

# Thomas University Title IX Policy

## Policy Statement

Title IX of the Education Amendments of 1972 provides:

*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.*

It is the policy of Thomas University to maintain an environment that is free of all forms of discrimination on the basis of sex and sex-based harassment in any education program or activity whether such program or activity is offered or sponsored by the University or if the institution of if the institution is serving as a partner in said program or activity in conjunction with other institutions, including admissions and employment whether or not such program or activity is offered or sponsored by Thomas University including admission and employment. This Policy prohibits all forms of discrimination on the basis of sex and sex-based harassment, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity occurring on or after the effective date of this Policy (August 1, 2024). In cases where instances of sex and sex-based harassment precede August 1, 2024, the definitions and processes set forth in the 2020 Title IX will apply. This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to this Policy. All the foregoing conduct shall be referred to as “Prohibited Conduct.”

Thomas University will take prompt and equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects. In addition, Thomas University will fulfill its obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) in response to reported Prohibited Conduct. Students, employees, or third parties who are found to have violated this Policy may face disciplinary action up to and including expulsion (students) or termination of employment or contractual relationship (employees or third-party contractors).

Inquiries about Title IX may be referred to Thomas University’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. Thomas University’s Title IX Coordinator is Scott Grubbs. He can be contacted at [sgrubbs@thomasu.edu](mailto:sgrubbs@thomasu.edu) or (229) 226-1621 ext. 1118.

Thomas University also prohibits other forms of discrimination and harassment as described in the Statement of Policy on Discrimination and/or Harassment located in the Policy Manual.

As part of and in compliance with Title IX, Thomas University has adopted a Pregnancy or Pregnancy Related Conditions Policy (See policy below).

### **Scope of Policy**

This Policy applies to all reports of Prohibited Conduct reported on or after August 1, 2024. Where the date of the Prohibited Conduct precedes August 1, 2024, the definitions and process set forth in the 2020 Title IX regulations will be used.

Nothing in this Policy or Title IX derogates any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a Complainant, Respondent, or other person, including but not limited to making a Complaint through Thomas University's grievance procedures for Complaints of sex discrimination.

When used in this policy, a "Complainant" refers to:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part and who was participating or attempting to participate in Thomas University's education program or activity at the time of the alleged sex discrimination.

A "Respondent" refers to an individual who is alleged to have violated Thomas University's policy on sex discrimination.

A possible violation of the Policy is handled through an administrative process. A Complainant may also pursue criminal or civil legal recourse concurrently. One is not dependent on another.

### **Persons Covered by the Policy**

Thomas University has adopted grievance procedures that provide for the prompt and equitable resolution of Complaints made by students (including applicants for admission and admitted students), employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Thomas University strongly encourages reports of Prohibited Conduct regardless of who engaged in the conduct.

### **Locations Covered by the Policy**

This Policy applies to all sex discrimination occurring under a Thomas University education program or activity in the United States. This conduct that occurs under Thomas University's education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by Thomas University and conduct that is subject to Thomas University's disciplinary authority. Thomas University has an obligation to address a sex-based hostile environment under its education program or

activity, even when some conduct alleged to be contributing to the hostile environment occurred outside of Thomas University's education program or activity or outside of the United States.

## **Definitions**

*Admission* means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by Thomas University.

*Complainant* means:

(3) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part; or

(4) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part and who was participating or attempting to participate in Thomas University's education program or activity at the time of the alleged sex discrimination.

*Complaint* means an oral or written request to Thomas University that objectively can be understood as a request for Thomas University to investigate and make a determination about alleged discrimination under Title IX or this part.

*Confidential employee* means: You can put in here their responsibilities for informing folks (T9 matters and pregnancy matters) and reporting for Clery Act or put it in their job descriptions or put it elsewhere. We just need to make sure that they understand their responsibilities.

(1) An employee of Thomas University whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;

(2) An employee of Thomas University whom Thomas University has designated as confidential under this part for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services; or

(3) An employee of Thomas University who is conducting a Thomas University Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee's confidential status is only with respect to information received while conducting the study.

*Department* means the Department of Education.

*Disciplinary sanctions* mean consequences imposed on a Respondent following a

determination under Title IX that the Respondent violated Thomas University's prohibition on sex discrimination.

*Federal financial assistance* means any of the following, when authorized or extended under a law administered by the Department a grant or loan of Federal financial assistance, including funds made available for: (i) the acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and (ii) Scholarships, loans, grants, wages, or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.

*Fondling* - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. These 2 definitions should be put with the definition of sexual assault since they are definitions of sexual assault.

*Incest* - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

*Parental status*, as used in §§ 106.21(c)(2)(i), 106.37(a)(3), 106.40(a), and 106.57(a)(1), means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is a biological parent; an adoptive parent; a foster parent; a stepparent; a legal custodian or guardian; in loco parentis with respect to such a person; or actively seeking legal custody, guardianship, visitation, or adoption of such a person.

*Party* means a Complainant or Respondent.

*Peer retaliation* means retaliation by a student against another student.

*Pregnancy or related conditions* means pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

*Program or activity* and *program* mean all of the operations of Thomas University.

*Relevant* means related to the allegations of sex discrimination under investigation as part of the grievance procedures under § 106.45, and if applicable § 106.46. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decisionmaker in determining whether the alleged sex discrimination occurred.

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

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

*Responsible Employee* means any employee with the obligation to report sexual harassment or sexual discrimination or the responsibility to inform a student how to report sexual harassment. Thomas University requires that all Responsible Employees MUST report any possible sexual harassment or discrimination based on sex to the Title IX Coordinator. A Responsible Employee is anyone who:

1. Is not a confidential employee.

Responsible Employee obligations:

1. When a student, or a person who has a legal right to act on behalf of the student, informs a Responsible Employee of the student's pregnancy or related conditions, the employee must promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to Thomas University's education program or activity.

