- Advisor means a person chosen by a party to be accompanied by the individual who may accompany the party to meetings under 3 ( b)y

    - Complainant means an individual who is alleged to be the victim of conduct that could be Sex-Based Harassment based on a party's alleged participation or attempted participation in a protected activity

    - Complaint (formal) means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging Sex-Based Harassment against a Respondent and requesting that the recipient investigate the allegation.

- Formal Grievance Process as a method to

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- ***Student.*** A e h ai ed a i

- Title IX Coordinato ea f ficial desig ated by Ave a Uni e i

The procedures below may be added to, deleted, or modified from time to time, as the campus climate, and/or the law, may be added to and interpreted in accordance with this policy.

## Sex Discrimination Policy

As a University that adheres to all federal, state, and local civil rights laws prohibiting discrimination and harassment based on sex, the University is committed to providing an environment free from discrimination and education and employment practices, educational programs and activities that are free from discrimination on the basis of sex, except as may be permitted by law. As a recipient of federal financial assistance, the University is committed to complying with Title IX of the Education Amendments of 1972 and its implementing regulations, 34 C.F.R. Part 106 ("Title IX"). Title IX prohibits discrimination on the basis of sex in education programs and activities. Title IX also prohibits retaliation against any person opposing discrimination under Title IX or participating in any Title IX proceeding.

x **Philadelphia Office**
**Office for Civil Rights**
**U.S. Department of Education**
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323

Telephone: 215-656-8541
FAX: 215-656-8605; TDD: 800-877-8339
Email: OCR.Philadelphia@ed.gov

x **Assistant Secretary for Civil Rights**
**Office for Civil Rights, National Headquarters**
U.S. Department of Education
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
Fax: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Ave., SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web:-

ain for delegated related to Title IX. There is an appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator or the Investigator(s) during the meeting. The Respondent will be given access to any evidence on the basis for the emergency removal decision prior to the meeting to allow adequate preparation.

b.

Although Avia University has a presence on social media, and there is some interaction between the university and its students, there is room for improvement in how the university engages with its students on these platforms. For example, the university could use social media to provide more timely and relevant information to students, such as updates on campus events, changes to academic policies, and opportunities for student feedback. Additionally, the university could use social media to foster a sense of community among students, by creating groups or forums where students can connect with each other and share their experiences.

Members of the university community could be encouraged to be more digitally literate and to engage more effectively with the university's social media presence. This could involve providing training or resources to help students, faculty, and staff understand how to use social media in a professional and responsible manner, as well as how to navigate the university's online platforms and services.

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Sexual Harassment has another category which includes the actual attempted offenses of sexual harassment such as sexual assault, sexual violence, dating violence, and stalking, and is defined as
Conduct on the basis of sex that satisfies one or more of the following:

1) Quid Pro Quo
   a. an employee, agent, or other person authorized by the recipient
   b. conditioning the provision of an aid, benefit, or service of the recipient
   c. an individual's participation in unwelcome sexual conduct.

2) Sexual Harassment
   a. unwelcome conduct
   b. determined by a reasonable person
   c. to be severe, OR
   d. pervasive, OR,
   e. objectively offensive,
   f. that effectively denies a person equal access to Alvin University's education program or activity [5]

3) Sexual assault, defined as

   a) Sex Offenses, Forcible:

[5] 34 C.F.R. § 106.30(a)

d. [illegible]
   i. [illegible]

### c. Force, Coercion, Consent, and Incapacitation[8]

As noted in the definitions above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is used to overcome concrete resistance or produce consent (e.g., "Have sex with me or I'll beat you up"; "Okay, don't hit me, I'll do what you want").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Similarly, the absence of force is not the same as consent. Consent is defined below, and the existence of force is not necessary, but it is a clear demonstration of non-consent.

