



GRIEVANCE MANUAL

OFFICE OF EQUITY INCLUSION & TITLE IX



SUBR Title IX Grievance Procedures

Power-Based Violence, Sexual Misconduct, and Title IX

Table of Contents

I. Introduction.....	2
II. Scope.....	2
III. Equitable Treatment.....	2
IV. Definitions.....	2
Definition of Key Acronyms:.....	2
Definition of Key Terms:	3
V. Overview.....	4
VI. Filing a Formal Complaint.....	4
VII. Initial Steps and Determination of Appropriate Procedures	5
VIII. The Formal Resolution Process	7
Notice of Allegations.....	7
Investigation	7
Interviews.....	8
Investigative Report	8
Hearing Process.....	8
Determination Regarding Responsibility	10
Sanctions	10
IX. Filing an Appeal.....	11
X. Informal resolution.....	11
XI. Recordkeeping	12

I. Introduction

This document was developed to help students, employees, and the Southern University Baton Rouge campus community understand and navigate the University's Title IX Grievance Process. The Title IX Grievance Procedure addresses allegations of Title IX Sexual Harassment subject to the Title IX Regulations adopted by the U.S. Department of Education (USDOE) and the Southern University System, effective August 14, 2020. Conduct that falls outside the scope of the Title IX Regulations set by USDOE (i.e., power-based violence) may be addressed by applying the Southern University System Policy on Power-Based Violence, Sexual Misconduct, and Title IX. The Title IX Grievance Procedure and its terms supersede any policies pertaining to the investigation or adjudication of "sexual harassment" as defined in this protocol.

II. Scope

The United States Department of Education's Title IX Regulations apply to both:

1. Conduct on the basis of sex that constitutes "sexual harassment" (§106.30); and
2. Conduct that relates to an institution's "education program or activity" against a person in the United States on or after August 14, 2020.

III. Equitable Treatment

As required by the Title IX Regulations, institutions are to treat Complainants and Respondents equitably by: (1) offering Supportive Measures to a Complainant, and (2) following a grievance process that complies with the procedural requirements of the Title IX Regulations before the imposition of any disciplinary sanctions against a Respondent. (§ 106.44(a); § 106.45(b)(1)(i).) Supportive Measures also may be offered as needed to Respondents and other individuals who belong to an institution's community and who may be affected by sexual harassment.

An individual's status as a Respondent shall not be considered a negative factor during any process under this Procedure. Respondents are entitled to, and will receive the benefit of, a presumption that they are not responsible for the alleged conduct unless and until the process concludes and a determination regarding responsibility is issued. Similarly, a person's status as a Complainant, Respondent, or witness will not determine whether that person is deemed credible. (§ 106.45(b)(1) (ii-iv).)

Remedies are to be provided to a Complainant only if the grievance process described in this Procedure results in a determination that the Respondent is responsible for sexual harassment. Remedies are designed to restore or preserve equal access to an institution's education program or activity and may include the same individualized services as Supportive Measures. Remedies may be disciplinary and punitive and may burden a Respondent. (§106.45(b)(1)(i).)

Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process (collectively, Title IX Administrators) will not have a conflict of interest or bias in favor of or against any party or participant in sexual misconduct (i.e., Complainants, Respondents, or Witnesses).

IV. Definitions

Definition of Key Acronyms: For purposes of this Title IX Grievance Procedure, key acronyms are defined as follows:

- a. BoR (State of Louisiana): Board of Regents

- b. OCR: Office of Civil Rights
- c. SUBR: Southern University, Baton Rouge
- d. SUS: Southern University System

Definition of Key Terms: For purposes of this Title IX Grievance Procedure, key terms are defined as follows:

- e. Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment to the SUBR Title IX Coordinator or any official of an institution who has authority to institute corrective measures on behalf of the institution.
- f. Complainant: The individual that makes the complaint that they have been harmed by someone else.
- g. Consent: Permission that is clear, knowing, voluntary, and expressed prior to engaging in and during an act. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.
- h. Education Program or Activity: An education program or activity includes locations, events, or circumstances in which an institution exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by an institution. The Title IX Regulations exclude any education program or activity that does not occur in the United States. (§106.44(a).) Conduct that does not satisfy the USDOE's jurisdictional requirement, such as off campus behavior alleged to have an on-campus effect, may be addressed under alternative procedures such as the SUS Uniform Policy on Power-Based Violence, Sexual Misconduct, and Title IX.
- i. Formal Complaint: A document filed by a Complainant or signed by the campus' Title IX Coordinator alleging sexual harassment, as defined by the federal or Southern University System Title IX Regulations, against a Respondent requesting SUBR to investigate the alleged sexual harassment and/or misconduct. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the institution with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by e-mail, or by any additional method designated by SUBR.
- j. Power-based Violence: The definition is provided by the State of Louisiana Board of Regents.
 - i. Power-based violence is defined as any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person. It includes but is more expansive than sexual misconduct and Title IX misconduct.