For the purposes of this policy, student employees, graduate and undergraduate, are considered to be Responsible Employees who have the obligation to report alleged misconduct to the Title IX Coordinator or Deputy. Unless otherwise specified, with the exception of Residence Life and Athletic student employees, students are considered to be employees of Thomas University during their assigned times for work or associated duties for which they are paid.

Residence Life student workers, including but not limited to Resident Assistants and Resident Directors are considered to be employees of Thomas University anytime they are in the residence halls, whether or not they are actually on duty. Athletic student employees, including but not limited to Graduate Assistants or team managers, are considered to be employees of Thomas University anytime they are engaged with their athletic programs, whether on or off campus.

*Retaliation* means intimidation, threats, coercion, or discrimination against any person by Thomas University, a student, or an employee or other person authorized by Thomas University to provide aid, benefit, or service under Thomas University's education program or activity, for the purpose of interfering with any right or privilege secured by

Title IX or this part, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part, including in an Informal Resolution process under § 106.44(k), in grievance procedures under § 106.45, and if applicable § 106.46, and in any other actions taken by Thomas University under § 106.44(f)(1). Nothing in this definition or this part precludes Thomas University from requiring an employee or other person authorized by Thomas University to provide aid, benefit, or service under Thomas University's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part.

*Sex-based harassment* prohibited by this part is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the bases described in § 106.10, that is:

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

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

- The degree to which the conduct affected the Complainant's ability to access Thomas University's education program or activity;
  - The type, frequency, and duration of the conduct;
  - The parties' ages, roles within Thomas University's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - The location of the conduct and the context in which the conduct occurred; and
  - Other sex-based harassment in Thomas University's education program or activity;
- or

(3) *Specific offenses*.

- Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- Dating violence meaning violence committed by a person
  - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (
  - B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of

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

- Domestic violence meaning felony or misdemeanor crimes committed by a person who:
  - Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of Thomas University, or a person similarly situated to a spouse of the victim;
  - Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - Shares a child in common with the victim; or
  - Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for the person's safety or the safety of others; or
  - Suffer substantial emotional distress.

*Sex characteristics* refers to physiological sex-based characteristics. Sex discrimination based on a person's physiological sex characteristics may include discrimination based on a person's anatomy, hormones, and chromosomes associated with male or female bodies. This could also include discrimination based on intersex traits.

*Sex stereotypes* means fixed or generalized expectations regarding a person's aptitudes, behavior, self-presentation, or other attributes based on sex.

*Sexual orientation* describes the sex of a person to whom another person is attracted.

*Statutory Rape* - Sexual intercourse with a person who is under the statutory age of consent.

### **Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual (From the Federal Bureau of Investigation Uniform Crime Reporting Program Sex Offenses)**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

B. Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

C. Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent. ([https://www.law.cornell.edu/cfr/text/34/appendix-A\\_to\\_subpart\\_D\\_of\\_part\\_668](https://www.law.cornell.edu/cfr/text/34/appendix-A_to_subpart_D_of_part_668))

*Student* means a person who has gained admission.

*Student with a disability* means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B), or a child with a disability as defined in the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3).

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

- (1) Restore or preserve that party's access to Thomas University's education program or activity, including measures that are designed to protect the safety of the parties or Thomas University's educational environment; or
- (2) Provide Supportive Measures during Thomas University's grievance procedures under § 106.45, and if applicable § 106.46, or during the Informal Resolution process under § 106.44(k).

*Title IX* means Title IX of the Education Amendments of 1972 (Pub. L. 92-318; 20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688, 1689), as amended.

*Transgender* refers to a person whose sex assigned at birth differs from their gender identity.

### **Additional Policy Definitions**

**Advisor** for the purposes of this Policy means any person of the Respondent or the Complainant's choosing to serve as the Advisor for the Title IX process. This person may be an attorney but does not have to be. The Advisor has specific responsibilities and requirements for participation in the process which are outlined in the section on Rights of the Respondent and Complainant. The Advisor may:

- attend any meeting or hearing with the respective Complainant or Respondent regarding the case, if invited by the respective Complainant Respondent;
- may provide advice to the Complainant or Respondent, trying to eliminate as many pronouns as possible through quiet conversation or written notes in any meeting or hearing related to the case;
- may be a member of the University community but is not required to be. May be an attorney, but is not required to be;

- during meetings with Investigators and the Title IX Team, Advisors may not represent the Complainant or Respondent; Parties are expected to respond to questions from investigators and the Title IX team directly;
- during a live hearing, Advisors may cross-examine the Parties and the Parties' witnesses. Are you sure you want to do this? Most institutions are no longer wanting to do this since it set up an adversarial situation at the hearing. Most institutions are now having the Decisionmaker ask the questions.

A Confidential Employee cannot be appointed by Thomas University to be an Advisor for the Complainant or Respondent; however, a Confidential Employee can choose to be an Advisor if so, requested by either the Complainant or Respondent.

**Appeals Officer** means an individual either internal or external to the College who has been trained and given authority to review and make decisions on appeals about emergency removals, findings (responsible or not responsible) under grievance procedure Sec. 106.45 or Sec. 106.46, and appeals from the implementation of Supportive Measures acting as the Supportive Measures Review Authority. The Thomas University Provost will act as the appeals officer with appellate jurisdiction over emergency removals, Supportive Measures Review Authority, and appeals requests involving actions taken by the Decisionmaker. The ruling from the Appeals Officer is final and binding.

**Business Day(s)** refers to a Business Day or Business Days in which Thomas University is open for business. This is generally Monday through Friday, from 8:00 a.m. until 5:00 p.m. and excludes weekends, holidays, designated closures including but not limited to weather delays and closures.

**Coercion** means the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Consent cannot be obtained through coercion.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. 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, but are not limited to:

- Threatening to out someone based on sexual orientation, gender identity, or gender expression or
- Threatening to harm oneself if the other party does not engage in the sexual activity. or
- When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive.

