REVISED Spring 2026
For consideration by Board of Trustees: June 2026

Procedures for Responding to Reports and Complaints of Title IX Sexual Harassment

I. Overview

The University of North Alabama ("UNA") is committed to an environment that is free from harassment, violence, and prohibited discrimination. In that regard and consistent with federal law, UNA has developed these procedures ("Procedures") for resolving Complaints of Title IX Sexual Harassment as that term is defined in UNA's Policy on Discrimination and Harassment (the "Policy").

UNA's Office of Governmental and Regulatory Affairs is responsible for administering the Policy and these Procedures. The Office of Governmental and Regulatory Affairs includes the UNA office where the Title IX Coordinator is located.

UNA's Title IX Coordinator is:

Samantha Smith
Title IX Coordinator
Office of Title IX
601 Cramer Way, Room 318
(256)765-4223
ssmith75@una.edu

The Title IX Coordinator may also be contacted at titleIX@una.edu.

II. Scope and Applicability

These Procedures apply to the reporting and resolution of alleged Prohibited Conduct that meets the following criteria:

- Could constitute Title IX Sexual Harassment as defined in the Policy;
- Occurred in the United States;
- Occurred on or after August 14, 2020;
- Occurred in a location, event, or circumstance over which UNA exercised substantial control over the context in which the Title IX Sexual Harassment occurred, including buildings owned or controlled by a student organization that is officially recognized by UNA;
- Involves a Respondent over whom UNA exercised substantial control at the time of the alleged conduct; and
- Involves a Complainant who, at the time of filing a Formal Complaint, was participating in or attempting to participate in a UNA education program or activity.

Respondents under these Procedures include, but are not limited to, trustees, full and part-time students and employees, including faculty members, staff, undergraduate students, graduate

students, scholars and fellows, researchers, student employees, volunteers, interns, trainees, and temporary and contract employees. These Procedures may also apply to third parties as Respondents who are within UNA's programs and activities, including applicants for admission and employment, visitors, visiting scholars, conference attendees, employees of UNA contractors and vendors to the extent they are participating in a UNA-sponsored program or activity, and program participants.

III. Definitions

Title IX Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to UNA's program or activity.
- A UNA employee (including a faculty member) conditioning the provision of an aid, benefit, or service of UNA on an individual's participation in unwelcome sexual conduct (quid pro quo).
- Sexual Assault: Any of the following sexual acts directed against another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent:
    - Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the Complainant;
    - Sodomy: Oral or anal sexual intercourse with another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical Incapacitation;
    - Sexual Assault with an Object: To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical Incapacitation;
    - Sexual Contact: The intentional touching of the body parts without Consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without Consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving Consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication. Sexual contact does not require skin to skin contact;
    - Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Alabama law;
    - Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent in Alabama;

    - The regulations applying Title IX of the Education Amendments of 1972 define sexual assault as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- Stalking: A course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of another, or to suffer substantial emotional distress.
- Domestic violence: A felony or misdemeanor crime of violence, based on sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Alabama, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Alabama.
- Dating violence: Any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant and where the existence of such a relationship is determined based on a consideration of the length, type, and frequency of interactions between the persons involved in the relationship. For purposes of this definition, violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Consent: An affirmative decision to engage in mutually acceptable sexual activity freely given by clear actions and/or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone. A current or previous dating or sexual relationship is not sufficient to constitute consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.

- Consent is not freely given when the individual is incapacitated (Defined further below). Consent is not freely given when the individual is coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotional harm, undue pressure, isolation, or confinement.
- Consent may be withdrawn at any time. Once withdrawn, the non-consensual sexual activity must cease.
- The perspective of a reasonable person will be the basis for determining whether a Respondent knew, or reasonably should have known, whether a Complainant was able to freely give Consent and whether Consent was given. Additionally, being intoxicated or incapacitated does not diminish one's responsibility to obtain Consent and will not be an excuse for Prohibited Conduct.
- A person under 16 years old is deemed incapable of Consent.

IV. Timelines

These Procedures include designated timelines for major stages. Generally, the Title IX Coordinator will complete the initial review of a Formal Complaint within 10 business days; the investigation of a Formal Complaint within 90 business days from the Notice of Investigation; the

hearing process within 60 business days thereafter; and any appeal within 20 business days. Generally, the Informal Resolution process will be completed within 30 business days.

