Title IX Procedures

I. Purpose

II. Application

III. The Title IX Coordinator

IV. Definitions

V. The University's Response to Reports of Sex Discrimination

VI. Implementation and Modification of Supportive Measures

VII. Emergency Removal of a Respondent or Placement of an Employee Respondent on Administrative Leave

VIII. The Option for an Informal Resolution Process

IX. The Complaint to Initiate a Grievance Procedure (Including the Title IX Coordinator's Discretion to Initiate a Complaint)

X. The University's Two Distinct Types of Grievance Procedures – the "Type 1 Grievance Procedure" and the "Type 2 Grievance Procedure

XI. Dismissal of a Complaint

XII. Consolidation of Complaints

XIII. Basic Requirements of Both Types of Grievance Procedures

XIV. The Type 1 Grievance Procedure (For the Prompt and Equitable Resolution of Complaints of Sex Discrimination)

XV. The Type 2 Grievance Procedure (For the Prompt and Equitable Resolution of Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents)

XVI. The Role of a Party's Advisor

XVII. Retaliation Prohibited

XVIII. Recordkeeping

XIX. Policy Revisions

I. Purpose

A. As a recipient of federal financial assistance, Bryant University ("Bryant" or the "University") is subject to Title IX of the Education Amendments of 1972 ("Title IX"). *See* 20 U.S.C. § 1681(a). Consistent with Title IX and Bryant's community standards, the University prohibits discrimination on the basis of sex within its education program or activity.

B. To effectuate its Title IX compliance, Bryant has published its Policy Prohibiting Title IX Sex Discrimination ("Title IX Policy") and these related Title IX Procedures. The University's Title IX Procedures apply concurrently with the Title IX Policy, which states the University's prohibitions against Sex Discrimination, prescribes mandatory employee reporting obligations, and details available confidential and supportive resources.

C. The United States Department of Education's Office for Civil Rights has promulgated Title IX regulations titled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" ("Title IX Regulations"). *See* 34 Code of Federal Regulations ("CFR"), Part 106. Bryant's Title IX Policy and these Title IX Procedures implement the University's compliance with the Title IX Regulations (as amended effective August 1, 2024).

D. Bryant's Title IX education program or activity encompasses all of the University's operations. *See* Title IX Policy for a description of the University's education program or activity.

E. The Title IX Regulations prescribe Bryant's responsive actions and measures upon its knowledge of Sex Discrimination in its education program or activity. *See* 34 CFR § 106.44. These Title IX Procedures delineate Bryant's provision of appropriate Supportive Measures and ability to take interim measures to ensure equal access to its education program or activity.

F. The Title IX Regulations also require that Bryant must publish and implement written Grievance Procedures for the resolution of Complaints alleging Title IX discrimination. These Title IX Procedures delineate Bryant's prompt and equitable Grievance Procedures, which are consistent with 34 CFR § 106.45 (Grievance Procedures for the Prompt and Equitable Resolution of Complaints of Sex Discrimination) and 34 CFR § 106.46 (Grievance Procedures of for the Prompt and Equitable Resolution of Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents). Bryant administers two types of Grievance Procedures as prescribed herein, which are dependent upon the alleged prohibited conduct and the parties' status.

II. Application

A. Bryant applies these Title IX Procedures to effectuate the prompt and equitable resolution of Complaints made by students, employees, or other individuals who are participating or attempting to participate in Bryant's education program or activity, or by the Title IX Coordinator, alleging Sex Discrimination.

B. While the University has collective bargaining agreements and/or employment contracts with some of its employees, Bryant's obligations under Title IX are prescribed by federal law, and the University must implement Grievance Procedures that comply with the Title IX Regulations.

C. Bryant's Title IX Coordinator shall be responsible for making a prompt and equitable determination of whether reported and alleged conduct may constitute Sex Discrimination prohibited by Title IX. If any matter is dismissed under these procedures as outside of Title IX's jurisdictional or definitional scope, then, in Bryant's discretion, the University has the authority to address and adjudicate such alleged conduct under any other applicable code, policy, procedure, or rule (collectively "University Rules"). Other University Rules include the policies and procedures prescribed within Bryant's Student Handbook (including the Code of Student Conduct) or Employee Handbook or under the terms of a collective bargaining agreement. Incidents that are not covered by Title IX will be referred to other University departments as appropriate (e.g., Student Affairs, Human Resources, etc.).

D. Bryant may apply and enforce process under any of its other University Rules concurrently with these Title IX Procedures, when a matter raises alleged conduct both covered by and outside of Title IX. Also, to the extent that any alleged conduct falling outside of Title IX is discovered during the course of an investigation of alleged Title IX discrimination, Bryant has the authority to investigate and adjudicate such non-Title IX allegations under other University Rules.

E. In the event of any conflict between the Title IX Regulations and Bryant's policies and procedures, the Title IX Regulations shall control to resolve any such conflict in meaning or application.

F. Any individuals who wish to file a complaint against Bryant regarding its Title IX compliance may contact the Department of Education's Office for Civil Rights using the contact information provided in the University's Policy Prohibiting Title IX Sex Discrimination or available at https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html.

III. The Title IX Coordinator

A. Bryant's Title IX Coordinator is responsible for coordinating and effectuating the

University's Title IX compliance. To assist with and ensure Bryant's Title IX compliance, the Title IX Coordinator may delegate specific duties to one or more designees, as deemed appropriate.