Thomas University will evaluate the following in determining whether coercion was used:

1. The frequency of the application of pressure,
2. The intensity of the pressure,

3. The degree of isolation of the person being pressured, and
4. The duration of the pressure.

**Confidentiality** means that information shared by an individual with designated campus or community professionals will not be revealed to any other individual without the expressed permission of the individual. If a Complainant or Respondent is a student with a disability, the Title IX Coordinator may consult, as appropriate, with the individual or office that Thomas University has designated to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973. An individual who seeks confidential assistance may do so by speaking with professionals who have a legally-protected confidentiality. (See the section on Resources for how to report confidentially.)

Note – this language is from sec 106.2 – definition of a student with a disability

**Consent** for the purposes of this Policy means that agreement to an activity is knowingly and freely given and communicated, through words or actions, to create a mutual understanding regarding the conduction of sexual activity.

Elements of consent include:

1. Consent is not valid when it involves:
  - a. Physical force, threats, or intimidation;
  - b. Minors under the age of consent,
  - c. Persons whose mental disabilities prohibit sound judgment;
  - d. Persons physically or mentally incapacitated, either voluntarily or involuntarily, as a result of alcohol or other drug consumption; and
  - e. Individuals who are unconscious, unaware, or otherwise physically incapacitated.
2. Silence cannot be interpreted as consent.
3. Lack of consent may also be communicated through the use of non-verbal expressions or actions indicating resistance.
4. Consent may be withdrawn at any time; consent may be offered at any time.
5. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.
6. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.

**Decisionmaker**- means an individual either internal or external to the College who has been trained and given the authority, under grievance procedure § 106.45 or § 106.46, to make a decision regarding the relevance and credibility of the evidence gathered by Thomas University. The Thomas University Title IX Coordinator is the Decision maker for all Title IX matters. If a conflict of interest exists in a given case, the Deputy or a designee will act as the Decisionmaker.

**Force** means the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid.

For the use of force to be demonstrated, there is no requirement that a Complainant resist the sexual advance or request. However, evidence of resistance by the Complainant will be viewed as a clear demonstration of a lack of consent.

**Incapacitation** means a physical or mental state in which an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. Examples of incapacitation include, but are not limited to, individuals who:

- Are asleep; or
- Are unconscious; or
- Are unaware that sexual activity is occurring; or
- Cannot understand the nature of the activity or communicate due to a mental or physical condition; or
- Are under the influence of alcohol, drugs or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's:

1. Decision-making ability;
2. Awareness of consequences;
3. Ability to make informed judgments; or
4. Capacity to appreciate the nature and the quality of the act.

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication so that the Complainant could not understand the fact, nature or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition.

Whether the Respondent reasonably knew or should have known that the Complainant was incapacitated will be evaluated using an objective reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis. In particular, consent could not occur when:

- The Respondent failed to appreciate the Complainant's incapacitation or;

- The Respondent failed to take reasonable steps to determine the Complainant's incapacitation or;
- The Respondent's own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.

It is the responsibility of each Party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

***Informal Resolution Facilitator*** means an individual either internal or external to the College who has been trained and given authority to facilitate between the Complainant and Respondent mutually agreed upon conditions to resolve a matter than might reasonably constitute sex discrimination under Title IX using the Informal Resolution process. The conditions must also be acceptable to the College.

**Privacy** means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process to the extent permitted by law.

Thomas University is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports and Formal Complaints under this Policy. Thomas University also is committed to assisting students, employees, and third Parties in making informed choices. With respect to any report or Complaint under this Policy, Thomas University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

**Third-Party** refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a Complainant or Respondent.

Immunity for Victims Thomas University encourages the reporting of conduct violations and crimes that occur on campus or against Thomas University’s students and its employees. An individual might be hesitant to report a crime to Thomas University official for fear of being charged with a policy violation themselves (i.e., underage drinking at the time of a sexual assault). It is in the best interest of Thomas University community that all individuals subjected to possible crimes report the incident to Thomas University officials. To encourage reporting, Thomas University offers individuals victims of crimes, and may offer those who assist victims of crimes, amnesty from Thomas University policy violations related to the incident. Such amnesty is given at the discretion of the Dean of Students or their designee.

**Reporting Options and Resources**

**On-Campus Reporting Options**

Thomas University requires that all Responsible Employees MUST report any possible sexual harassment or discrimination based on sex to the Title IX Coordinator. A Responsible Employee is anyone who:

- Any employees who are not confidential employees. This includes students employed by Thomas University in any capacity including those employed by Thomas University Residential Life, Student Affairs, Athletics, or any other organization or unit within the University.

Responsible Employee obligations:

1. When a student, or a person who has a legal right to act on behalf of the student, informs a Responsible Employee of the student’s pregnancy or related conditions, the employee must promptly provide that person with the Title IX Coordinator’s contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student’s equal access to Thomas University’s education program or activity.

**Notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX. No need since all required to report.**

**Title IX Coordinator and Deputy Coordinators**

Thomas University has designated the following individuals to serve in official capacity regarding Title IX reporting.