The Title IX Coordinator has the discretion and authority to extend these timelines as needed. In the case of such an extension, the Title IX Coordinator will notify the affected parties of the extension, in writing, including the reason(s) for the extension. Examples of circumstances that could result in an extension of time include the complexity of the case, delays due to holidays or UNA breaks, the unavailability of parties or witnesses, and inclement weather or other unforeseen circumstances. Unless otherwise indicated as "calendar days," all timeframes in these Procedures refer to business days. The phrase "business days" refers to those days ordinarily recognized by the UNA University administrative calendar as workdays.

V. How to Report Title IX Sexual Harassment

Any person wishing to report suspected Title IX Sexual Harassment can report directly to the Title IX Coordinator:

Samantha Smith
601 Cramer Way, Office 318
Florence, AL 35632
256-765-4223
TitleIX@una.edu

Questions about reporting can be directed to UNA's Title IX Coordinator, at TitleIX@una.edu.

VI. Initial Response to Report of Title IX Sexual Harassment

A. Outreach

After receiving a report of Title IX Sexual Harassment, the Title IX Coordinator (or designee) will promptly contact the Complainant to:

- Discuss the availability of Supportive Measures;
- Explain that Supportive Measures are available with or without the filing of a Formal Complaint;
- Inform the Complainant of the process for filing a Formal Complaint;
- Inform the Complainant that even if they decide not to file a Formal Complaint, the Title IX Coordinator may do so; and
- Explain options for resolution.

B. Resources and Options

The Title IX Coordinator will also ensure that the Complainant receives a written explanation of available resources and options, including the following:

- Support and assistance available through UNA resources, including the Complainant's option to seek Supportive Measures regardless of whether they choose to participate in a UNA or law enforcement investigation;
- The Complainant's option to seek medical treatment and information on preserving potentially key forensic and other evidence;
- The process for filing a Formal Complaint of Title IX Sexual Harassment, if appropriate;
- UNA's procedural options including investigation and Informal Resolution;
- The Complainant's right to an advisor of the Complainant's choosing;
- UNA's prohibition of Retaliation against the Complainant, the Respondent, the witnesses, and any reporting parties, along with a statement that UNA will take prompt action when Retaliation is reported (and how to report); and
- The opportunity to meet with the Title IX Coordinator (or designee) in person to discuss the Complainant's resources, rights, and options.

If the allegations reported would not constitute Title IX Sexual Harassment within the scope of these Procedures, the Title IX Coordinator will, as appropriate: (1) address the report under another set of procedures; (2) refer the matter to the appropriate administrator; or (3) take no further action, if the reported conduct would not constitute a violation of any UNA policy. In these instances, the Title IX Coordinator will notify the Complainant of the action or referral.

Leniency: In order to encourage reports of conduct that is prohibited under this Policy, UNA may offer leniency (up to and potentially including amnesty) with respect to other violations which may come to light as a result of such reports, depending on the circumstances involved.

C. Emergency Removal / Administrative Leave

Emergency Removal of a Student Respondent. Where there is an imminent and serious threat to the health or safety of any students, employees, or other individuals arising from a report of Prohibited Conduct, UNA can remove a Student Respondent from part or all of UNA's programs or activities and issue any necessary related no-trespass and no-contact orders. In addition, UNA may take reasonable and appropriate interim steps to protect the safety and well-being of members of the UNA community, maintain the integrity of the resolution process, and deter Retaliation. Such steps may include limiting or removing a Respondent from UNA programs and activities.

Administrative Leave of an Employee/Faculty Respondent. UNA may place an Employee/Faculty Respondent on administrative leave (or a student employee on leave from their employment including graduate students on leave from their appointment) upon a report of Prohibited Conduct and/or during the pendency of the grievance process. UNA, in its discretion and based on the circumstances, will determine whether any administrative leave is imposed with or without pay or benefits. In addition, UNA retains the authority to change schedules, limit access to certain areas, or otherwise adjust working conditions during the process of investigating and resolving an allegation of Prohibited Conduct under this Policy.

VII. Actions Related to the Filing of a Formal Complaint

A Complainant has the option to file a Formal Complaint alleging Title IX Sexual Harassment by a Respondent and requesting that UNA investigate those allegations. The Title IX Coordinator may also decide to sign a Formal Complaint of Title IX Sexual Harassment where the Complainant chooses not do so if the failure to file a Formal Complaint would constitute deliberate indifference to Sexual Harassment in the Title IX Coordinator's judgment, or if the allegations would have a negative impact on campus safety and/or security. A Formal Complaint must be filed by the Complainant or signed by the Title IX Coordinator before an Investigation or Informal Resolution under these Procedures can commence.