**Coercion**: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from forceful conduct

a) All [illegible] which include homicide, assault, battery, aggravated assault, burglary, motor vehicle theft, and arson
b) Hate crimes which include any bias-motivated [illegible] crime as well as any bias-motivated act of theft, intimidation, destruction/damage/vandalism of property
c)

2) An informal (prior to a formal) ; and/or
3) A Formal Grievance Process including an investigation and a hearing (prior to a formal) .

At any University, the Formal Grievance Process determines whether the Policy has been violated.
If so, the University will implement effective remedies designed to ensure that it is not
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**a. Violence Risk Assessment**

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1) The conduct alleged in the formal complaint would constitute Sex-Based Harassment as defined above, even if proved; and/or

2) The conduct did not occur in the education program or activity controlled by the Alvaria University (including buildings owned or controlled by a recognized student organization), and/or the Alvaria University does not have control of the Respondent; and/or

3) The conduct did not occur against a person in the United States; and/or

4) At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the recipient.[13]

Alvaria University may dismiss a formal complaint or any allegations therein, 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 allegations therein;

2) The Respondent is no longer enrolled or employed by the recipient; or

3) Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, Alvaria University will promptly notify the Complainant in writing of the dismissal and the reasons for doing so, simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision to dismiss is appealable by any party in a dismissed case. A Complainant who decides to withdraw a formal complaint may request to withdraw only part of the allegations in the complaint or withdraw the complaint in its entirety.

## 4. Counterclaims

Alvaria University is obligated to ensure that the grievance process established for alleged violations of Alvaria University's prohibition on Sex-Based Harassment described above, does not deter parties from making whether the allegations in the complaint are made in good faith. Counterclaims made by a Respondent may be made in good faith, but are not considered reasonable for purposes of alleging Counterclaims made in retaliation for the purposes of this Policy.

Counterclaims determined to have been reported in good faith will be processed in the grievance process between the parties. Such claims may take place after the delivery of initial allegations, in which case a delay may occur.

Counterclaims may be reported through the same initial report as the underlying allegations, at the discretion of the Title IX Coordinator. Where counterclaims are

Aleria University expects that the parties may wish to have Aleria University share documentation and evidence related to the allegations with their Advisor. Parties may share this information directly with their Advisor or other individuals if they so choose. Doing so may help the parties participate meaningfully in the resolution process.

Aleria University prohibits the unauthorized disclosure of information and evidence that Aleria University obtains solely through the Title IX Grievance Process. The parties may share their own experiences if they choose to do so, but they may not share the information obtained through the Title IX Grievance Process with anyone else except as permitted by law or for the purpose of seeking advice or support from their Advisor. Aleria University may ask Advisors to sign agreements committing to abide by these restrictions before Aleria University shares documentation or evidence with Advisors.

If a party prefers that Aleria University communicate only with their Advisor, Aleria University will honor that request. The party must inform the Title IX Coordinator.

### h. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of records shared with them. These records may be shared with no other parties, disclosed publicly, or used for purposes not directly related to Aleria University's Aleria University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or fails to abide by Aleria University's privacy expectations.

### i. Expectations of an Advisor

Aleria University generally expects an Advisor to adjust their schedule to allow for the Aleria University process to proceed, but may change scheduled events to accommodate an Advisor's availability. Aleria University may, if doing so does not cause an unreasonable delay.

Aleria University may make reasonable inquiries about an Advisor to confirm that they are not related to or otherwise prohibited from serving as an Advisor. Advisors may be required to participate in Aleria University proceedings via telephone, videoconferencing, or other technologies as may be deemed appropriate and available.

### j. Expectations of the Parties with Respect to Advisors

A party may select or change an Advisor during the process and is not obligated to remain with the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigator(s) (or as soon as possible if a meeting is scheduled on expedited notice).

The parties are expected to advise the Title IX Coordinator if they change Advisors at any point. It is understood that if a party changes Advisors or the relationship with their Advisor is terminated, Aleria University will not be required to delay any proceeding. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

### k. Assistance in Securing an Advisor

For parties who need assistance finding an Advisor, Aleria University has contracted with Resolve Title IX, a third-party vendor that can provide Advisors to parties who need them. Parties may also contact organizations such as

- FACE (http://www.facecampus.org)

- SAVE (http://www.nesvaw.org).