B. The name and contact information of Bryant's Title IX Coordinator is:

Michelle Harris, J.D.
Title IX Coordinator
1150 Douglas Pike
Smithfield, RI 02917
Mharris11@bryant.edu
401-232-6105

C. All references to the Title IX Coordinator herein includes a designee.

IV. Definitions

A. Sex Discrimination: Sex Discrimination is prohibited under Title IX and Bryant's Title IX Policy. Sex Discrimination is discrimination on the basis of an individual's sex, including discrimination based upon sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. All references to Sex Discrimination within Bryant's Title IX policies and procedures include prohibited Sex-Based Harassment, as defined below.

B. Sex-Based Harassment: Sex-Based Harassment is a form of prohibited Sex Discrimination, which entails sexual harassment and other harassment on the basis of sex, including harassment on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-Based Harassment may entail conduct under one or more of the following categories: (1) Quid Pro Quo Harassment; (2) Hostile Environment Harassment; and/or (3) Sex-Based Crimes (Sexual Assault, Dating Violence, Domestic Violence, or Stalking).

1. **Quid Pro Quo Harassment** occurs when a Bryant employee, agent, or other person authorized by the University to provide an aid, benefit, or service under Bryant's education or activity explicitly or impliedly conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

2. **Hostile Environment Harassment** occurs when unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Bryant'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 the University's consideration of the following factors:

a. The degree to which the conduct affected an individual's ability to access Bryant's education program or activity;

b. The type, frequency, and duration of the conduct;

c. The parties' ages, roles within Bryant's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

d. The location of the conduct and the context in which the conduct occurred; and

e. Other Sex-Based Harassment in Bryant's education program or activity.

3. **Sex-Based Crime** means an offense classified as a forcible or non-consensual sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. A Sex-Based Crime includes conduct constituting any one of the following four offenses: **Sexual Assault** (20 U.S.C. § 1092(f)(6)(A)(v)), **Dating Violence** (20 U.S.C. § 12291(a)(10)), **Domestic Violence** (34 U.S.C. § 12291(a)(8)), and **Stalking** (34 U.S.C. § 12291(a)(30)).

   a. **Sexual Assault** is a sexual act directed against another person, by force, threat of force, coercion, or without consent, including instances where the person is incapable of giving consent. Sexual Assault includes the offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.

      i. **Rape:** The carnal knowledge of a person, without consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

      ii. **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

      iii. **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

      iv. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim,

including instances where the victim is incapable of giving consent because of their age, or because of their temporary or permanent mental or physical incapacity.

v. **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

vi. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the age of statutory age of consent (age 16 in Rhode Island).

b. **Dating Violence:** Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The existence of the relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

c. **Domestic Violence:** Domestic Violence includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim or a person similarly situated to a spouse of the victim, by a person who is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner, by a person who shares a child in common with the victim, or by a person who commits acts against a youth or adult victim who is protected under family or domestic violence laws of the jurisdiction. All forms of domestic violence prohibited by Rhode Island law are also included.

d. **Stalking:** Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more instances including but not limited to unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or similar devices or forms of contact are used.

C. Complainant: The Complainant is an individual who is (a) a student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination or (b) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination and was participating

or attempting to participate in Bryant's education program or activity at the time of the alleged Sex Discrimination. Under Bryant's Title IX Procedures, a reference to a "party" includes the Complainant.

D. Complaint: A Complaint means an oral or written request to Bryant that objectively can be understood as a request for the University to investigate and make a determination about alleged Sex Discrimination prohibited by Title IX and Bryant's Title IX Policy.

E. Consent: The definitions of **Consent** and the related definitions of **Incapacitation**, **Coercion, Force, and Intimidation**, as stated in Bryant's Title IX Policy, are incorporated herein into these Title IX Procedures.

F. Disciplinary Sanctions: Disciplinary Sanctions mean consequences imposed on a Respondent following the University's determination under Title IX that the Respondent violated the University's prohibitions against Sex Discrimination or Sex-Based Harassment.

G. Grievance Procedure: A Grievance Procedure refers to the applicable process that Bryant will utilize to review, investigate, and determine a Complaint alleging "Sex Discrimination." As stated herein, Bryant administers to two types of Grievance Procedures – one to address Complaints of Sex Discrimination ("**Type 1 Grievance Procedure**") and the other to address specifically Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents ("**Type 2 Grievance Procedure**"). Bryant's Grievance Procedures are designed to comply with the Title IX Regulation's requirements specified at 34 CFR §§ 106.45 and 106.46.

H. Informal Resolution Process: Informal Resolution Process refers to a voluntary process in which the parties seek to resolve a matter of alleged Sex Discrimination, subject to the requirements and University approvals prescribed herein.

I. Relevant: Relevant means related to the allegations of Sex Discrimination under investigation as part of Bryant's Grievance Procedures. 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 the determination of whether the alleged Sex Discrimination occurred. During Grievance Procedures, certain Relevant evidence may be deemed as otherwise impermissible as specified herein.

J. Remedies: Remedies are provided to a Complainant or any other person whom Bryant identifies as having had their equal access to the University's education program or activity limited or denied by Sex Discrimination. Remedial measures are provided to restore or preserve the person's access to Bryant's education program or activity after the University has determined that Sex Discrimination has occurred.

K. Respondent: The Respondent is an individual who is alleged to have violated Bryant's prohibitions against Sex Discrimination. Under Bryant's Title IX Procedures, a reference to a "party" includes the Respondent.

L. Supportive Measures: Supportive Measures are non-disciplinary, non-punitive individualized services and accommodations offered, as appropriate and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the Complainant or the Respondent, including measures designed to protect the safety of persons impacted by a report or the University's community, or to deter Sex Discrimination, as well as provide support during the Grievance Procedures or during an Informal Resolution Process.

Examples of Supportive Measures include, but are not limited to: counseling; extensions of deadlines and other course-related adjustment; campus escort services; increased security and monitoring of certain areas of campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or other activity, regardless of whether or not there is a comparable alternative; counseling, and training and education programs. Supportive Measures may vary based upon what Bryant deems to be reasonably available.