The Uniform Policy on Power-Based Violence was approved for Colleges and Universities Statewide August 10, 2021.

- k. Preponderance of the Evidence: the standard of proof in most civil cases in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party, or which shows that the fact to be proven is more probable than not
- l. Report: A document filed by any individual of the SUBR campus community pertaining to knowledge of alleged sexual misconduct as defined by the federal or Southern University System Title IX Regulations. A Report is not a Formal Complaint.

- m. Respondent: An individual or organization that is responsible for responding to the complaint.
- n. Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following criteria:
 - i. An employee of the institution conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.
 - ii. 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 recipient's education program or activity; and/or
 - iii. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
- o. Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties 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 education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the institution's educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus, and other similar measures.
- p. Title IX: The definition is provided by the U.S. Department of Education's Office for Civil Rights. Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX states:
 - i. "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

V. Overview

Reports and Formal Complaints are different, and any individual has the right to make a Report of sexual misconduct to the University, which may be accompanied by a request for Supportive Measures. An individual also has the right to make a Formal Complaint of sexual misconduct, which is a request to initiate the University's informal resolution process or formal disciplinary process, which includes an investigation and may proceed to a hearing. To initiate the Title IX process, an individual may submit a Report or a Formal Complaint either on their own behalf, as a Responsible Employee, or as a member of the University community. To file a Formal Complaint, the process may be initiated either in person or online with the Office of Equity, Inclusion, and Title IX. To do so, contact the Title IX Coordinator.

Campus Location: Augustus C. Blanks Hall, Room 245
 Office Phone: 225-771-2423
 Email Address: TitleIX@subr.edu

VI. Filing a Formal Complaint

A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment as defined by the Title IX Regulations against a Respondent and requesting an institution investigate the allegation of sexual harassment. The submission of a Formal Complaint and its receipt by the Title IX Coordinator triggers the Formal Grievance Process.

When the SUBR's Title IX Coordinator receives an allegation of conduct that falls within the scope of the Title IX Grievance Procedure, whereby it meets both the Title IX Regulations' definition of "sexual harassment" and their jurisdictional requirements, but no Formal Complaint is filed, then the Title IX Regulations prevents SUBR from administering a formal grievance process (including any informal or early resolution) that permits the imposition of any disciplinary sanctions or other actions against a Respondent. Supportive Measures, however, may still be offered.

1. Title IX Coordinator Filing Complaint

A Title IX Coordinator may sign a Formal Complaint to initiate or continue the Title IX Formal Grievance Procedure, if necessary, to fulfill the University's duty under Title IX to not be deliberately indifferent to actual knowledge of sexual misconduct. Signing a Formal Complaint does not make a Title IX Coordinator a Complainant or otherwise a party.

VII. Initial Steps and Determination of Appropriate Procedures

Upon Actual Knowledge of a Report of alleged conduct, the Title IX Office should perform an initial assessment consistent with information which includes making initial contact with the potential Complainant of the Report and offering information to include Supportive Measures. If the initial assessment reveals that the alleged conduct does meet the definition of sexual harassment as contained within the USDOE's Title IX Regulations, the investigation must proceed pursuant to the SUBR Title IX Formal Grievance Procedures below. If the alleged conduct does not meet the USDOE's definition of sexual harassment, the investigation will proceed pursuant to BOR's Policy addressing Power-Based Violence.

The information to follow details grievance process and all requirements for investigations and adjudications of formal complaints according to the Southern University System and Federal Regulations for the Southern University Baton Rouge campus.