<b>Name</b>	<b>Title IX Position</b>	<b>Office</b>	<b>Phone</b>	<b>Email</b>
Scott Grubbs	Title IX Coordinator	Student Life	229-226-1621 Ext. 1118	sgrubbs@thomasu.edu
Anna Benefield	Deputy Coordinator	Human Resources	229-516-3774	abenefield@thomasu.edu

The Title IX Coordinator, assisted by Deputy Coordinator(s), is responsible for

coordinating Thomas University's compliance with its obligations under Title IX and this part. The Title IX Coordinator, when notified of conduct that reasonably may constitute sex discrimination under Title IX or this part, must take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects:

- treat the Complainant and Respondent equitably;
- offer and coordinate Supportive Measures, as appropriate, for the Complainant. In addition, if Thomas University has initiated grievance procedures under § 106.45, and if applicable § 106.46, or offered an Informal Resolution process to the Respondent, offer and coordinate Supportive Measures, as appropriate, for the Respondent;
- notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the grievance procedures under § 106.45 for discrimination based on sex, and if applicable § 106.46 for sex-based harassment, and the Informal Resolution process, if available and appropriate;
- If a Complaint is made, notify the Respondent of the grievance procedures under § 106.45, and if applicable § 106.46, and the Informal Resolution process, if available and appropriate;
- In response to a Complaint, initiate the grievance procedures under § 106.45, and if applicable § 106.46, or the Informal Resolution process, if available and appropriate and requested by all parties;
- In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an Informal Resolution process, determine whether to initiate a Complaint of sex discrimination that complies with the grievance procedures under § 106.45, and if applicable § 106.46.
- Record keeping documenting actions taken to meet Thomas University's obligations under sec. 106.44.
- Coordinate actions to prevent discrimination and ensure equal access.
  - 106.40 (3)
- Coordinated education and prevention efforts
- Report crimes to the Clery Administrator for reporting in the Annual Security Report (ASR)

### **Confidential Reporting on Campus**

The confidential resources available to individuals on campus are:

1. Thomas University Student Counseling Center-Dan Salveter, Director (229-226-1621 ext. 1139; [dsalveter@thomasu.edu](mailto:dsalveter@thomasu.edu))
2. Archbold Student & Employee Assistance Program (229-228-2210; Toll-Free 1-877- 327-2724; or 24 hours Helpline 1-800-238-8661. (after hours, weekends, holidays, and other times when the Thomas University Counseling Center is closed.

A confidential report is required by state law to notify child protective services and/or local law enforcement of suspected abuse of a minor under the age of 18 years of age.

Those in positions designated as Confidential Reporters have a duty to report incidents of sexual misconduct for the purposes of reporting numbers for the Annual Security Report (ASR), but are not obligated to report the details of the incidents including the names of potential Complainants or Respondents except as required by their license and professional ethics.

Need to include here their responsibilities to inform reporting person about T9 Coordinator and resources that can be provided – both for TY9 ad for pregnancy.

### **Law Enforcement Reporting Options On and Off Campus**

Complainants have the right to notify or decline to notify law enforcement. Thomas University strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. Thomas University will assist any Thomas University community member in securing a safe place to go and assist in coordination with law enforcement, and information about on-campus and off-campus resources and options for resolution.

Campus Police have officers on duty twenty-four (24) hours a day. You may report crimes or other emergencies by calling:

Emergency Assistance: 911

Thomasville Police Department (non-emergency): 229-227-3249

Campus Security: (229)-473-0318 (between the hours of 7pm – 4am M-F)

Additional off-campus assistance is available through the following:

Archbold Student & Employee Assistance Program 229-228-2210, Toll-Free 1-877-327- 2724 or 24-Hours Helpline 1-800-238-8661 or at [www.archbold.org](http://www.archbold.org).

Halcyon Home, Inc.: Domestic/Sexual Violence Shelter: 600 E. Clay Street, Thomasville, GA 31792. (229-226-5096). Services are available to respond to allegations of a domestic violence upon male victims.

These supports for adult male victims does not include residential. Residential is for women only.

The Treehouse Advocacy Center: Provides adult sexual assault services in Thomas County. (229)977-1639). After hours number 229-236-5437(CRISIS). Website: [treehousethomasville.org](http://treehousethomasville.org) or email: the [treehousecac@gmail.com](mailto:treehousecac@gmail.com).

National Domestic Violence Hotline: 1-800-799-7233 (SAFE). Rape Crisis Center in Thomas County: (229)-435-0074.

DHR Protective Services (child/disabled adult); (866-552-4464). Provide individual investigation of all allegations and present if necessary to the court for action as [recommended](#) by investigators.

### **Off-Campus Confidential Reporting Options**

Cases of sexual violence may also be reported to the Thomasville Police Department, The University's Title IX Coordinator can assist individuals with contacting the Police Department. If an incident is criminal in nature, the University may be mandated to share certain information with law enforcement.

### **Supportive Measures**

The Title IX Coordinator offers and coordinates Supportive Measures for the Complainant. In addition, if Thomas University has initiated grievance procedures under § 106.45, and if applicable § 106.46, or offered an Informal Resolution process to the Respondent, the Title IX Coordinator offers and coordinates Supportive Measures, as appropriate, for the Respondent.

For allegations of sex discrimination other than sex-based harassment or retaliation, Thomas University's provision of Supportive Measures does not require Thomas University, its employee, or any other person authorized to provide aid, benefit, or service on Thomas University's behalf to alter the alleged discriminatory conduct for the purpose of providing a Supportive Measure.

### **Supportive Measures for Students and Employees**

Supportive Measures are non-disciplinary services offered as appropriate, as reasonably available, and without fee or charge to both the Complainant or Respondent before or after the filing of a Formal Complaint under § 106.45, and if applicable § 106.46, or during the Informal Resolution process under § 106.44(k). or where no Formal Complaint has been filed. These Supportive Measures are designed to restore or preserve equal access to the University's education program or activity without unreasonable burden on Complainant and Respondent, including measures designed to protect the safety of all Parties or the University's educational environment, or deter sexual harassment.

If the Complainant or Respondent is a postsecondary student with a disability, the Title IX Coordinator may consult, as appropriate, with the individual or office that Thomas University has designated to provide Supportive Measures to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of Supportive Measures.

Supportive Measures may include but are not limited to no-contact directives, changes in class or work schedules, changes in University-owned living or working arrangements, or any other supportive measures that the University deems appropriate. Likewise, the University may work with a reporting student to provide access to on-campus counseling services, provide information regarding off-campus services, increased security monitoring, additional academic support such as extensions of deadlines or other course-related adjustments, or even withdrawal from class (or classes) without penalty.

