Drive

Concord, NH 03301

603-271-2767

Office for Civil Rights, U.S. Department of Education, Boston Office

5 Post Office Square, 8th Floor

Boston, MA 02109

617-289-0111

Fax: 617-289-0150

ocr.boston@ed.gov

Inquiries involving employees may be referred the Title IX Coordinator or to the following government agencies:

United States Equal Employment Opportunity Commission, Boston Office

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

800-669-4000

Fax: 617-565-3196

www.eeoc.org

Dating Violence: violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship;
- (2) The type of relationship; and
- (3) The frequency of interaction between the persons involved in the relationship;

Domestic Violence: felony or misdemeanor crimes committed by a person who: (A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws

Indecent Exposure: A person commits indecent exposure if that person intentionally shows their genitals in a public place or in another place where there are other persons present under circumstances in which one knows or should know that this conduct is likely to affront or alarm.

Non-Consensual Sexual Contact: Non-consensual sexual contact is defined as having intentional physical contact of a sexual nature with another individual:

- ” By the use of force or threat of force;
- ” Without consent; or
- ” Where that individual is incapacitated or physically and/or mentally unable to make informed and reasonable judgments.

Non-consensual sexual contact includes: touching the intimate parts of another; touching a person with one’s own intimate parts; forcing a person to touch another’s intimate parts; forcing a person to touch one’s own intimate parts; or disrobing or exposure of another without permission. Intimate parts may include the breasts or chest, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner, or the clothing covering the same.

Physical Assault: Physical assault is a purposeful action meant to threaten or endanger the health or safety of any person. Examples include, but are not limited to, fighting, pushing, kicking, punching, hitting with or throwing an object at, or biting. This behavior is typically treated as a violation of the Rivier Code of Student Conduct and the Employee Conduct policy. When these acts occur in the context of intimate partner violence or when the behavior is perpetrated on the basis of sex or gender, the misconduct will be resolved under the Sex Based Harassment and Discrimination Policy.

Retaliation: Any act or attempt to retaliate or seek retribution against any individual or group of individuals involved in the report, investigation and/or resolution of an allegation of sexual misconduct or harassment. Forms of retaliation include intimidation, threats, pressuring, harassment, continued abuse or violence, slander and libel, or preventing participation in university activities or proceedings. Retaliation can be committed by any individual or group of individuals, not just a Respondent or Complainant. Retaliatory conduct by community members and third parties is prohibited regardless of whether it occurs on or off campus, in person, or through social media, e-mail, or other forms of communication.

Any form of retaliation should be reported to the Title IX Coordinator immediately. The University cannot take steps to stop retaliation until it is reported. Once notified, the University will take immediate and responsive action to any report of retaliation and may pursue charges and disciplinary proceedings under this Policy, independent of the sanction or protective measures imposed in response to the underlying allegations of sexual misconduct or harassment. Disciplinary action may include termination of employment or dismissal from the University.

Unauthorized Disclosure: distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by the University; or publicly disclosing institutional work product that contains personally identifiable information without authorization or consent.

2.4 Definitions

Coercion: the use of pressure that compels another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, implied threats or blackmail which places a person in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

Complainant: (1) A student or employee who is alleged to have been subjected to conduct that violates of this Policy; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that violates of this Policy and who was participating or attempting to participate in the University's education program or activity at the time of the alleged sex discrimination.

Complaint: an oral or written request to the Title IX Coordinator that objectively can be understood as a request for the University to investigate and make a determination about alleged discrimination under this Policy.

Consent: an active, conscious, and voluntary decision by each participant to engage in mutually agreed-upon sexual activity. Consent must exist from the beginning to the end of each sexual activity or each form of sexual contact. An individual who is physically incapacitated by alcohol or other drug consumption (voluntary or involuntary) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent. All parties must obtain mutually understandable consent before continuing further sexual activity. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. The following are essential elements of consent:

Informed and Reciprocal: All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

1. **Freely and Actively Given:** Consent cannot be gained by force, coercion, deception, threats; by ignoring or acting in spite of the objections of another; or by taking advantage of the incapacitation of another individual.
2. **Mutually Understandable:** Consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage freely in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. Relying solely upon non-verbal communication can lead to a misunderstanding or false conclusion as to whether consent was sought or given. If at any time during the sexual activity, an individual is hesitant, confused, uncertain, or is no longer an enthusiastic participant, both parties should stop and clarify verbally the other's willingness to continue before continuing such activity.

Severity:

- " The frequency of the speech or conduct;
- " The nature of the speech or conduct;
- " Whether the conduct was physically threatening;
- " Whether the speech or conduct was humiliating;
- " The effect of the speech or conduct on the Complainant's mental and/or emotional health.

misconduct may also seek assistance from a medical provider. In general, the disclosure of private information contained in medical records is protected by the Health Insurance Portability and Accountability Act (HIPAA). The individual has the right to request that a sexual assault advocate be present and to request that law enforcement not pursue a criminal charge. Neither campus nor community medical providers will notify the University of the report.