As coordinated by Bryant's Title IX Coordinator, Supportive Measures will be offered and provided equitably to the Complainant and Respondent, as circumstances reasonably permit. Bryant will maintain as confidential any Supportive Measures provided to the Complainant and Respondent to the extent that maintaining such confidentiality would not impair the University's ability to provide the Supportive Measures.

V. The University's Response to Reports of Sex Discrimination

A. Upon Bryant's knowledge of conduct that reasonably may constitute Sex Discrimination in its education program or activity, Bryant must respond in a prompt and equitable manner designed to end the discrimination, prevent its reoccurrence, and remedy its effects. The University shall be deemed to possess knowledge of alleged Sex Discrimination when it is reported by an individual directly to the Title IX Coordinator or to a University employee who is deemed to be a mandatory reporter (as defined by and subject to the requirements stated in the University's Title IX Policy).

B. Upon the University's knowledge of alleged Sex Discrimination, the Title IX Coordinator shall notify the Complainant, or if the Complainant is unknown, the individual who reported the conduct of the applicable Grievance Procedure (depending on whether the reported Sex Discrimination involves alleged Sex-Based Harassment with a student Complainant or a student Respondent) and the Informal Resolution Process. Prior to an oral or written complaint to initiate a Grievance

Procedure, the Title IX Coordinator must offer and coordinate Supportive Measures for the Complainant.

C. If a Complaint is made or an offer of an Informal Resolution Process is made, the Title IX Coordinator must offer and coordinate Supportive Measures for the Respondent.

D. Bryant shall treat the Complainant and Respondent equitably throughout its responsive actions, including in its offering and coordination of Supportive Measures and throughout the administration of its below-described (i) Grievance Procedure for the resolution of Complaints of Sex Discrimination ("Type 1 Grievance Procedure") and (ii) Grievance Procedure for the resolution of Complaints of Sex-Based Harassment (involving a student Complainant or a student Respondent) ("Type 2 Grievance Procedure"), as well as during an Informal Resolution Process.

E. Bryant must not disclose personally identifiable information obtained in its responsive actions, except in the following circumstances: (a) when the University had obtained prior written consent from a person with the legal right to consent to the disclosure; (b) when the information is disclosed to a parent of a minor, guardian of a minor, or an authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; (c) to address conduct that reasonably may constitute Sex Discrimination under Title IX in Bryant's education program or activity; (d) as required under Federal Law, Federal regulations, or the terms of a Federal award, including a grant award or other funding agreement; or (e) to the extent such disclosures are not otherwise in conflict with Title IX or the Title IX Regulations, when required by State or local law, or when permitted under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g or its implementing regulations, 34 CFR Part 99.

VI. Implementation and Modification of Supportive Measures

A. Supportive Measures must not unreasonably burden either party and must be designed to protect the safety of the parties or Bryant's community. Supportive Measures must be designed to support Bryant's prompt and equitable administration of its Grievance Procedures or an Informal Resolution Process.

B. Bryant may, as appropriate, modify or terminate Supportive Measures at the conclusion of its Grievance Procedures or at the conclusion of an Informal Resolution Process. Bryant also maintains the right and discretion to continue Supportive Measures beyond the completion of a Grievance Procedure or an Informal Resolution Process.

C. A Complainant or a Respondent has the right to seek from an impartial Bryant employee the modification or reversal of Bryant's decision to provide, deny, modify, or

terminate Supportive Measures applicable to the party. The impartial decision maker has the authority to modify or reverse the decision, applying the definition and purpose of Supportive Measures and reviewing objectively all reasonable facts and circumstances. In the case of a student party seeking a modification or reversal, the request shall be presented in writing to the Vice President for Student Affairs & Dean of Students or a designee. In the case of an employee party, the request shall be presented to the Vice President for Human Resources or a designee. The impartial decisionmaker shall render a written determination within three (3) business days. The Title IX Coordinator shall be responsible to ensure the prompt implementation of any such modification or reversal action. A party shall likewise have the same rights and process to seek additional modification or termination of a Supportive Measure applicable to them if circumstances change materially.

D. Bryant must not disclose information about Supportive Measures to persons other than those to whom they apply, including informing one party of Supportive Measures to the other party, unless necessary to provide the Supportive Measures or restore or preserve a party's access to the University's education program or activity, or when one of the above-described five exceptions to the disclosure of personally identifiable information would similarly apply to the disclosure of the Supportive Measures.

E. If a Complainant or Respondent is an individual with a disability, the Title IX Coordinator may consult, as appropriate, with Marie Saddlemire, Ph.D., Director, Accessibility Services in Bryant's implementation of Supportive Measures.

VII. Emergency Removal of a Respondent or Placement of an Employee Respondent on Administrative Leave

A. Bryant reserves the right to remove a Respondent on an emergency basis, provided that it undertakes an individualized safety and risk analysis, determines that an immediate 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 Respondent with written notice stating the reasons for its actions and an opportunity to challenge the removal. In the case of the emergency removal of a student, the Respondent shall have the right to challenge the removal within five (5) business days after the action, by submitting a written explanation to the Vice President of Student Affairs & Dean of Students (or the Vice President's designee). In the case of an emergency removal of an employee, the Respondent shall have the right to challenge the removal within five (5) business days after the action, by submitting a written explanation to the Vice President of Human Resources (or the Vice President's designee). Withing five business days after Bryant's receipt of the challenge, the Vice President or the designee shall issue a responsive written determination. Bryant must consider all emergency removal actions in a manner consistent with a Respondent's rights under Section 504 of the Rehabilitation Act of

1973, 29 U.S.C. § 794, or the American with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.