Review of Formal Complaint

When the Title IX Coordinator receives a Formal Complaint of Title IX Sexual Harassment, the Title IX Coordinator will evaluate the allegations in the Formal Complaint to determine whether the following conditions set forth in Section II (Scope and Applicability) are satisfied:

- Could constitute Title IX Sexual Harassment as defined in the Policy;
- Occurred in the United States;
- Occurred on or after August 14, 2020;
- Occurred in a location, event, or circumstance over which UNA exercised substantial control over the context in which the Title IX Sexual Harassment occurred, including buildings owned or controlled by a student organization that is officially recognized by UNA;
- Involves a Respondent over whom UNA exercised substantial control at the time of the alleged conduct; and
- Involves a Complainant who, at the time of filing a Formal Complaint, was participating in or attempting to participate in a UNA education program or activity.

If the Title IX Coordinator determines that all of the above conditions are satisfied, UNA will address the Formal Complaint of Title IX Sexual Harassment under these Procedures. UNA may include allegations of other Prohibited Conduct, in addition to Title IX Sexual Harassment, in the Formal Complaint or address them under another set of procedures.

Dismissal of Formal Complaint

Mandatory Dismissal of Formal Complaint. If the conduct alleged in a Formal Complaint would not constitute Title IX Sexual Harassment even if proved, did not occur in UNA's programs or activities, or did not occur in the United States, UNA must dismiss the Formal Complaint for purposes of Title IX Sexual Harassment under Title IX. Such dismissal may occur at any time prior to the hearing. Conduct that is so dismissed may be transferred to another office or administrator and adjudicated under any other applicable policies.

Discretionary Dismissal of Formal Complaint: In addition, UNA may dismiss a Formal Complaint at any time during the investigation or hearing if any of the following occur:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

- The Respondent is no longer enrolled or employed by UNA; or
- Specific circumstances prevent UNA from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein.

Parties will be simultaneously notified in writing of any decision to dismiss the Formal Complaint. Either party may appeal any decision to dismiss the Formal Complaint through the appeal procedures set forth below.

Notice of Allegations

If the Title IX Coordinator determines that all of the conditions are satisfied, or if the Title IX Coordinator signs a Formal Complaint of Title IX Sexual Harassment within the scope of these Procedures, the Title IX Coordinator will send both parties a written Notice of Allegations that contains the following:

- Notice that the Informal and Formal Resolution processes comply with the requirements of Title IX;
- Notice of the allegations potentially constituting Title IX Sexual Harassment, providing sufficient detail for a response to be prepared before any initial interview, including (1) identities of the parties, if known; (2) the conduct allegedly constituting Title IX Sexual Harassment; and (3) the date and location of the alleged conduct, if known;
- A statement that the Respondent is presumed not responsible for the alleged Title IX Sexual Harassment until a determination regarding responsibility is made at the conclusion of the process;
- Notice that each party may have an advisor of their choice, who may be any person, including a friend, relative, colleague, or an attorney and who, along with the party, may inspect and review evidence directly to the allegations that is gathered in the investigation;
- Information regarding the availability of support and assistance through UNA resources and the opportunity to meet with the Title IX Coordinator (or their designee) in person to discuss resources, rights, and options;
- Notice of UNA's prohibition of Retaliation against the Complainant, the Respondent, and witnesses; that UNA will respond promptly when Retaliation is reported; and how to report acts of Retaliation; and
- Notice that UNA prohibits knowingly making false statements and knowingly submitting false information during the process.

If, during the course of an investigation, the Title IX Coordinator decides to investigate additional allegations about the Complainant or Respondent relating to the same facts or circumstances but not included in the earlier written notice, the Title IX Coordinator will provide a written amended Notice of Allegations to the parties. After issuance of the written Notice of Allegations, the matter will proceed to either the Informal Resolution process or Investigative Resolution process, as described below.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a process involves more than one Complainant or more than one Respondent, references to the singular "Complainant," "Respondent," or "Party" include the plural where applicable.

VIII. Advisors

The Complainant and Respondent may each have an advisor of their choice to provide support and guidance. An advisor may accompany the Complainant/Respondent to any meeting with the Title IX Coordinator staff or designee, including with either a facilitator for Informal Resolution or the investigator. At any such meeting, a party's advisor has an exclusively non-speaking role and may not otherwise present evidence, argue, or assert any right on behalf of the party.

Title IX Hearing Advisor

At the hearing, the Complainant and Respondent must be accompanied by an advisor who will conduct any questioning of the other party and any witnesses. If a party does not have an advisor or does not have an advisor willing to conduct questioning, UNA will provide a Title IX Hearing Advisor trained to ask questions. Apart from conducting questioning, an advisor's participation during a hearing is limited to conferring with the party at intervals set by the Hearing Officer.