Anonymous statistical information must be shared with public safety where required by the Clery Act. Annual Clery reporting to the U.S. Department of Education is required by educational institutions. The information contained in the Clery Report only tracks the number of Clery-reportable offenses occurring at campus locations or University-sponsored programs (e.g., study abroad) and does not include the names or any other identifying information about the person(s) involved in the report.

Anonymous Reporting

Any individual may make an anonymous report concerning an act of sexual misconduct. An individual may report the incident without disclosing their name, identifying the

Before a Complainant or Reporting Party reveals information that they may wish to keep confidential, non-confidential employees should make every effort to ensure that the Complainant or Reporting Party understands:

- x the employee's obligation to report the name of the Respondent involved in the alleged violation, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator;
- x the Complainant or Reporting Party's option to request that the University maintain confidentiality, which the University will consider;
- x the Complainant or Reporting Party's ability to share information with confidential resources as described in the section above.

Confidential Employees are specifically designated by role and/or licensure. Confidential employees include counselors, nurses, and clergy when acting in the scope of their employment. New Hampshire state law also requires the University to designate a Confidential Resource Advisor (CRA) based on their experience and ability to provide victim services related to sexual misconduct.

The University's CRA is:

Emily Daversa, Director of Campus Ministry and Service Learning

Dion Center

603-897-8577

edaversa@rivier.edu

The CRA shall inform the student or employee, or provide resources about how to obtain, including in written format:

- Reporting options and the effects of each option;
- Counseling services available on campus and through a local rape crisis center or domestic violence center;
- Medical and health services available on campus and off campus;
- Campus escort services for security;
- Available academic and residence life accommodations;
- Student loan counseling for students considering temporary permanent withdrawal or half time enrollment regarding loan deferment, forbearance, or other student loan programs;
- The investigative and disciplinary process of the institution;
- The legal process carried out through local, state, and federal law enforcement agencies;
- That the institution's disciplinary process is not to be considered a substitute for the criminal justice process;
- Any limits on the ability of the confidential resource advisor to provide privacy or confidentiality to the student.

The University expects all members of its community to participate in the process of creating a safe, welcoming, and respectful environment on campus. In particular, the University expects that Rivier community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct or harassment. Taking action may include direct intervention when safe to do so, enlisting

the assistance of friends or colleagues, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to take these actions will be supported by the University and protected from retaliation.

Reports involving Minors or Suspected Child Abuse

When a report involves suspected abuse of a minor under the age of 18, the University is required by state law to notify the New Hampshire Department for children, Youth and Families and/or the District Attorney's office. This requirement extends to resources designated as confidential by the University,

Reporting: Alcohol/other drugs

A bystander, Reporting Party, or Complainant acting in good faith, who discloses any incident relating

Privacy

Privacy generally means that information related to a report of misconduct will only be shared with a limited group of individuals. The use of this information is limited to those University employees who “need to know” in order to assist in the active review, investigation, resolution of the report, or to protect the University community. While not bound by confidentiality, these individuals will be discreet, and respect and safeguard the privacy of all individuals involved in the process. Conversations with individuals designated as private resources constitutes a report to the University and will initiate an inquiry into the incident.

Confidentiality

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These campus and community professionals include mental health providers, ordained clergy, sexual assault advocates and rape crisis counselors. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or as otherwise required by law.

3.5 Timely Warning

If a report of misconduct discloses a serious, immediate, or continuing threat to the Rivier community, the University may issue a campus-wide timely warning or notification (which may take the form of an email, text or other electronic communication to community members) to protect the health or safety of the community and to heighten safety awareness. A timely warning may include a campus-wide notification for a report of sexual assault, stalking, and intimate partner violence. The timely warning will not include any identifying information about the Complainant. The University reserves the right to send campus-wide notifications on any report of sexual misconduct.

At no time will the University release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent’s name to the general public is guided by Family Educational Rights and Privacy Act (FERPA) and the Jeanne Clery Act. The University may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions.

All University proceedings are conducted in compliance with the requirements of FERPA, 2013 Reauthorization of the Violence Against Women Act, the Clery Act, Title IX, state and federal law, and University policy. No information shall be released from such proceedings except as required or permitted by law and University policy.

3.6 Initial Evaluation

The Title IX Coordinator conducts an initial evaluation, typically within seven business days of receiving Notice/Complaint/Knowledge of alleged misconduct. The initial evaluation typically includes:

- x Assessing whether the reported conduct may reasonably constitute a violation of the Policy.
 - o If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the [dismissal provision](#) in these

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking formal disciplinary action against a Respondent.