B. During a Grievance Procedure, Bryant may place an employee Respondent on administrative leave status. The administrative leave action shall be undertaken consistently with applicable University employment policies and/or employment agreements. The University's administrative leave action must consider the rights of the employee under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq*.

VIII. The Option for an Informal Resolution Process

A. Bryant offers the parties the option to participate in an Informal Resolution Process, as an alternative to an investigation and determination under a Grievance Procedure. The Informal Resolution Process uses mediation or other forms of dispute resolution with the goal that the parties arrive at a voluntary and mutually agreed-upon outcome. The Informal Resolution Process may be commenced at any time before a Grievance Procedure has reached a determination of whether Sex Discrimination occurred as alleged.

B. An Informal Resolution Process is not permitted to resolve any allegations if such process would conflict with any applicable Federal, State or local law.

C. The following requirements apply to the Informal Resolution Process:

1. The parties must voluntarily consent in writing to the Informal Resolution Process.

2. Bryant will not require waiver of the right to an investigation and determination of a Complaint as a condition or enrollment or continuing enrollment, or employment or continuing employment, or exercise of any right.

3. The Title IX Coordinator must agree that the matter is one suitable and appropriate for an Informal Resolution Process.

4. The Title IX Coordination shall designate a trained person to facilitate the Informal Resolution Process. This person shall not have any conflict of interest or bias for or against Complainants and Respondents generally or the Complainant and Respondent who are the parties.

5. At any point prior to reaching an agreement through the Informal Resolution Process, the parties have the right to withdraw from the process and elect to initiate or resume a Grievance Procedure. Withdrawal from the Informal Resolution Process must be in writing.

D. Prior to the commencement of an Informal Resolution Process, the Title IX Coordinator will provide the parties with a written notice disclosing (1) the allegations, (2) the requirements of the Informal Resolution Process, (3) the parties' right to withdraw from the Informal Resolution Process and initiate or resume a Grievance Procedure, (4) the fact that an agreement at the end of the Informal Resolution process precludes the initiation or resumption of Grievance Procedures relating to the same allegations, (5) the potential terms that may be requested or offered in the Informal Resolution agreement that will be binding only on the parties, and (6) the information that Bryant will maintain or could disclose for use in Grievance Procedures that are initiated or resumed if the Informal Resolution Process is terminated without a binding agreement.

E. The Informal Resolution Process will be completed within thirty (30) business days after its initiation, unless extended by voluntary written agreement of the parties and approved by the Title IX Coordinator.

F. An Informal Resolution Process agreement is reached when both parties independently and voluntarily come to a written, signed agreement on the terms, which have been accepted and approved by the Title IX Coordinator. The agreement is final, and the Complaint is considered resolved and closed. A matter may be reopened only upon a party's showing and Bryant's agreement that the other party engaged in a material misrepresentation or fraudulent conduct that directly impacted the Informal Resolution Process or agreed-upon terms.

G. There is no right to appeal a matter resolved by an Informal Resolution Process.

H. While an Informal Resolution Process is ongoing or following its successful completion, the Title IX Coordinator shall continue to have the authority and obligation to take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur in Bryant's education program or Activity.

IX. The Complaint to Initiate a Grievance Procedure (Including the Title IX Coordinator's Discretion to Initiate a Complaint)

A. A Complaint is required for the University to commence a Grievance Procedure to investigate and determine reported allegations of Sex Discrimination. A Complaint may be conveyed as either a written or oral request to Bryant, which objectively can be understood as a request for the University to investigate and determine the alleged Sex Discrimination.

B. The following persons have the right to make a Complaint of Sex Discrimination requesting that Bryant investigate and make a determination regarding the alleged discrimination:

i. A Complainant;

ii. A parent or guardian of a minor or an authorized legal representative with the legal right to act on a Complainant's behalf;

iii. The Title IX Coordinator, acting in accordance with and under the circumstances described below.

iv. Additionally, with respect to Complaints of Sex-Based Harassment, any student or employee, or any person other than a student or employee who was participating or attempting to participate in Bryant's education program or activity at the time of the alleged discrimination.

C. The Title IX Coordinator may initiate a Complaint under the following circumstances: In the absence of a Complaint or the withdrawal of a Complaint, or in the absence or termination of an Informal Resolution Process, the Title IX Coordinator may determine that the University should proceed with a Complaint in the best interests of its community and/or to ensure equal access to the University's education program and activity. The Title IX Coordinator shall make a fact-specific assessment and determination that considers the Relevant factors, including but not necessarily limited to:

i. The Complainant's request not to proceed with the initiation of a Complaint;

ii. The Complainant's reasonable safety concerns regarding the initiation of a Complaint;

iii. The risk that additional facts of Sex Discrimination would occur if a Complaint is not initiated;

iv. The severity of the alleged Sex Discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination or prevent its recurrence;

v. The age and relationship of the parties, including whether the Respondent is a Bryant employee;

vi. The scope of the alleged Sex Discrimination, including information suggesting a pattern, ongoing Sex Discrimination, or Sex Discrimination alleged to have impacted multiple individuals;

vii. The availability of evidence to assist a decisionmaker under a Grievance Procedure to determine whether Sex Discrimination occurred;

viii. Whether Bryant could end the discrimination and prevent its recurrence

without instituting a Grievance Procedure.

If after considering these and any other Relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant, other person, or University community, or that the conduct as alleged prevents Bryant from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a Complaint. Before initiating a Complaint, the Title IX Coordinator must notify the Complainant and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures as deemed reasonable and appropriate.