The Title IX Coordinator (or designee, such as the Hearing Officer) has the right at all times to determine what constitutes appropriate behavior on the part of an advisor and to take appropriate steps to ensure compliance with the Policy and Procedures, including by placing limitations on the advisor's ability to participate in meetings and proceedings.

IX. Informal Resolution

Informal Resolution is a voluntary, non-punitive, remedies-based process that provides an Informal Resolution to an investigation or hearing. Informal Resolution is typically a facilitated and adaptable process between the Complainant and the Respondent that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent to acknowledge harm and seek to repair the harm (to the extent possible) experienced by the Complainant. Remedies may include appropriate and reasonable educational, restorative, and accountability-focused measures as agreed to by the parties and approved by the Title IX Coordinator (or designee). Informal Resolution is not available in cases involving a Student Complainant and Employee Respondent. Informal resolution is not available unless a Formal Complaint is filed.

Informal Resolution will not be used to impose disciplinary action against the Respondent; however, if a Respondent has participated in past Informal Resolution processes for Prohibited

Conduct, that may be taken into consideration in the event of future findings of responsibility for Prohibited Conduct or other violations of UNA's policies.

UNA strives to complete Informal Resolution within sixty (60) calendar days.

Process

A Formal Complaint is required to initiate the Informal Resolution process under these Procedures. Either party may request the Informal Resolution process by informing the Title IX Coordinator (or designee) of the request at any time prior to the hearing. The Title IX Coordinator reserves the right to determine whether Informal Resolution is appropriate in a specific case.

Both the Complainant and Respondent must give voluntary, informed, and written consent to participate in Informal Resolution. No party may be required to participate in Informal Resolution, and UNA will not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to Informal Resolution. Formal Complaints may be addressed through the Formal Grievance Process without first going through Informal Resolution.

The Title IX Coordinator must deem it appropriate for the matter to proceed to Informal Resolution. The Title IX Coordinator retains the discretion to make a determination whether Informal Resolution is appropriate and may make that determination at any time. When determining whether Informal Resolution is appropriate, the Title IX Coordinator may consider, among other things, the following factors:

- The nature and gravity of the alleged conduct;
- The requested results of Informal Resolution;
- Whether there is an ongoing threat of harm or safety to an individual or the campus;
- Whether the Respondent has multiple allegations or prior findings of Prohibited Conduct; and
- Whether the parties are participating in good faith, or for any other reason that necessitates transferring the matter to the Formal Grievance Process.

The Title IX Coordinator's determination that an Informal Resolution is not appropriate is not subject to appeal.

If both parties agree, and the Title IX Coordinator determines that Informal Resolution is appropriate, the Title IX Coordinator will provide the parties with written notice disclosing:

- the allegations;
- the requirements of the Informal Resolution process, including the circumstances that may preclude resuming a formal complaint;
- the parties' right to withdraw from the process prior to a resolution being reached; and
- any consequences resulting from participating in or withdrawing from the process, including the records that may be maintained by the Title IX Coordinator.

Before the Title IX Coordinator commences the Informal Resolution process, both parties must consent in writing. The Title IX Coordinator will assign the case to a trained Facilitator to work with the parties to attempt to facilitate an Informal Resolution agreement. A Complainant or a

Respondent who has concerns that the assigned Facilitator cannot conduct a fair and unbiased process (e.g., has a personal connection with one of the parties) may report those concerns to the Title IX Coordinator, who will assess the circumstances and determine whether a different Facilitator should be assigned to the matter.

The Facilitator will hold an initial meeting with the parties separately to discuss the resolution mechanism that best suits the parties' needs. The parties may have any advisor of their choosing present during any Informal Resolution meeting. The Complainant will not be required to meet directly with the Respondent to resolve the complaint. If the parties reach an agreement, both parties must sign the agreement, which must be approved by the Title IX Coordinator (or designee).

Resolution Outcomes

No Agreement Reached. At any time after the commencement of Alternative Resolution but prior to the Title IX Coordinator's signing the resolution agreement, the Title IX Coordinator may determine that Informal Resolution is no longer an appropriate method for resolving the matter, and the matter will return to the Formal Grievance Process.

If parties engage in Informal Resolution and are unable to reach a resolution, or if the Facilitator believes that one or both parties are not negotiating in good faith, the Facilitator will notify all parties in writing that Informal Resolution has terminated without a resolution. In that case, the matter will proceed to the Formal Grievance Process.

Either party may end Informal Resolution at any time prior to both parties signing the resolution agreement, at which time the Formal Grievance Process will resume.