Where the Title IX Review concludes that informal resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies

Agreements Not Recognized by the University

Other than a judicial order, the University will not recognize agreements between the Complainant and Respondent in which the University did not participate unless reviewed and approved by the Title IX Coordinator.

IV. Grievance Procedures for Complaints of Sex Discrimination or Harassment

Rivier University has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its educational program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by this Policy.

4.1 Formal Complaints

Sex-based harassment and discrimination violates federal and state civil rights laws and may be subject to criminal prosecution in addition to action taken by the University. Because behavior that violates this policy may also be a violation of law, any individual who has been subjected to sexual assault or harassment may consider criminal or civil legal options in addition to or separate from this Policy. An individual may also file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission and/or the New Hampshire Human Rights Commission

Under this Policy, the following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that Rivier University investigate and make a determination about alleged discrimination under Title IX:

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

Rivier University may consolidate complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a party, Complainant, or Respondent include the plural, as applicable.

4.2 Withdrawal of Complaint

Prior to the completion of the resolution options described in this policy, the Complainant may withdraw the sexual misconduct complaint. Withdrawal of the complaint will, in most circumstances, end any investigation or process taking place under this policy. The University reserves the right to move forward with a complaint, even after the Complainant withdraws it, in order to protect the interests and safety of the University community.

4.3 Effect of Pending Complaint on Respondent

If a Respondent elects to withdraw from the University after an investigation has commenced but prior to a final resolution, the transcript of the Respondent will reflect a withdrawal and shall contain the notation "Voluntary withdrawal with disciplinary charges pending." A Respondent electing to withdraw from the University under these conditions shall have no right to apply for readmission. In exceptional circumstances, the Dean of Students may grant permission to apply for readmission to a withdrawing or

4.7 Safety and Remedial Measures, Including Emergency Removal

When an individualized safety and risk analysis has determined that a report poses a substantial and immediate threat of harm to the safety or well-being of an individual or members of the campus community, or to the performance of University functions, the University may place a student on interim suspension or impose a leave for an employee. Pending resolution of the report, the individual may be denied access to campus, campus facilities and/or all other University activities or privileges for which the individual might otherwise be eligible, as the University determines appropriate based upon the outcome of the investigation. When interim suspension or a leave is imposed, the University will make reasonable efforts to complete the investigation and resolution within an expedited time frame. Students may be placed on interim suspension at the discretion of the Dean of Students or designee as described in the Student Handbook. Provisions for suspension of faculty members are contained in the Faculty Handbook. Staff may be placed on leave at the discretion of the University.

4.8 Acceptance of Responsibility

At any point in the process, the Respondent may choose to accept responsibility for all or part of the alleged misconduct. If the Respondent accepts responsibility for the alleged misconduct, the process may, but will not necessarily, proceed to the investigation phase. The Title IX Coordinator may proceed directly to the sanction phase to determine an appropriate sanction for the Respondent. If the Respondent disputes any aspect of the allegations, the matter will proceed to an investigation.

4.9 Investigation

Rivier University will provide for adequate, reliable, and impartial investigation of complaints. The burden is on Rivier University—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Rivier University will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

Rivier University will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Rivier University will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- x Rivier University will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. Rivier University will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;

”

Rivier University will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

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

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Rivier University to determine whether one of the exceptions

responsibility for the alleged sexual misconduct, he or she may request that the University propose a resolution to the charges and a sanction and, with the consent of the Complainant, resolve the complaint without a hearing. If the responding party chooses this option and takes responsibility for the alleged sexual misconduct, he or she waives the option for a hearing and must accept any consequences and sanctions determined by the University.

Document/Records Review

In addition to reviewing any documents submitted by the Complainant and Respondent, the investigator will try to obtain such other physical or medical evidence relevant to the investigation as the investigator determines, in his or her judgment, to be necessary, including but not limited to documents, police records, electronic or other record of communications between the parties or witnesses, video or audio recordings, records or other relevant information. In obtaining such evidence, the investigator will comply with applicable laws and University policies.

Site Visits

The investigator may visit relevant sites or locations and record observations through written or photographic documentation.

Complainant and Responder Interviews

The investigator will interview the Complainant and the Respondent separately and may interview one or both parties more than once as necessary. The Complainant and Respondent may be accompanied by their advisors during the interview(s). To ensure accuracy of information shared during the interview process, a neutral University employee who has received annual training in Title IX investigations and processes, may accompany the investigator during the interview process.

Respondent, the determination of a sanction. Additionally, a prior finding (post appeal rights) of responsibility for a similar act of sexual misconduct will always be deemed relevant and may be considered in making a determination as to responsibility and/or assigning of a sanction.

If either party wishes to bring forth information concerning the other party's sexual history, bad acts, or pattern evidence, such requests must be made during the course of the investigation to the investigator, who is responsible for determining its relevance.