Supportive Measures for employees may include changes in work schedules, relocating offices, providing information regarding off-campus services, increased security monitoring, or any other supportive measures that the University deems appropriate.

**Modifications and Termination of Supportive Measures** Thomas University may, as appropriate, modify or terminate Supportive Measures at the conclusion of the grievance procedures under § 106.45, and if applicable § 106.46, or at the conclusion of the Informal Resolution process under paragraph (k) of this section, or Thomas University may continue them beyond that point.

Thomas University will provide a Complainant or Respondent with a timely opportunity to seek, from an appropriate and impartial employee (Supportive Measure Review Administrator) modification or reversal of Thomas University's decision to provide, deny, modify, or terminate Supportive Measures applicable to them. The SMRA must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision, if the SMRA determines that the decision to provide, deny, modify, or terminate the Supportive Measures was inconsistent with the definition of Supportive Measures in § 106.2. Thomas University must also provide a party with the opportunity to seek additional modification or termination of Supportive Measures applicable to them if circumstances change materially.

#### **Confidentiality of Supportive Measures**

Thomas University will not disclose information about any Supportive Measures to persons other than the person to whom they apply, including informing one party of Supportive Measures provided to another party, unless necessary to provide the Supportive Measure or restore or preserve a party's access to the education program or activity, or when an exception in § 106.44(j)(1) through (5) applies, or other limited exceptions.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a Supportive Measures. Thomas University will take immediate, appropriate, and responsive action to enforce a previously implemented Supportive Measure.

#### **Emergency Removal**

Nothing in this Policy precludes Thomas University from removing a Respondent from Thomas University's education program or activity on an emergency basis, provided that Thomas University undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

In the event that an Emergency Removal is enacted, the Respondent has the opportunity to submit in writing a challenge to the emergency removal. The challenge to the emergency removal must contain all information, documentation, and evidence that the Respondent wants to have considered in requesting to remain on campus. The Title IX Coordinator will receive the written materials and will provide this to the Appeal Officer. The Appeals Officer is separate from investigators, Title IX Coordinator, and Decisionmaker. The Appeals Officer will review all materials and determine if the Emergency Removal is in the best interest of the Complainant and/or the Respondent and/or is in the best interest of the safety of the campus community. The Appeal Officer's decision is final and binding regarding the Emergency Removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

### **Administrative Leave**

Nothing in this Policy precludes Thomas University from placing an employee Respondent on administrative leave from employment responsibilities during the pendency of this process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990.

## **THOMAS UNIVERSITY'S GRIEVANCE PROCESSES**

### **Complainant**

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

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

A person is entitled to make a Complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to Complaints of sex discrimination other than sex-based harassment, in

addition to the people listed above, the following persons have a right to make a Complaint:

- Any student or employee of Thomas University;
- Any person other than a student or employee who was participating or attempting to participate in Thomas University's education program or activity at the time of the alleged sex discrimination.

Thomas 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.

### **General Principles**

Thomas University will treat Complainants and Respondents equitably.

No Title IX Coordinator, Deputy, Investigator, or Decisionmaker will have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A Decisionmaker may be the same person as the Title IX Coordinator or investigator.

Respondent is presumed not responsible for the alleged sex discrimination until a determination is made at the conclusion of Thomas University's grievance procedures.

Thomas University has established the following timeframes for the major stages of the grievance procedures: An investigation shall be completed at a maximum of 60 days of the receipt of the complaint unless extraordinary circumstances arise that cause delay in the investigation. Thomas University uses the preponderance of the evidence standard of proof to determine whether sex discrimination occurred, unless the recipient uses the clear and convincing evidence standard of proof in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the recipient may elect to use that standard of proof in determining whether sex discrimination occurred. Both standards of proof require 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 must not determine that sex discrimination occurred.

This process shall be completed and reviewed by the adjudicating body and they shall make a final decision on the merits of the complaint and communicate that decision simultaneously to both parties in writing within a maximum of 120 days of receipt of the complaint by the University

Thomas University has also established a process that allows for the reasonable extension of

timeframes on a case-by-case basis for good cause. Title IX Coordinator or Investigator(s) will notify the parties in writing as the reason for the delay and expected timeframe for completing that stage of the process.

Thomas 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 Employee, or Advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Thomas University can address false statements by initiating a disciplinary process under the appropriate Code of Conduct governing the individual as long as there is evidence independent of the determination whether sex discrimination occurred.

### **Evidence**

Thomas 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 Thomas University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

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

**Dismissal of a Complaint:**

Thomas University may dismiss a Complaint of sex discrimination if:

- Thomas University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in Thomas University's education program or activity and is not employed by Thomas University;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, (if under 106.46, withdrawal must be in writing) the Title IX Coordinator declines to initiate a Complaint, and Thomas University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Thomas University determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the Complaint, Thomas University will make reasonable efforts to clarify the allegations with the Complainant.

Thomas University will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then Thomas University will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Complainant, or simultaneously if notification is in writing. Notification under 106.46(d) must be in writing.

Thomas University will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then Thomas University will also notify the Respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, Deputy Coordinator, investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

If the dismissal is appealed, Thomas University will:

- Notify the parties of any appeal, including notice of the original 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;

- Provide the parties a reasonable and equal opportunity to make a statement in supportive of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

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

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

### **Informal Resolution**

At any time prior to determining whether sex discrimination occurred under § 106.45, and if applicable sex-based harassment under § 106.46, Thomas University may offer to a Complainant and Respondent an Informal Resolution process, if determined appropriate by the Title IX Coordinator, unless such a process would conflict with Federal, State or local law. Thomas University, to the extent necessary, also requires its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Thomas University's education program or activity.