If either party or the Title IX Coordinator declines to sign the resolution agreement, Informal Resolution will be considered failed, and the matter will return to the Formal Grievance Process.

Statements made during Informal Resolution will be confidential and will not be used in the Formal Grievance Process.

Agreement Reached. If an Informal Resolution agreement is signed and agreed to by the Complainant, Respondent, and Title IX Coordinator (or designee), the resolution is equally binding to both parties, and the parties are precluded from resuming or starting the formal process for allegations related to the Formal Complaint. Information disclosed during the process that is not related to the Formal Complaint may be reported to the Title IX Coordinator. If a subsequent complaint regarding the Respondent's continued conduct is filed, the terms of the prior Informal Resolution agreement may be considered during sanctioning if the Respondent is found responsible. Violation of the terms of an Informal Resolution agreement may result in disciplinary action. UNA will retain a copy of the Informal Resolution agreement for a period of seven (7) years. Agreements reached in the Informal Resolution process may not be appealed.

X. Formal Resolution

A. Investigation Process

An investigation affords both the Complainant and the Respondent an opportunity to submit information and other evidence and to identify witnesses. When a Formal Resolution is initiated, the Title IX Coordinator will designate an investigator who will be responsible for gathering evidence directly related to the allegations raised in a Formal Complaint of Title IX Sexual Harassment. The investigator must be impartial, free of any actual conflict of interest, and have specific and relevant training and experience. Specifically, the investigator will be trained on (1) issues of relevance; (2) the definitions in the Policy; (3) the scope of UNA's education program or activity; (4) how to conduct an investigation; and (5) how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

A Complainant or a Respondent who has concerns that the assigned investigator cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.) may report those concerns to the Title IX Coordinator, who will assess the circumstances and determine whether a different investigator should be assigned to the matter. Either party must inform the Title IX Coordinator (or if the Title IX Coordinator serves as the investigator, the party may inform the Chief of Governmental and Regulatory Affairs) of these concerns within three (3) business days of being informed of the identity of the investigator.

Interviews

The investigator will interview the Complainant and Respondent to gather facts relevant to the Formal Complaint. The investigator will also interview witnesses identified by the parties as likely to have relevant information about the Formal Complaint. Where the investigator deems necessary, they may interview an individual more than once. Before any interview, the individual being interviewed will be informed in writing of the date, time, location, participants, and purpose of the interview. Such notice will be provided with sufficient time for the individual to prepare for the interview.

Evidence

Each party will be given the opportunity to identify witnesses and to provide other relevant information, such as documents, communications, photographs, and other evidence. All parties are expected to share any relevant information and/or any information that is requested by the investigator. The investigator will review all information identified or provided by the parties as well as any other evidence they obtain and will determine the relevance of the information received during the investigation. Evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint will be shared with the parties for their review and comment, as described below.

Parties' Review of Evidence

After all known, available, and relevant evidence is gathered, the investigator will make available to the parties, and their advisors, if any, all evidence that was gathered during the investigation that is directly related to the allegations of the Formal Complaint subject to the limitations above. The evidence will be provided in a download-restricted electronic format. The parties will have ten (10) business days to inspect and review the evidence and submit a written response, if they choose to do so. This is the parties' opportunity to provide any feedback, additional documents, evidence, requests for additional investigation, names of additional witnesses, or any other information they wish considered for inclusion in the investigation report. If either or both parties submit a response, the investigator will consider the response(s) prior to completing the investigation report. The response(s), if any, will be attached to the investigation report.

The Title IX Coordinator, the investigator, or the Hearing Officer, as appropriate, may exclude and/or redact certain evidence that will not be shared with the parties:

- Information that is not directly related to the allegations in the Formal Complaint; and
- Sensitive personally identifying information (e.g., social security numbers, contact information, etc.).

Investigation Report

After the time has run for both parties to provide any written response to the evidence, the investigator will complete an investigation report. The investigator's report will summarize all relevant evidence and be shared with the Complainant, Respondent, and their advisors for their review in a download-restricted electronic format. The parties will have ten (10) business days to respond in writing to the investigation report, if they choose. After the 10-business-day deadline, the Complainant and Respondent may not provide any additional written information for the hearing, unless that information was not reasonably available prior to the closing of the 10-business-day window. The Hearing Officer determines whether to grant exceptions to this 10-business-day deadline in consultation with the Title IX Coordinator. The matter will then be referred to a Hearing Officer.

B. Hearing Procedures

The Hearing Officer will be selected by UNA. The Hearing Officer will receive annual training on how to conduct a hearing; issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant; how to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues. The Hearing Officer will also be trained on any technology that might be used during a hearing.