4.11 Investigative Report

At the conclusion of the investigation, the investigator will prepare a written report summarizing and analyzing the relevant facts determined through the investigation, referencing any supporting documentation or statements. In preparing the report, the investigator will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation. In general, the investigator may redact information that is irrelevant, more prejudicial than probative, or immaterial. The investigator may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts. Further, the investigator may redact any statements regarding general reputation or any character trait. The investigative report may include summaries of interviews with the Complainant, Respondent, third-party witnesses, experts, and any other individuals with relevant information, photographs of relevant sites or physical evidence, electronic records, and forensic evidence. The investigator may provide a summary of impressions including context for the evidence.

Before the report is finalized, the Complainant and Respondent will be given the opportunity to review their own statement(s) and other relevant information collected during the investigation, including the summaries of statements of the other party and any witnesses. A Complainant or Respondent may

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603-897-8211

cmills@rivier.edu

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Paula Randazza, Assistant Vice President of Student Experience, Title IX Deputy (for students)

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603-897-8244

prandazza@rivier.edu

titleixcoordinator@rivier.edu

Inquiries concerning the application of nondiscrimination policies may also be referred to:

Regional Director, Boston (s)2 (11.52 0 Td(-/Span AMCID 22 BDClr md1/P AMClx3 Tw 0.5(als)4 (al)r-4 (pan AMCID

Rivier University's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- ” Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
- ” If Rivier University permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, Rivier University will provide the party with an advisor of Rivier University's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, Rivier University will not appoint a confidential employee.

Procedures for the decisionmaker to evaluate the questions and limitations on questions

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

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

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

4.13 Determination Whether Sex Discrimination or Harassment Occurred

At any point in the proceedings, if a Respondent elects to admit to the charged violations and waive further process, the Decision-maker is authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This would waive the Respondent's right to appeal. If the Respondent rejects the finding/final determination/sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion. The Complainant retains their right to appeal a determination when a Respondent admits responsibility.

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Rivier University will:

- ” Use the preponderance of the evidence standard of proof to determine whether sex discrimination or harassment occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred;

- ” Notify the parties simultaneously in writing of the determination whether sex discrimination or harassment occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal,
- ” Not impose discipline on a Respondent unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited conduct;
- ” If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - o Coordinate the provision and implementation of remedies to a Complainant and other people Rivier University identifies as having had equal access to Rivier University's education program or activity limited or denied by sex discrimination;
 - o Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
 - o Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Rivier University's education program or activity.
- ” Comply with the grievance procedures before the imposition of any disciplinary sanctions against a Respondent;
- ” Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred;
- ” Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a Respondent;
- ” Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes ti(ns)6.1 (i)3.9 (bi)4 (l)4 (i)14 (ty)8 (ba)10 (di)4 (s)6.1 (c)8 (r)4

4.14 Disciplinary Sanctions or Remedies

Following a determination that sex-based harassment occurred, Rivier University may impose

- x Limiting an individual or organization's access to certain University facilities or activities pending resolution of the matter;
- x Providing a voluntary leave of absence;
- x Providing an escort to ensure safe movement between classes and activities;
- x Providing medical services;
- x Providing academic support services, such as tutoring;
- x Assisting with transportation needs;
- x Imposing interim suspension or leave;
- x Any other remedy that can be tailored to the involved individuals (students or employees) to achieve the goals of this policy.

Interim Suspension or Leave

capacity with the case in question, an appeal officer designee will be appointed. If no appeal of the decisionmaker's determination is filed within a timely fashion, the determination shall be considered final and binding on all of the parties and may not be appealed after the sanctioning phase of the procedure.

The appeal shall consist of a concise and complete written statement outlining the facts that support the available grounds for the appeal.

If the appeal is properly filed, the other party will be given the opportunity to review the written appeal and respond to it in writing to the Vice President. Any response by the other party must be submitted to the Vice President within three calendar days from being provided the appeal. If both parties file an appeal, the appeal documents from each party will be considered together in one appeal review process.

The receipt of the appeal and any response to the appeal will be acknowledged in writing (which can include email).

If a party appeals a dismissal or determination whether sex-based harassment occurred, Rivier University will:

- ” Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- ” Implement appeal procedures equally for the parties;
- ” Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- ” Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- ” Communicate to the parties in writing that Rivier University will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome;
- ” Notify the parties in writing of the result of the appeal and the rationale for the result. Any additional procedures or bases for appeal Rivier University offers will be equally available to all parties.

The appeal of the Decisionmaker findings will be conducted in an impartial manner by the Vice President. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination is presumed to have been decided reasonably and appropriate

Appeal Decision and Notification

The Vice President will generally make all appeal decisions within three business days of receipt of both the appeal and all responses to it, if any.

The appeal decision will include a rationale and shall be presented simultaneously in writing to both the Complainant and Respondent by the Title IX Coordinator or a member of the Title IX Team.