Regardless of whether the Title IX Coordinator initiates a Complaint, the Title IX Coordinator shall take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the Remedies provided to an individual Complainant, if any, to ensure that the Sex Discrimination does not continue or recur within Bryant's education program or activity.

The Title IX Coordinator is not required to undertake the above-stated actions if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute Sex Discrimination under Title IX or the University's Title IX Policy. Upon such a determination, the Title IX Coordinator may refer the matter or concerns to the appropriate officers or offices within the University for any necessary responsive actions under University Rules.

X. The University's Two Types of Grievance Procedures – the "Type 1 Grievance Procedure" and the "Type 2 Grievance Procedure"

A. Bryant administers two types of Grievance Procedures to investigate and determine Complaints under Title IX. The applicable Grievance Procedure depends upon (i) whether the Complaint alleges Sex Discrimination ("Type 1 Grievance Procedure") or (ii) whether the Complaint alleges a specific form of Sex Discrimination known as Sex-Based Harassment (as defined above), where the Complaint's allegations involve a student Complainant or a student Respondent ("Type 2 Grievance Procedure").

B. When a party is both a student and an employee of Bryant, the Title IX Coordinator will make a fact-specific determination regarding which Grievance Procedure ("Type 1" or "Type 2") should apply. In making this determination, the Title IX Coordinator must, at a minimum, determine whether the alleged Sex-Based Harassment occurred while the party was performing employment-related work.

C. While many of the requirements of the two processes are similar, there are distinct and additional requirements applicable to the Type 2 Grievance Procedure where a student is

a Complainant alleging Sex-Based Harassment and/or where a student is a Respondent accused of Sex-Based Harassment. A Type 2 Grievance Procedure requires that the University must convene a live hearing to make its determination.

D. Within five (5) business days after Bryant's receipt of the Complaint, the Title IX Coordinator shall conduct and complete an initial review of the Complaint to determine whether allegations, if proven, relate to conduct that must be investigated and determined under either the Type 1 Grievance Procedure or the Type 2 Grievance Procedure. If a Complaint shall proceed to an investigation and is not dismissed as a result of the Title IX Coordinator's initial review (for reasons specified below), the Title IX Coordinator shall specify the applicable Grievance Procedure in the written notice of allegations.

XI. Dismissal of a Complaint

A. Bryant may dismiss a Complaint alleging Sex Discrimination if:

- Bryant is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in Bryant's education program or activity or is not employed by Bryant;
- The Complainant voluntarily withdraws in writing any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and Bryant 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
- Bryant determines the conduct in the Complaint, even if proven, would not constitute Sex Discrimination under Title IX. This determination should be made as part of the Title IX Coordinator's initial review within five (5) business days after receipt of the Complaint. Before dismissing the Complaint, Bryant will make reasonable efforts to clarify the allegations with the Complainant.

B. Upon a determination to dismiss the Complaint, Bryant will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then Bryant will concurrently provide written notification to the Respondent of the basis for the dismissal.

C. Bryant's notification of dismissal shall state that the dismissal may be appealed on any of the following three bases:

- Procedural irregularity that would change the dismissal decision;

- New evidence that would change the dismissal decision and that was not reasonably available when the dismissal was made; or

- The Title IX 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.

D. If the dismissal is appealed, Bryant will:

- Notify the parties of any appeal and allow a party to file a written response to the other party's appeal within five (5) business days;

- Implement the appeal procedures equally for the parties;

- Ensure that the decisionmaker for the appeal has been trained to review and determine the appeal; and

- Notify the parties of the result of the appeal and the rationale for the result.

E. The Title IX Coordinator shall direct an appeal to the attention of the Vice President of Student Affairs & Dean of Students in student Respondent Cases, the Provost in faculty Respondent cases, and the Vice President for Human Resources in non-faculty employee Respondent cases. Each of these appeal officers may appoint a designee to determine the appeal of a dismissal determination.

F. When a Complaint is dismissed, Bryant will ensure the following actions (including during the pendency of an appeal) and thereafter as appropriate:

- Offer Supportive Measures to the parties;

- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that Sex Discrimination does not continue or recur within its education program or activity.

G. The dismissal of a Complaint does not preclude Bryant from proceeding with a process and actions under any of its University Rules, including but not limited to the Student Handbook's Code of Student Conduct or the Employee Handbook, or under an applicable collective bargaining agreement.

XII. Consolidation of Complaints

A. Bryant has the discretion to consolidate Complaints 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 arise out of the same facts or circumstances. Bryant shall evaluate whether to consolidate Complaints in accordance with its FERPA obligations.

B. If one of the Complaints to be consolidated is a Complaint alleging Sex-Based Harassment involving a Student Complainant or a Student Respondent, Bryant shall apply and comply with its Type 2 Grievance Procedure.

XIII. Basic Requirements of Both Types of Grievance Procedures

In its equitable administration of its Type 1 and Type 2 Grievance Procedures, Bryant will adhere to the following requirements at all times:

A. Bryant will treat Complainants and Respondents equitably.

B. Bryant requires that the Title IX Coordinator, an investigator (whether an internal investigator or retained external investigator), or a decisionmaker (including an appellate officer) must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

C. Bryant presumes that the Respondent is not responsible for the alleged Sex Discrimination until a determination is made at the end of the applicable Grievance Procedure.

D. As specified herein, Bryant has established timelines for major stages of the applicable Grievance Procedure (e.g., the decision whether to dismiss or investigate a Complaint, the investigation, the determination, and the appeal).