Notice

Both the Complainant and the Respondent will be notified in writing of the date and time of the hearing and the name of the Hearing Officer at least five (5) business days in advance of the hearing, with the hearing to occur at least ten (10) business days after the parties are provided the

Investigation report. The Hearing Officer will receive the names of the Complainant and the Respondent at the same time.

Bias and Conflict of Interest

The Hearing Officer must be impartial and free from bias or conflict of interest, including bias for or against a specific Complainant or Respondent or for or against Complainants and Respondents generally. If the Hearing Officer has concerns that they cannot conduct a fair or unbiased review, the Hearing Officer shall report those concerns to the Title IX Coordinator and a different Hearing Officer will be assigned.

A Complainant and/or Respondent may challenge the participation of the Hearing Officer because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made within three (3) business days of notification of the name of the Hearing Officer. At their discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether a Hearing Officer should be replaced. Postponement of a hearing may occur if a replacement Hearing Officer cannot be immediately identified.

Advisors

Both parties must be accompanied by an advisor to the hearing. If a party does not have an advisor for the hearing, UNA will provide an advisor for that party. Each party's advisor, and only the party's advisor, must conduct any questioning of the other party and any witnesses. Apart from conducting questioning, an advisor's participation is limited to conferring with the party at intervals set by the Hearing Officer.

Participation of the Parties and Witnesses

A party or witness who elects to participate in the process is expected, although not required, to participate in all aspects of the process (e.g., a witness who chooses to participate in the investigation is expected to make themselves available for a hearing if requested to do so).
Consistent with the prohibition on Retaliation, intimidation, threats of violence, and other conduct intended to cause a party or witness to not appear for a hearing are expressly prohibited.

Witnesses

Names of witnesses provided by the parties will be shared with the other party. The Hearing Officer may, at their discretion, exclude witnesses or witness testimony the Hearing Officer considers irrelevant or duplicative.

Electronic Devices

A Respondent, Complainant, advisor, and/or witness may not have electronic devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) in their possession while participating in the hearing unless authorized by the Hearing Officer.

Hearing Location and Use of Technology

The hearing will be live, with all questioning conducted in real time. Upon request of any party, the parties may be located in separate rooms (or at separate locations) with technology enabling the Hearing Officer and the parties to simultaneously see and hear the party or witness answering questions. Any party may request that the hearing may be conducted entirely virtually through the use of remote technology so long as the parties and Hearing Officer are able to hear and see one another in real time.

Pre-Hearing Procedures and Ground Rules

The Hearing Officer and/or the Title IX Coordinator may establish pre-hearing procedures relating to issues such as scheduling, hearing procedures, witness and advisor participation and identification, structure, advance determination of the relevance of certain topics, and other procedural matters. The Hearing Officer will communicate with the parties prior to the hearing with respect to these issues and establish reasonable, equitable deadlines for party participation/input. The Hearing Officer also has wide discretion over matters of decorum at the hearing, including the authority to excuse from the hearing process participants who are unwilling to observe rules of decorum.

Hearing Procedure

The Hearing Officer has general authority and wide discretion over the conduct of the hearing (e.g., they may set time frames for witness testimony and may limit opening/closing statements or their length, etc.). Although the Hearing Officer has discretion to modify it, the general course of procedure for a hearing is as follows:

- Introductions;
- Respondent's statement accepting or denying responsibility;
- Opening Statement from the Complainant;
- Opening Statement from the Respondent;
- Questioning of the Complainant by the Hearing Officer;
- Questioning of the Complainant by the Respondent's advisor;
- Questioning of the Respondent by the Hearing Officer;
- Questioning of the Respondent by the Complainant's advisor;
- Hearing Officer questioning of other material witnesses (if applicable);
- Questioning of other material witnesses by the parties' advisors;
- Closing comments from the Complainant; and,
- Closing comments from the Respondent.

The Complainant or Respondent may not question each other or other witnesses directly; they must conduct the questioning through their advisors. Before a party or witness answers a question, the Hearing Officer will first determine whether the question is relevant. The Hearing Officer may exclude irrelevant information and/or questions. The Hearing Officer will explain any decision to exclude a question or information as not relevant. The Hearing Officer's determination on relevance is not subject to objection or argument at the hearing. Rulings on evidentiary matters are not governed by formal rules of evidence, but must be guided by considerations of due process

and the Hearing Officer's reasonable judgment. The evidence directly related to the allegations that is collected as part of the investigative process will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of questioning.