Informal Resolution must be mutually agreed upon, in writing, by both parties. Additionally, an Informal Resolution process cannot begin unless a Formal Written Complaint is filed. The Informal Resolution process may recommend the following types of outcomes, including but not limited to: facilitating an agreement between the Parties, separating the Parties, referring the Parties to counseling programs, conducting targeted educational and training programs, and mediation.

Thomas University has discretion to determine whether it is appropriate to offer an Informal Resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX and may decline to offer Informal Resolution despite one or more of the parties' wishes. Circumstances when Thomas University may decline to allow Informal Resolution include, but are not limited to, when Thomas University determines that the alleged conduct would present a future risk of harm to others.

Thomas University will not require or pressure the parties to participate in an Informal Resolution process. Thomas University must obtain the parties' voluntary consent to the Informal Resolution process and must not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

Before initiation of an Informal Resolution process, Thomas University must provide to the parties notice that explains:

- (i) the allegations;
- (ii) the requirements of the Informal Resolution process;
- (iii) That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume Thomas University's grievance procedures;
- (iv) That the parties' agreement to a resolution at the conclusion of the Informal Resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- (v) The potential terms that may be requested or offered in an Informal Resolution agreement, including notice that an Informal Resolution agreement is binding only on the parties; and
- (vi) What information Thomas University will maintain and whether and how Thomas University could disclose such information for use in grievance procedures under § 106.45, and if applicable § 106.46, if grievance procedures are initiated or resumed. The information provided will be provided to the Title IX Coordinator, and placed in the in the Recipient's file, but would not constitute a disciplinary record to be revealed as part of a background check or similar review.

The facilitator for the Informal Resolution process must not be the same person as the investigator or the Decisionmaker in Thomas University's grievance procedures. Any person designated by Thomas University to facilitate an Informal Resolution process must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Any person facilitating Informal Resolution must receive training under § 106.8(d)(3).

At the conclusion of an Informal Resolution, and Informal Resolution receipt of official notification via Thomas University email, the Complainant and the Respondent have 2 (two) Business Days to change their mind about the resolution of the case. If either the Complainant or the Respondent changes their mind regarding the agreed Informal Resolution, they must do so in writing and submit it to the Title IX Coordinator. Should the Party's request not be received in writing (including electronically), or does not submit within 2 (two) Business Days, the Informal Resolution will be considered final and binding.

#### **GRIEVANCE PROCEDURE – SEC. 106.45 – Sex Discrimination**

##### **Scope**

- Applies to sex discrimination complaints that are not sex-based harassment and sex-based harassment without a student party.

**Written Notice of Allegations:**

If Thomas University's initiates the Title IX grievance procedure under sec. 106.45, Thomas University will notify the parties of the following:

- Title IX grievance procedure under Sec. 106.45 and any Informal Resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

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

**Investigation:**

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

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

Thomas 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.

**Questioning the Parties and Witnesses:**

Thomas University has a process that enables the Decisionmaker and Decisionmaker members to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

The Title IX Coordinator or Deputy will select a trained internal or external investigator to conduct a reasonable, impartial, and prompt investigation of the complaint ("Investigation"). The Title IX Coordinator will select an Investigator based on several factors, including the Parties involved, the complexity of the complaint, the need to avoid any potential conflict of interest, and who may best conduct a fair and equitable investigation for all parties involved. The Title IX Coordinator will notify the Complainant and Respondent, in writing, of the name of the designated Investigator(s).

The Complainant will have 2 business days to object to the Investigator's selection on the basis of bias or conflict of interest. For the purposes of this policy, business days refer to the days during which the University is open, typically Monday through Friday, from 8:00 am to 5:00 pm and excludes weekends, holidays, and designated closures including, but not limited to, weather closures and delayed starts. If the Complainant or Respondent objects, the Title IX Coordinator will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace any Investigator the Coordinator finds to have a bias or conflict of interest against either party. The Investigator will interview both Parties and relevant witnesses and gather documentary evidence provided by the Parties and any identified witnesses. The Investigator will prepare a summary of each interview ("Interview Summary"). The University does not restrict the ability of either the Complainant or Respondent to discuss the allegations under investigation or to gather and present relevant evidence.

Witness and party credibility will be established through the hearing process, the credibility of evidence and testimony, and admissibility in the proceedings will be evaluated by the Decisionmaker members and necessary determinations established. In case of conflict, the Decisionmaker will make a final determination.

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

Thomas 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:

- Thomas University will provide an equal opportunity to access an accurate description of the relevant evidence in the form of a Preliminary Report. The Preliminary Report is compiled by the Investigator and is a written summary of the evidence gathered in the course of the Preliminary Investigation. This evidence will include both inculpatory and exculpatory evidence. The Investigator will state specific factual findings in the Preliminary Report (e.g., "Complainant was incapacitated" or "Respondent believed that Complainant was not incapacitated"). The standard for determining each factual finding is the "preponderance of the evidence," (i.e., that it is more likely than not that the factual finding is true). The Investigator will not state ultimate findings as to whether the Respondent has, or has not, violated one or more of the University's policies. The Investigator will attach as exhibits to the Preliminary Report all Interview Summaries and any documentary evidence gathered and relied upon in the Preliminary Investigation that is directly related to the allegations in the Formal Complaint. The University cannot access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in

connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent to this evidence. When the Investigator determines that the Preliminary Investigation is complete, the Investigator will submit the Preliminary Report to the Coordinator.

- Thomas University will provide a reasonable opportunity to respond to the report and the relevant evidence.
- Neither the Complainant nor the Respondent (or their Advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Thomas University will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination are authorized.

### **Determination Whether Sex Discrimination Occurred:**

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

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination 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 in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal, if applicable;
- Not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - Coordinate the provision and implementation of remedies to a Complainant and other people Thomas University identifies as having had equal access to Thomas University's education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex

discrimination does not continue or recur within Thomas University's education program or activity.

- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a Respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

### **Appeal of Determinations**

Thomas University offers the following process for appeals from a determination whether sex discrimination occurred: Both Parties may appeal a determination and sanctions made by the Hearing Panel. So you are referencing hearing panel but your process listed above under 106.45 does not state that you are using a hearing panel. If the Respondent or the Complainant chooses to appeal either the Sanctions or the Hearing Panel's decision, they may do so by submitting a written appeal statement to the Title IX Coordinator within 3 business days of the date the hearing report is sent to the parties. The Title IX Coordinator will provide this statement to the VP of Academic Affairs who serves as the Appeal Officer. The three grounds for appeal are:

- (A) Procedural irregularity that would affect the outcome of the matter;
- (B) New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made;
- (C) The Title IX Coordinator, investigator(s), or Decisionmaker members had a conflict of interest or bias for or against Complainants or respondents generally or the individual Complainant or respondent that would change the outcome.

I changed the language to reflect the language of 106.46. You can use the language stated above since 106.45 does not have the higher level of procedural due process BUT you can also use the same language of 106.46 which might be easier if both processes had the same grounds for appeal. But, that is your choice.

The appeal statement must identify the ground(s) for appeal. Note that an appeal is not a re-hearing of the case.

If the Appeal Officer determines that a ground of appeal is substantiated, the Appeal Officer will return the case to the Coordinator. When a case is returned to the Coordinator, the Coordinator may decide to dismiss the case (e.g., based on insufficient information to believe that a policy violation may have occurred), send the case to the original Decisionmaker for reconsideration, send the case to a new Decisionmaker with the same or different charges, and/or (re)implement any aspect of the disciplinary process. A different decision (i.e., the decision of responsibility and/or sanctions) may subsequently result. If the Appeal Officer finds the appeal is not substantiated, the decision of the Decisionmaker(s) is final.

This appeal process will be, at a minimum, the same as Thomas University offers in all other comparable proceedings, including proceedings related to other discrimination Complaints. If this is true, then you don't need to keep in this statement; it can be deleted.

## GRIEVANCE PROCEDURE – SEC. 106.46 – Sex-based Harassment

### Scope:

- Applies to sex-based harassment complaints involving a student Complainant or a student Respondent.

### Written Notice of Allegations:

If Thomas University initiates these Title IX grievance procedures, Thomas University will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- Thomas University’s Title IX grievance procedures and any Informal Resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
- The parties may have an Advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant investigative report that accurately summarizes this evidence. So the parties get access to ALL relevant evidence that is not otherwise impermissible. The question is does the institution ALSO want to provide a report? That is the decision point.
- Section 3 “Offenses Related to the Operation of the University”, subsection “d” of Thomas University’s Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, Thomas University decides to investigate additional allegations of sex-based harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

### Investigation:

#### *General Principles:*

Thomas University has an adequate, reliable, and impartial investigation of complaints.

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

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

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

- Thomas University will not limit the choice or presence of the Advisor for the Complainant or Respondent in any meeting or proceeding.
- Thomas University may establish restrictions regarding the extent to which the Advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.
- The Advisor is not permitted to speak in investigative meetings.
- It is the responsibility of the Complainant and Respondent to communicate with the Advisor regarding allegations, times and dates of meetings, hearings, outcomes and any other information regarding the case. The Investigators, Title IX Coordinator and Deputy Coordinator will not discuss the case with any Advisor.
- Thomas University will provide an Advisor if a Complainant or Respondent cannot secure one. However, the University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other does not, or cannot afford an attorney, the University is not obligated to provide one.

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

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

Thomas University will provide each party and the party's Advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- Thomas University will provide an equal opportunity to access the relevant evidence and the written investigative report that accurately summarizes this evidence.
- Thomas University will provide a reasonable opportunity to review and respond to the investigative report. Thomas University conducts a live hearing as part of its grievance procedures and it will provide this opportunity to review the evidence in advance of the live hearing.
- The Coordinator will set the date and time of the hearing, appoint Decisionmakers consisting of three (3) trained Decisionmakers and notify the Parties of the hearing date and option to call witnesses to the proceeding. The hearing will be recorded. The hearing will be live, but may be conducted with all parties physically in the same geographical location or, at the University's discretion or request of

either Party, any or all of the Parties may appear at the live hearing virtually, with sufficient technology to enable participants to simultaneously see and hear each other.

- Thomas University may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing.]; and. You need to decide this not just state “may decide”. Most institutions are providing the access prior to the live hearing and during it.
- Thomas University will take reasonable steps to prevent and address the parties’ and their Advisors’ unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

### **Questioning the Parties and Witnesses:**

Thomas University has a process that enables the Decisionmaker to question parties and witnesses to adequately assess a party’s or witness’s credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

Thomas 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

- 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.
- You just stated in the first paragraph that the Decisionmaker was going to ask the questions so this statement below should be eliminated.

#### *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 on 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.

## **Determination Whether Sex-Based Harassment Occurred:**

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

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination 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-based harassment occurred under Title IX including:
  - A description of the alleged sex-based harassment;
  - Information about the policies and procedures that Thomas University used to evaluate the allegations;
  - The Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
  - When the Decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions Thomas University will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by Thomas University to the Complainant, and, to the extent appropriate, other students identified by Thomas University to be experiencing the effects of the sex-based harassment; and
  - Thomas University's procedures and permissible bases for the Complainant and Respondent to appeal.
- Thomas University will not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
  - Coordinate the provision and implementation of remedies to a Complainant and other people Thomas University identifies as having had equal access to Thomas University's education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Thomas University's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a Respondent; and

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

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

### **Appeals:**

Thomas University will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases: Notice this language as opposed to the language stated in 106.45. You can certainly have 106.45 lesser than 106.46 but you need to keep these bases as stated in the statute.

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Deputy, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

If a party appeals a dismissal or determination whether sex-based harassment occurred, Thomas 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 Thomas University will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

An appeal is not to rehear the case, but to review whether any of the above, if present, influenced the outcome of the case.