E. Bryant is committed to completing its applicable Grievance Procedure as promptly as possible within the prescribed time periods, consistent with the need to conduct sensitive and informed fact-gathering to ensure an equitable and unbiased resolution. The University may extend a time period for good cause. The University or the parties (upon request) may require or allow an extension of its deadlines to ensure the integrity and thoroughness of the investigation and determination; to comply with a request by law enforcement; due to the unavailability of the parties or witnesses; or other legitimate reasons, such as intervening breaks in the University calendar, University finals periods, the complexity of the investigation, the volume of information, number of witnesses, length of the written record, and/or the severity and extent of the alleged conduct. While Bryant will be fair and balanced in a party's request for an extension, the University cannot unduly delay the prompt resolution of a Grievance Procedure. In all matters

relating to the consideration of any extension or alteration of a time period or prescribed deadline, the Title IX Coordinator has the authority to determine whether an extension or alteration is required or warranted by the circumstances.

F. Bryant will take reasonable steps to protect the privacy of the parties and witnesses during the Grievance Procedure. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in a Grievance Procedure. Bryant emphasizes that the parties cannot engage in retaliation, including against witnesses.

G. Bryant 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 Bryant to determine whether one of the listed below exceptions applies; will not be disclosed, and will not be otherwise used), regardless of whether the evidence is 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 of a party or witness, unless Bryant obtains that party's or witness's voluntary, written consent for use in the Grievance Procedure.

- Evidence that relates to a 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 that Complainant's consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

H. Under Bryant's Title IX Grievance Procedures, the applicable Standard of Evidence is the Preponderance of the Evidence Standard. Preponderance means that a proposition or fact is more probably true than not true.

XIV. The Type 1 Grievance Procedure (For the Prompt and Equitable Resolution of Complaints of Sex Discrimination).

As stated above, Bryant will apply and administer its Type 1 Grievance Procedure to investigate and determine all Complaints alleging Sex Discrimination prohibited under Title IX, **except** that this process shall not apply to Complaints alleging Sex-Based Harassment involving a student Complainant or a student Respondent (which shall be investigated and determined under the Type 2 Grievance Procedure). The Type 1 Grievance Procedure is designed to effectuate and comply with the requirements of the Title IX Regulations prescribed by 34 CFR § 106.45.

Bryant will make reasonable efforts to complete the major stages of the Type 1 Grievance Procedure within the below-stated time periods, subject to extensions by the University or at the request of a party for good cause, with written notice to the parties that explains the reasons for any extension or delay. These timeframes set targeted periods, as each matter of alleged Title IX Sex Discrimination requires case-specific factors and circumstances. Bryant shall seek to adhere to the following timeframes in the Type 1 Grievance Procedure:

- Completion of the Investigation: Sixty (60) business days after Bryant's issuance of the notice of allegations;

- Determination of the Complaint by the decisionmaker: Fifteen (15) business days after the completion of the investigation;

- Determination of the appeal, if an appeal is timely filed: Fifteen (15) business days after the transmission of the appeal to the appeal officer.

References to "**business days**" exclude weekend days and legal holidays recognized by the University in its published academic year calendar. If a party has any uncertainty regarding the counting of days within a time period or a prescribed deadline date, the party should consult with the Title IX Coordinator.

A. Written Notice of Allegations

Upon Bryant's initiation of a Type 1 Grievance Procedure, the University will provide written notice to the parties of the following information:

- Bryant's determination that the Type 1 Grievance Procedure applies to the investigation and determination of the Complaint;

- Sufficient information available at the time to allow the parties to respond to the allegations, including the identity 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);

- A statement that retaliation is prohibited;

- The parties are entitled to an equal opportunity to Bryant's accurate description of the Relevant and not otherwise impermissible evidence. The parties may have an equal opportunity to access the Relevant and not otherwise impermissible evidence upon the request of any party.

The Respondent shall be afforded the opportunity to submit a written response to the Complaint within five (5) business days after the issuance of the notice of allegations.

If, in the course of an investigation, Bryant decides to investigate additional allegations of Sex Discrimination by the Respondent toward the Complainant that are not included in the notice of allegations provided or that are included in a Complaint that is consolidated, the University will provide written notice of the additional allegations to the parties.

B. The Investigator and the Decisionmaker

The Title IX Coordinator will administer and oversee the Type 1 Grievance Procedure and shall not serve as either the investigator or the decisionmaker. All investigators and decisionmakers shall be trained on Bryant's Title IX policies and procedures. The investigator and decisionmaker shall not be the same individual. No person who may have helped to facilitate an attempt at an informal resolution process shall be the investigator or decisionmaker.

The Title IX Coordinator shall appoint an investigator depending on the Respondent's status at the University (e.g., an employee (such as a faculty or staff member) or a student). In a matter with an employee Respondent, the Title IX Coordinator shall appoint an investigator in consultation with Bryant's Office of Human Resources, particularly to evaluate the terms of any applicable collective bargaining agreement. In a matter with a student Respondent, The Title IX Coordinator shall appoint an investigator in consultation with Bryant's Office of Student Affairs. Bryant has the discretion to appoint an internal or external investigator to a matter. The investigator shall be responsible for fact-finding and evidence compilations, as well as making credibility assessments of the parties and witnesses.

In a matter with an employee Respondent, the decisionmaker to determine whether Sex Discrimination occurred shall be the Vice President of Human Resources or an appropriately trained designee.

In a matter with a student Respondent, the decisionmaker to determine whether Sex Discrimination occurred shall be the Vice President of Student Affairs & Dean of Students or an appropriately trained designee.

C. The Investigation

Bryant will provide for an adequate, reliable, and impartial investigation of the Complaint, which meets the following requirements:

- The burden is on Bryant – not the parties – to conduct the investigation that gathers sufficient evidence to determine whether Sex Discrimination occurred.

- Bryant 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.

- Bryant will review all evidence gathered through the investigation and determine what evidence is Relevant and whether any such evidence is otherwise impermissible.