Presumption of Non-Responsibility

The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the hearing.

Determination of Responsibility and Standard of Evidence

Following the hearing, the Hearing Officer will consider all of the relevant evidence and determine, by a preponderance of the evidence, whether the Respondent has violated the Policy. A preponderance of the evidence standard means that, based on the information acquired during the investigation and the hearing, it is more likely than not the Respondent engaged in the alleged conduct.

Remedies and Sanctions

In the event the Hearing Officer finds the Respondent responsible for a violation of UNA's policies, appropriate remedies and sanctions will be determined by the appropriate UNA official, as described below. Remedies are designed to restore or preserve equal access to UNA's Education Program or Activity. Remedies may be disciplinary or punitive.

For Student Respondents, a UNA representative appointed by the Office of Student Affairs will determine appropriate remedies and sanctions in consultation with the Title IX Coordinator. For Employee and Faculty Respondents, the Office of Human Resources will determine appropriate remedies and sanctions in consultation with the Title IX Coordinator.

Upon a finding of responsibility, the Complainant will be provided with remedies designed to restore access to UNA's educational and employment programs and activities. Sanctions for a finding of responsibility for Student Respondents include, but are not limited to: withdrawal of privileges; restitution; mental health/medical assessment/treatment; fine; exclusion; educational projects/initiatives; community service; admonition; formal warning; disciplinary probation; suspension; expulsion; and/or other restrictions on access to UNA programs and activities. In determining sanction(s), the sanction decision-maker will consider whether the nature of the conduct at issue warrants removal from UNA, either permanent (expulsion) or temporary (suspension). Other factors pertinent to the determination of what sanction applies include, but are not limited to: the nature of the conduct at issue; prior disciplinary history of the Respondent (shared with the appropriate UNA official only upon a finding of responsibility for the allegation); previous UNA response to similar conduct; and UNA's interests (e.g., in providing a safe environment for all).

Sanctions for finding of responsibility for Employee and Faculty Respondents include, but are not limited to: progressive disciplinary action; prohibition from various academic or managerial

responsibilities involving the Complainant or others; letter of reprimand placed in a Respondent's personnel file; restrictions on a Respondent's access to UNA programs or facilities; limitations on merit pay or other salary increases for a specific period; or demotion, suspension, or dismissal/termination from UNA, or a recommendation that a separate process required to impose such action be commenced.

Written Notification Regarding Outcome and (if appropriate) Sanctions/Remedies

After a determination regarding responsibility and, if applicable, a determination regarding appropriate remedies and/or sanction has been made, the Complainant and Respondent will receive a simultaneous written notification including the decision regarding responsibility and, as applicable, remedies and sanctions.

The written notification will include the following:

- Identification of the allegations potentially constituting Prohibited Conduct;
- A description of the procedural steps taken from the receipt of the Formal Complaint of Title IX Sexual Harassment, or report of other Prohibited Conduct (if applicable), through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of UNA's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions UNA imposes on the Respondent, and whether remedies designed to restore or preserve equal access to UNA's education program or activity will be provided by UNA to the Complainant; and
- UNA's procedures and permissible bases for the Complainant and Respondent to appeal.

The written notification of outcome becomes final five (5) business days after it is sent to the parties, unless an appeal is filed on or before that day.

XI. Appeals

A Respondent and Complainant both have the right to appeal (1) the Title IX Coordinator's decision to dismiss a Formal Complaint of Sexual Harassment; and (2) the Hearing Officer's decision regarding responsibility. A party wishing to appeal the Title IX Coordinator's decision to dismiss a Formal Complaint of Sexual Harassment must file a written appeal statement within five (5) business days of the date the decision to dismiss is communicated to the parties. A dismissal of a Formal Complaint will be decided by the Office of Governmental and Regulatory Affairs or designee. A party wishing to appeal the Hearing Officer's decision must file a written appeal statement within five (5) business days of the date the written decision is sent to the parties. Appeals are limited to five (5) pages (12-point font, 1-inch margins). All appeals must be filed with the Title IX Coordinator, who will document receipt of the appeal and forward the appeal to the appropriate appellate decision maker.

The appeal statement must identify the ground(s) for appeal upon which the appeal is being made. The three available grounds for appeal are:

1. New information not reasonably available at the time of the decision/hearing that could affect the outcome of the matter;
2. The Title IX Coordinator, investigator, Hearing Officer, or sanction decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent specifically that affected the outcome of the matter; and/or
3. Procedural error(s) that affected the outcome of the matter.

An appeal is not a re-hearing of the case. UNA may summarily deny an appeal if it is not based on one of the enumerated grounds for appeal.