Step 1: A typewritten Formal Complaint is filed with Title IX Coordinator. The Formal Complaint must be typewritten and delivered to the SUBR IX Coordinator utilizing the prescribed modalities:

- a. Electronic Mail: titleix@subr.edu
- b. U.S. Mail: Attn: Office of Title IX, P.O. 9887, Baton Rouge, LA 70813
- c. In Person: Augustus C. Blanks Hall, Room 245

All formal complaints must include:

The Complainant's physical or digital signature as defined in §106.30. There must be a clear indication the Complainant is the filer.

All formal complaints must be made by:

A Complainant is an enrolled participant or employed participant or one who is attempting to participate or attempting to gain employment in an educational related program or activity that is provided by SUBR.

Step 2: Review of Complaint by SUBR Title IX Coordinator

After receiving the complaint, it is reviewed by the trained and certified SUBR Title IX Coordinator. Receipt of the complaint is acknowledged synchronously in writing and the review process commences.

1. Once the Office of Title IX receives a Formal Complaint, several steps may be implemented to include, but are not limited to:
 - The Title IX Coordinator will ensure that the complaint is filed with the correct process or refer it to the correct process.
 - The Title IX Coordinator will reach out to the Complainant to offer Supportive Measures.
 - The Title IX Coordinator will notify the Respondent in writing of the complaint.
 - The Title IX Coordinator will determine whether emergency removal of any involved party is necessary.
 - The Title IX Coordinator will notify each party of their rights, including the right to an Advisor of their choice in the process.
 - The Title IX Coordinator will initiate an investigation, if appropriate while adhering to the wishes of the Complainant.

Step 3: Post review by SUBR Title IX Coordinator, the formal grievance process may ensue, be withdrawn, consolidated, or dismissed and referred to be investigated under another appropriate University policy.

In the Case of Ensuing

In accordance with SUS and SUBR policy the Title IX Coordinator, if deemed necessary, may initiate, or continue the Formal Grievance Procedure. This determination will be made in alignment with and to uphold the SUBR commitment to its Title IX Policy.

In the Case of Consolidation

SUS policy provides that SUBR may consolidate formal complaints that allege sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

In the Case of Withdrawal

The Complainant after filing a Formal Complaint may withdraw it at any time by providing written notice to the SUBR Title IX Coordinator and transmitting it in writing via – electronic mail, U.S. mail or in person. The procedure for the Complainant to request to withdraw a complaint, in whole or in part can be done in writing by contacting the Title IX Officer, titleix@subr.edu .

In the Case of Dismissal

If the conduct alleged in the Formal Complaint does not satisfy the requirements of sexual harassment as defined by §106.30, SUBR must dismiss the Formal Complaint under this grievance process. However, the Title IX Coordinator will transfer the Complaint to the University’s policy addressing power-based violence for review and possible investigation and resolution.

SUBR reserves the right to dismiss a Formal Complaint or any 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.
2. The Respondent is no longer enrolled in or employed by the University; or

3. Specific circumstances prevent SUBR from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

The SUBR Title IX Coordinator will notify the parties simultaneously and in writing that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Process, and of the transfer if applicable. Each party may appeal this dismissal using the procedures outlined in this policy.

VIII. The Formal Resolution Process

If an individual is party to the complaint (Complainant or Respondent), they do not have to participate in the investigation. However, while it is not mandatory that any individual participates in the Southern University and A&M College investigation process, we want to ensure that the process is fair and equitable. Therefore, the University encourages that all parties and witnesses will be willing to share what they know, to ensure the investigation is as thorough and accurate as possible.

Notice of Allegations

Upon receipt of a Formal Complaint, SUBR will provide written notice of the following to known parties:

- a. The investigation and adjudication process, including any informal processes.
- b. Allegations of sexual harassment, including sufficient details known at the time. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- d. The parties may have an Advisor of their choice, who may be, but is not required to be, an attorney.
- e. The parties may inspect and review evidence.
- f. The parties are prohibited from knowingly making false statements or knowingly submitting false information during the investigation and adjudication process; and
- g. If SUBR decides to investigate additional allegations not included in the original notice, we will provide notice of the additional allegations to the parties whose identities are known.

Investigation

The SUBR Title IX Coordinator shall appoint an Investigator to investigate the allegations documented in the Formal Complaint. The investigation may include, among other steps, interviewing the Complainant, the Respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files; and gathering and examining other relevant documents, social media posts, and other evidence.

The Investigator will attempt to collect all relevant information and evidence. Following the investigation, the Investigator will draft an investigation report succinctly describing all collected information. The Investigator will not make any determination as to whether a policy violation has occurred or recommend potential sanctions.