- Bryant will provide each party with an accurate description of the evidence that is Relevant to the allegations of Sex Discrimination and not otherwise impermissible. Bryant will provide the parties with an equal opportunity to access the Relevant and not otherwise impermissible evidence upon the request of any party.

- Bryant will provide a reasonable opportunity to respond to the accurate description of the evidence.

- Throughout the investigation, Bryant will take reasonable steps to prevent and address unauthorized disclosure of information and evidence obtained solely through the Type 1 Grievance Procedure. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Sex Discrimination are authorized.

D. Questioning of the Parties and Witnesses

To the extent that the investigation determines that credibility is both disputed and relevant to evaluate one or more of the allegations of Sex Discrimination, the decisionmaker will question the parties and witnesses, as deemed necessary, to adequately assess the credibility issues. If one party is questioned by the decisionmaker, the other party must similarly be questioned to ensure a full and balanced credibility determination.

E. Written Determination of Whether Sex Discrimination Occurred

Following the completion of the investigation and the questioning of the parties and witnesses by the decisionmaker (if necessary for credibility assessments), Bryant will:

- Use and apply the preponderance of evidence standard to determine whether Sex Discrimination occurred and the Respondent is responsible for the alleged conduct. The preponderance standard of proof requires the decisionmaker to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded that the preponderance of the evidence does not show that Sex Discrimination occurred, the decisionmaker shall determine that the Respondent is not responsible for the alleged conduct.

- Notify the parties in writing of the determination whether Sex Discrimination occurred including the rationale for such determination, and the procedures and permissible basis for the Complainant and the Respondent to appeal. The decisionmaker will issue the written decision within fifteen (15) business days after the completion of the investigation, unless good cause requires an extension of this timeframe.

- Not impose discipline on a Respondent for Sex Discrimination prohibited by Title IX unless there is a determination at the conclusion of the Type 1 Grievance Procedure 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 persons Bryant identifies as having had equal access to the 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 sanctions; and

    - Take other appropriate prompt and effective steps to ensure that Sex Discrimination (including retaliation) does not continue or recur within Bryant's education program or activity.

- Not discipline a party, witness or others participating in the Type 1 Grievance Procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination of whether Sex Discrimination occurred.

F. Range of Disciplinary Sanctions Upon Determination of Responsibility

Employee Respondent: Disciplinary Sanctions imposed upon a faculty or a staff member found responsible for Sex Discrimination in violation of Title IX, the range of appropriate disciplinary and/or corrective action shall be in accordance with personnel policies, and collective bargaining agreements. Actions may range from warnings or reprimands, changes in

responsibilities, suspension with or without pay, to termination of employment, depending on the magnitude and specifics of the infraction.

Student Respondent: Disciplinary Sanctions imposed upon a student found responsible for Sex Discrimination in violation of Title IX shall be consistent with the range prescribed in the Student Handbook (including its Code of Student Conduct). Such sanctions range from a warning or reprimand, probation, residence hall restrictions or eviction, suspension, expulsion, a transcript notation describing the disciplinary action, revocation of admission or degree, and withholding of a degree. More than one of the Code's sanctions may be imposed for any single violation.

G. Appeal

Either party may appeal the determination, including any imposed Disciplinary Sanctions, only on one or more of the following grounds:

- 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, 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.

Appeals must be submitted in writing to the Title IX Coordinator within five (5) business days after the issuance of the written determination, unless the appeal period is mutually extended for both parties for good cause. The party must specify the grounds and support for the appeal. An untimely appeal will be rejected and not considered by the University, absent compelling and/or exigent circumstances that directly impacted the timeliness of the filing and that the Title IX Coordinator deems appropriate to justify the acceptance of the appeal.

Upon a party's filing of an appeal, the Title IX Coordinator shall promptly notify the other party in writing and allow that party to submit a written response within five (5) business days of the notice.

Upon the receipt of a timely filed response or the expiration of the response period (whichever occurs first), the Title IX Coordinator shall direct the appeal to the University's President or an appropriately trained designee, who shall be the appeals officer determining the appeal. The appeal officer shall issue a written determination within fifteen (15) days thereafter, unless extended for good cause, stating the result and its rationale. The Title IX Coordinator will forward the written determination to the parties simultaneously. No further review is permitted.

The appeal officer may deny or grant the appeal in whole or in part. If an appeal is granted in

whole or in part, the appeal officer may modify the determination or sanction, if any, and/or determine that further proceedings (such as additional investigation) are appropriate.

XV. The Type 2 Grievance Procedure (For the Prompt and Equitable Resolution of Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents).

Bryant will apply and administer its Type 2 Grievance Procedure to investigate and determine all Complaints alleging Sex-Based Harassment in which the Complainant or Respondent is a student or when both parties are students. The Type 2 Grievance Procedure is designed to effectuate and comply with the requirements of the Title IX Regulations prescribed by 34 CFR § 106.46. Bryant will conduct a live hearing to determine Complaints under the Type 2 Grievance Procedure.

Bryant will undertake reasonable efforts to complete the major stages of the Type 2 Grievance Procedure within the below-stated time periods, subject to extensions by the University or at the request of a party for good cause, with written notice to the parties explaining the reasons for any extension or delay. These timeframes set targeted periods, as each matter of alleged Sex-Based Harassment involving one or more student parties requires a case specific factors and circumstances. Bryant shall seek to adhere to the following timeframes in the Type 2 Grievance Procedure:

- Completion of the Investigation: Ninety (90) business days after Bryant's issuance of the notice of allegations;

- The Live Hearing: As promptly as reasonably possible after the submission of the finalized investigation report, but the hearing shall not occur any earlier than at least ten (10) business days after the parties' receipt of the finalized investigation report;

- Written Determination by the Hearing Officer: Fifteen (15) business days after the completion of the live hearing;

- Determination of the appeal, if an appeal is timely filed: Fifteen (15) business days after the transmission of the appeal to the appeal officer.