Appellate Officer

If UNA does not summarily deny the appeal of a Hearing Officer's decision regarding responsibility, UNA will appoint an appellate officer. The appellate officer's role is limited to reviewing the underlying record of the investigation and hearing, the appealing party's ("Appellant") written appeal statement, any response to that statement by the other party ("Appellee"), and information presented at a meeting of the appellate officer, if convened.

Conflict of Interest

UNA will notify the Appellant and Appellee of the name of the appellate officer. The Appellant and/or Appellee may challenge the participation of an appellate officer because of an actual conflict of interest, bias, or prejudice. Such challenges, including rationale, must be submitted in writing to UNA no later than three (3) business days after notification of the name of the appellate officer. UNA will determine whether such a conflict of interest exists and whether an appellate officer should be replaced.

Response to Appeal

The Title IX Coordinator will provide written notice to the Appellee that an appeal has been submitted and will give the Appellee an opportunity to review the appeal statement. The Appellee may submit a written response to the appeal ("response"). The response is due five (5) business days from the date the appellate officer provides written notice of the appeal to the Appellee and is limited to five (5) pages (12-point font, 1-inch margins). The Title IX Coordinator will provide the Appellant an opportunity to review the response, though no additional opportunity to respond in writing will be provided to the Appellant.

Exceptions

The Appellant and Appellee may submit to the appellate officer requests for exceptions to page limits or deadlines. Requests for exceptions must be submitted to the appellate officer in advance of any deadline via e-mail with justification for such request(s).

Written Decision

The Title IX Coordinator will provide written notification of the final decision to the Appellant and Appellee simultaneously. The appellate officer will typically notify the parties of its decision regarding an appeal in writing within 20 business days from receipt of the appeal statement. If the decision will take longer, the appellate officer will inform the parties and the Title IX Coordinator. The decision of the appellate officer will be final and no subsequent appeals are permitted.

XII. Confidentiality

UNA will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Title IX Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as disclosure may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

XIII. Records Retention

UNA shall retain for a period of seven years after the date of case closure the official file relating to Informal Resolution, including the parties' signed agreement, and an investigative resolution, including any investigation, hearing, sanctioning, and/or appeals reports and processes involving allegations of Title IX Sexual Harassment. In cases in which a Respondent was found to have violated the Policy and was expelled or terminated, UNA may retain such official case files indefinitely.

XIV. Clery Disclosure

UNA complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Violence Against Women Reauthorization Act of 2013 (VAWA) amendments to the Clery Act. UNA publishes and distributes an Annual Security Report (ASR) each year that includes three calendar years of Clery crime statistics, required campus safety policy statements, and statements of policy and procedure addressing dating violence, domestic violence, sexual assault, and stalking (VAWA offenses). UNA also:

- Issues timely warnings to alert the community about Clery Act crimes and VAWA offenses (generally, those are dating violence, domestic violence, sexual assault, and stalking) that present a serious or continuing threat, and issue emergency notifications upon confirmation of a significant emergency or dangerous situation on campus that poses an immediate threat to health or safety.
- Maintains a publicly available daily crime log that records the nature, date, time, and

general location of each reported crime and the disposition, if known.
- Submits annual Clery crime statistics to the U.S. Department of Education and publish an Annual Fire Safety Report and maintain a fire log.

UNA does not include personally identifying information about victims or other necessary parties in publicly available records and disclosures (including the ASR, daily crime log, timely warnings, and emergency notifications), except when permitted under FERPA's health and safety emergency exception or otherwise required by law. UNA maintains as confidential any accommodations or protective measures provided to a victim to the extent that doing so does not impair UNA's ability to provide them. UNA limits public disclosures to statistical information (by crime category, year, and Clery geography) and to non-identifying descriptions (e.g., general location rather than specific room number) necessary to inform community safety.

XV. Bias

The Title IX Coordinator is prohibited from having a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The Complainant or Respondent may challenge the participation of the Title IX Coordinator in any of the procedures because of an actual conflict of interest, bias, or prejudice. Such challenges, including rationale, must be submitted in writing to the Office of Governmental and Regulatory Affairs no later than three (3) business days after discovery of the bias or conflict. UNA will determine whether such a conflict of interest exists and whether the role of the Title IX Coordinator may be filled by another trained person acting in that role.

December 15, 2025: Approved by UNA Executive Council for implementation as interim policy-related procedures pending review through shared governance process.

April 20, 2026: Approved by Shared Governance Executive Committee for transmittal to President.

April 21, 2026: Approved by President for transmittal to Board of Trustees for final adoption.