While investigating the allegations of any Formal Complaint of sexual harassment, the Investigator will conduct an objective evaluation of all relevant evidence. Relevant evidence is any evidence that may tend to make the allegations at issue more or less likely to be true.

Interviews

If you are a party or a witness, the University will contact you to schedule an investigation interview with a neutral and impartial Investigator(s). The parties can prepare for the interview with their Advisor in advance if they wish. There is no need to prepare a written statement in advance. The Investigator(s) will take a statement from each interviewee during the interview. Interviewees don't have to answer every question that is asked, but they should try to remember as much as they can and provide complete answers. Interviewees should bring any evidence they have (texts, snaps, physical evidence, video, etc.) with them to the interview. Each party may also be accompanied by an Advisor at the interview (witnesses cannot have an Advisor), so they may want to choose an Advisor before being interviewed. Parties who wish to have a trained Advisor appointed by the University, please contact the Title IX Officer and an Advisor will be assigned. Parties and witnesses may be interviewed more than once. Interviews may take place in person or may be conducted remotely. Most interviews last approximately one hour, though some can be longer, and some can be shorter.

During the interview the Investigator(s) will compile their notes or transcribe the recording of the interview into a statement for the interviewee to review and verify, to ensure accuracy. Each interviewee will receive a message inviting them to do so and will be provided instructions regarding making any edits or changes. After signing the statement and returning it to the Investigator(s), the statement will be included in the investigation report.

Investigative Report

Once the Investigator(s) complete a draft of the investigation report, a copy will be provided to each party and their Advisor. Any evidence excluded from the report as not relevant will be provided in a separate file. The parties will have ten (10) business days to review and comment on the report and evidence file to ensure the report is complete and accurate. The Investigator will explain the process by which the parties' review and comment is solicited and incorporated. The investigator(s) will then issue a final report (and final evidence file), providing copies to the parties, Advisors, and the Title IX Coordinator.

After the final report is submitted, a hearing panel will be convened to hear the complaint. The hearing panel will consist of three (3) trained members with one member selected by the Title IX Coordinator to serve as the Chair of the hearing committee. The hearing panel will be convened no later than thirty (30) days after the final report has been submitted to both parties unless there are documented circumstances that prevent the hearing from moving forward within that time frame.

Hearing Process

In the hearing process, live hearings may be conducted with all parties physically present in the same geographic location or, at the university's discretion, any or all parties, witnesses, and other participants appearing at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. SUBR will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

At the request of either party, Southern University will provide for the live hearing to occur with the parties located in separate rooms, with technology enabling the Adjudicator and parties to simultaneously see and hear the party or the witness answering questions. SUBR will create a transcript or recording (audio or audiovisual) of any adjudicative hearing to be made available to the parties for inspection and review pursuant to FERPA.

Depending on schedules, the hearing typically does not occur for a least ten (10) business days after the final investigation report is shared with the parties. This provides adequate time to prepare for the hearing, and also allows for additional review and comment by the parties and their Advisors, if they wish to do so. The hearing committee may facilitate a pre-hearing opportunity specifically for this purpose, or the parties review and comments may be submitted at the hearing.

The parties and witnesses are not required to attend the hearing. However, if any party or witness does not attend, none of their prior statements to the Investigator(s) will be relied upon by the hearing Decision-maker. The hearing Decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party or witness's absence from the live hearing.

The parties and witnesses are not required to answer questions at the hearing. However, if any party or witness refuses to submit to cross-examination at the hearing, none of their prior statements to the Investigator(s) or at the hearing will be relied upon by the hearing committee. The hearing Decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party or witness's refusal to answer cross-examination or other questions.

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.

Parties can be assisted by their pre-determined Advisor throughout the hearing. If a party does not have an Advisor to do so, and wishes to conduct cross-examination at the hearing, they must notify the Office of Title IX prior to the hearing, and the staff will assist them in selecting an Advisor or the Title IX Officer can appoint a trained Advisor for the party.