Appeals for cases arising under this Policy will be heard by an Appeals Officer. The Title IX Coordinator will receive the written materials and submit to the Appeals Officer.

*The Appeals Officer will have access to all documents including, but not limited to:*

- *Recordings, both audio and video*
- *Communications, including electronic and non-electronic written documents*

- *Reports*
- *Responses to reports*
- *Addenda*
- *Other documents associated with the case that are not made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless Thomas University obtains that Party's voluntary, written consent*

*If the Appeals Officer determines that a ground for appeal is substantiated, the case will be returned to the Title IX Coordinator. Otherwise, the decision of the Decisionmaker stands. When a case is returned to the Title IX Coordinator, the Title IX Coordinator may:*

1. *Decide to drop the case (e.g., based on insufficient information to believe that a policy violation may have occurred), or*
2. *Send the case to the original Decisionmaker for reconsideration, or*
3. *Send the case to a new Decisionmaker with the same or different charges, and/or (re)implement any aspect of the disciplinary process. When a case is sent back to a new Decisionmaker, it is possible that a different decision (i.e., the decision of responsibility and/or sanctions) may subsequently result.*

### **Disciplinary Sanctions – 106.45 and 106.46**

*Remedies* means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to Thomas University's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after Thomas University determines that sex discrimination occurred.

The following are possible sanctions which may be assigned after a finding of Responsibility. This list is not exhaustive and may be modified to meet the particular circumstances of any given case.

1. **Expulsion:** Permanent severance of the student's relationship with Thomas University. This severance includes being barred from campus.
2. **Disciplinary Suspension:** Temporary severance of the student's relationship with Thomas University for a specified period of time. This may include the student being barred from campus.
3. **Limited Suspension:** A student may be denied certain privileges for a specified period of time. These privileges may include, but are not limited to, class attendance, housing, parking on campus, participation in extracurricular activities, ID card privileges, access to Thomas University facilities, and access to the campus.

4. Disciplinary Probation: Notice to the student that any further, major disciplinary violation may result in suspension. Disciplinary probation might also include one or more of the following: the setting of restrictions or the issuing of a reprimand.
5. Reprimand (either oral or written.)
6. Counseling: The committee may require that a Respondent participate in counseling with the campus counselor for issues including, but not limited to, anger management, substance abuse, and extenuating personal circumstances. The Counselor may confirm participation, but not the content of the meetings.
7. Work assignment changed
8. Referral to Human Resources or Academic Affairs for employment action.
9. Other actions deemed appropriate by the University, up to and including termination.

## **Parental, family, marital status, pregnancy or related conditions – Students**

### *Scope*

Thomas University does not adopt or implement any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats students differently on the basis of sex.

Thomas University does not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. Thomas University does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity provided Thomas University ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

Thomas University ensures that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator's contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to Thomas University's education program or activity.

Thomas University employs specific actions to promptly and effectively prevent sex discrimination and ensure equal access to Thomas University's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator must coordinate these actions.

*Thomas University will* inform the student, and if applicable, the person who notified the

Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of Thomas University's obligations under this section and provide Thomas University's notice of nondiscrimination.

#### *Reasonable Modification*

Thomas University modifies Thomas University's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to Thomas University's education program or activity. Each reasonable modification is on the student's individualized needs. In determining what modifications are required under this paragraph, Thomas University consults with the student. A modification that Thomas University can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by Thomas University. If a student accepts Thomas University's offered reasonable modification, Thomas University will implement it.

Reasonable modifications include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

#### *Voluntary access to separate and comparable portion of program or activity.*

Thomas University will allow the student to voluntarily access any separate and comparable portion of Thomas University's education program or activity.

#### *Voluntary leaves of absence.*

Thomas University allows the student to voluntarily take a leave of absence from Thomas University's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by Thomas University that allows a greater period of time than the medically necessary period, Thomas University will permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to Thomas University's education program or activity, the student will be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

#### *Lactation space.*

Thomas University ensures that the student can access a lactation space, which must be

a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

*Limitation on documentation.*

Thomas University does not require supporting documentation unless the documentation is necessary and reasonable for Thomas University to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided Thomas University with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

*Comparable treatment to other temporary medical conditions.*

Thomas University treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy Thomas University administers, operates, offers, or participates in with respect to students admitted to Thomas University's education program or activity.

*Certification to participate.*

Thomas University does not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in Thomas University's class, program, or extracurricular activity unless:

- (i) The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- (ii) Thomas University requires such certification of all students participating in the class, program, or extracurricular activity; and
- (iii) The information obtained is not used as a basis for discrimination prohibited by this Policy.

## **Parental, family, marital status, pregnancy or related conditions – Employees**

*Scope*

Thomas University does not adopt or implement any policy, practice, or procedure, or take any employment action, on the basis of sex:

(1) Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or

(2) That is based on whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

*Pregnancy or related conditions.*

Thomas University does not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.

*Comparable treatment to other temporary medical conditions.*

Thomas University treats pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

*Voluntary leaves of absence.*

Thomas University has a policy in place to address voluntary leaves of absence. However, in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, Thomas University treats pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

*Lactation time and space.*

(1) Thomas University provides reasonable break time for an employee to express breast milk or breastfeed as needed.

(2) Thomas University ensures that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

**Record Keeping**

Title IX Records will be maintained for 7 (seven) years in accordance with the Title IX regulations and Thomas University's Records Retention Policy. Title IX records include:

1. Investigations
2. Determinations

3. Recordings
4. Transcripts
5. Sanctions
6. Remedies
7. Appeals
8. Informal Resolutions
9. Training Materials

**Examination and Revision**

The policies of Thomas University are reviewed regularly. Thomas University's Title IX Policy may be revised at any time in order to comply with current applicable guidance, regulations, and laws.