Campus advocates can also be obtained through such as

- The Victim Rights Law Center (http://victimrights.org),
- The National Center for Victims of Crime (http://victimsofcrime.org), which maintains the Crime Victim Bar Association
- The Title IX Legal Defense Fund: https://www.changecampus.com/legal-defense-fund

## 6. Resolution Processes

Resolution proceedings are private. All participants, including the investigator, are expected to maintain the privacy of the proceedings in accordance with Alvernia University's policy. Although there is an expectation of privacy around what investigators share with parties during interviews, parties have discretion to share their own knowledge and evidence with others if they choose, with the exception that the parties agree to not disseminate information obtained from Resolution proceedings to Alvernia University community members not directly involved in their Advisor before doing so.

### a. Informal Resolution

Informal Resolution can include three different approaches

- When the Title IX Coordinator receives the initial complaint, they will determine whether it is appropriate to proceed directly into
- When the parties agree to resolve the matter through an alternative resolution mechanism, such as described below, including mediation, prior to a formal [illegible]

**b. Alternate Resolution Mechanism**

The Title IX Coordinator will provide written notice to the investigator and alleged(the "NOIA") to the Respondent prior to the commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also sent to the Complainant, who should be given advance notice that the NOIA will be delivered to the Respondent.

The NOIA will include:

- A statement of all of the allegations,
- The identity of the involved parties (if known),
- The precise conduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that Avila University presumes the Respondent is not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process3.4 (a e R)1.5 6 (f)2.7 ( )1(h)10.9 (h)5.78 (t)2.8 ()-3.7 (C /C2_.511 0 T10

Once the decision to open a formal investigation is made , the Title IX Coordinator will assign an investigator to conduct the investigation, typically within two (2) business days of determining that an investigation should proceed.

## 11. Ensuring Impartiality

Any individual materially involved in the administration of the grievance process [including the Title IX Coordinator, any investigator(s), and Decision-maker(s)] may not have a conflict of interest or bias for or against complainants or respondents generally or for a specific Complainant or Respondent.

The Title IX Coordinator will review the assigned investigator(s) to screen for potential conflicts of interest or actual bias. Circumstances that may result in conflicts of interest or bias may arise from, but are not limited to, the nature or duration of the relationship between the investigator and a party, and the Title IX Coordinator will determine whether the concern is reasonable and plausible. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised to Alvernia University President via email (president@alvernia.edu).

The Formal Grievance Process is subject to evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in prohibited conduct and evidence that supports that the Respondent did not engage in prohibited conduct. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

Alvernia University reserves the right to determine which Respondent is responsible for violations of this Policy and the Respondent is determined to be responsible for a violation by the preponderance of the evidence.

## 12. Investigation Timeline

Investigations are expected to be completed within thirty (30) business days, though some investigations may take several weeks, depending on the nature, extent, and complexity of the allegations, availability of witnesses, and access to records and other evidence.

Alvernia University will make a good faith effort to complete investigations in a prompt, timely manner and will communicate with the parties to the extent required by 34 C.F.R. § 106.45(b)(5)(v). Temporary delays or limited extensions of time frames for good

After a University Investigation Committee has completed its work and submitted its report, the Chairman of the Committee will inform the Vice-Chancellor whether criminal charges should be brought against the delinquent student(s). If criminal charges have been filed, the matter will be dismissed and reduced.

## 14. Steps in the Investigation Process

A University Investigation Committee should, where possible, impartial, and fair investigation in order to establish the facts and issues, obtain available, relevant evidence; and identify witnesses for interview, if necessary.

All parties have a full and fair opportunity through the investigation process to suggest issues and questions to be addressed, to provide relevant evidence and witnesses, and to review and respond to evidence on the record.

The University Investigation Committee should take the following steps (if not already completed (if necessary) in this order):

1. Determine the identity and contact information of the Complainant
2.