During the hearing the parties can make opening statements, and the Investigator(s) will also usually do so. The parties, Investigator(s), and witnesses are all questioned by the hearing panel. The hearing panel will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

Cross-examination must be conducted directly, orally, and in real time by the party's Advisor of choice and never by a party personally. (106.45(b)(6)(i).) Only relevant cross-examination and other questions may be asked of a party or witness. Advisors may be present solely to advise or support the party and are prohibited from speaking directly to the Investigator, hearing panel, other parties, or witnesses during the hearing, except for conducting cross examination. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The parties can then make closing statements.

Hearings are usually at least a few hours long and may take much longer if a complaint is complex. The University tries to limit hearings to 2 hours, so that the participants are not exhausted. If it looks like more time is needed, a hearing may take place over more than one day. Breaks are also taken during the hearing, as needed. Parties and Advisors may want to have a snack and drinks available during breaks.

Determination Regarding Responsibility

Standard of Evidence

In assessing allegations of sexual harassment, SUBR will implement the preponderance of the evidence standard as the determining standard of evidence to be used to determine responsibility for Formal Complaints against students and as for Formal Complaints against employees, including faculty, and apply the same standard of evidence to all Formal Complaints of sexual harassment.

Determination

The hearing panel will issue, simultaneously to both parties, a written determination regarding responsibility, which must include:

- a. Identification of the allegations potentially constituting sexual harassment.
- b. A description of the procedural steps taken from receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
- c. Findings of fact supporting the determination.
- d. Conclusions regarding the application of the SUS uniform policy to the facts.
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any sanctions the institution will impose on the Respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the Complainant; and
- f. Procedures and permissible bases for parties to appeal.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed or, if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Sanctions

A range of possible sanctions for employees and students are as follows.

- a. Students found responsible for violating this policy may expect the range of sanctions to include, but not be limited to, disciplinary probation, deferred suspension, suspension, expulsion, psychological assessment, counseling, social restrictions, limited presence on campus, revocation of admission. Additional sanctions may also be imposed when appropriate.
- b. An employee found responsible for violating this policy may expect the range of sanctions to include, but not be limited to, suspension, administrative leave, demotion, psychological assessment, counseling, restricted presence on campus, or termination of employment.

Both the Complainant and the Respondent will be informed of the outcome of any sanction or disciplinary process in writing. After the parties are notified of the outcome, any assigned sanctions become effective unless any or all parties elect to request an appeal. All parties have the right to request an appeal. The outcome letter from the hearing Decision-maker will detail the procedures for appeal.

IX. Filing an Appeal

If any or all parties appeal, the Associate Vice Chancellor for Equity, Inclusion, and Title IX will consider all permissible arguments for appeal. Appeals shall only be raised on one or more of the following grounds:

1. a procedural irregularity that affected the outcome of the matter.
2. to consider new facts or information that were not known or knowable to the appealing party before or during the time of the resolution and that are sufficient to alter the decision.
3. the Title IX Coordinator, Investigator, or Adjudicator(s) had a conflict of interest or bias that affected the outcome of the matter.
4. the decision reached was not supported by a preponderance of evidence; or
5. the sanctions were disproportionate to the findings.

Written Notice of Appeal shall be forwarded to the campus Title IX Coordinator within ten business days of email notification of the hearing panel decision, any dismissal of the claim or after an emergency dismissal. For all appeals, the University shall, at a minimum:

1. Notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties.
2. Ensure the decision maker(s) for the appeal is/are not the same individual(s) who reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator.
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome.
4. Issue a written decision describing the result of the appeal and the rationale for the result; and
5. Provide a written decision simultaneously to both parties.

Appeal decisions are final. In the event of remand for rehearing, the subsequent hearing panel outcome may be appealed in accordance with the provisions herein. Any appeal right exercised under this policy shall complete the process.

X. Informal resolution

At any time prior to reaching a determination regarding responsibility, SUBR may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. SUBR will not offer an informal resolution process unless a Formal Complaint is filed. SUBR will not require the parties to participate in an informal resolution process and will not require them to waive their rights to a Title IX Formal Grievance process. (§106.45(b)(9).)

The SUBR Title IX Coordinator shall:

1. Provide written notice to the parties disclosing:

- a. The allegations.
 - b. 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.
 - c. The fact that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation and adjudication process with respect to the Formal Complaint; and
 - d. Any consequences resulting from participation in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process; and
 3. Not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

XI. Recordkeeping

SUBR must maintain, for seven (7) years, records of:

1. Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the education program or activity.
2. Any appeal and the result thereof.
3. Any informal resolution process and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process.