References to "**business days**" exclude weekend days and legal holidays recognized by the University in its published academic year calendar. If a party has any uncertainty regarding the counting of days within a time period or a prescribed deadline date, the party should consult with the Title IX Coordinator.

A. Written Notice of Allegations

Upon initiation of Bryant's Type 2 Grievance Procedure, the University shall notify the parties

in writing of the following information with sufficient time for the parties to prepare a response before any initial interview:

- Bryant's determination that the Type 2 Grievance Procedure applies to the investigation and determination of the Complaint;

- 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);

- A statement that 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 Type 2 Grievance Procedure. Prior to such a determination, the parties will have an opportunity to present Relevant and not otherwise impermissible evidence to a trained investigator during the investigation and the decisionmaker during the live hearing;

- The parties may have an adviser 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 and not otherwise impermissible evidence. During the investigation process, Bryant will provide the parties with an opportunity to provide written comments to the preliminary investigation report, which shall be reviewed and evaluated by the investigator before the completion of the final investigation report.

- Bryant's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information during the Grievance Procedure.

The Respondent shall be afforded the opportunity to submit a written response to the Complaint within five (5) business days after the issuance of the notice of allegations.

If, in the course of an investigation, Bryant decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the written notice of allegations or that are included in a consolidated Complaint, the University will provide written notice of the additional allegations to the parties.

B. The Investigator and the Hearing Officer

The Title IX Coordinator will administer the Type 2 Grievance Procedure and shall not serve as either the investigator or the decisionmaker. The decisionmaker shall be a single hearing

officer who conducts and presides at the live hearing. The investigator and the hearing officer shall not be the same individual. Both the investigator and hearing officer shall be trained on Bryant's Title IX policies and procedures. No person who may have helped to facilitate an attempt at an informal resolution process shall be the investigator or the hearing officer. Bryant may appoint individuals external to University community as the investigator and/or the hearing officer.

C. The Investigation

Bryant will provide for an adequate, reliable, and impartial investigation of Complaints.

The burden is on Bryant – not the parties – to conduct the investigation that guides sufficient evidence to determine whether Sex-Based Harassment has occurred.

Bryant will provide 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.

Bryant 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. The advisor is expected to conduct himself or herself in accordance with the standards, decorum, and restrictions that are described below.

To the extent that Bryant determines that a person other than an advisor may be present on a party's behalf, upon request of a party, during any meeting or proceeding, Bryant shall afford the other party with a similar opportunity to have a comparable person attend any meeting or proceeding on their behalf. Bryant is not obligated to grant such requests for attendance and will consider them on a case-by-case basis. Bryant shall make such determinations consistent with its FERPA obligations.

Bryant 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.

The investigator shall had have the discretion whether to accept or reject, in whole or in part, any expert witness proposed by the parties. The parties shall have the equal right to propose an expert witness. The investigator shall make the determination of whether to consider or accept an expert witness based upon factors such as the following: the individual's experience and credentials, whether the proposed topic or issue necessitates an expert witness, the reliability of the expert witness' methodology, the factual basis for the proposed expert's testimony or opinion (including whether it is based upon Relevant and not otherwise impermissible evidence), the potential prejudice to the other party in allowing such an expert witness, and the scope and nature of the allegations under investigation.

Bryant will review all evidence gathered through the investigation to confirm that the evidence is Relevant and not otherwise impermissible.

D. Review of the Preliminary Report

The investigator will prepare a preliminary report based upon the Relevant and not impermissible evidence compiled during the investigation. The Title IX Coordinator shall be responsible for reviewing the preliminary report to ensure its compliance with the investigation requirements and the sufficiency of the investigation.

Upon the completion of the preliminary report, the parties and their advisors, if applicable, will be notified in writing by the Title IX Coordinator to inspect and review the preliminary report and the evidence obtained as part of the investigation. Each party shall be afforded ten (10) business days to submit written comments to the preliminary report

Prior to the completion of the investigation and issuance of a finalized report, the investigator will consider the parties' comments to determine whether any additional steps should occur in the investigation (such as further interviews or compilation of additional evidence) and the extent to which revisions to the report are appropriate before its completion. The investigator has the discretion to make such evaluations and determinations in a prompt and equitable manner.

E. The Live Hearing

In its determination of all Complaints subject to the Type 2 Grievance Procedure, in which a student is a party to a Complaint alleging Sex-Based Harassment, Bryant shall hold a live hearing to determine whether the alleged violation has been shown to have occurred based upon a preponderance of the record of Relevant but not otherwise impermissible evidence compiled during the investigation and presented at the live hearing.

1. The Hearing Officer

Bryant will appoint a single trained hearing officer to preside as the decisionmaker at the live hearing. The appointed hearing officer will be trained to preside at the live hearing and make the determination of whether Sex-Based Harassment occurred. At the live hearing, the hearing officer (not the parties or their advisors) shall question the parties and witnesses in the manner described below.

At least ten (10) business days before the live hearing date, Bryant will notify the parties in writing of the assigned hearing officer. Within three (3) business days thereafter, a party may challenge Bryant's assignment of the hearing officer solely for reasons of bias or conflict of interest. Any such challenge shall be stated in writing and articulate the specific support for the alleged bias or conflict of interest. A party's failure to timely object shall be deemed as a waiver of a challenge and assent to the hearing officer presiding at the live hearing. The Title IX Coordinator will review and evaluate any submitted challenge and has the discretion to determine whether the challenge should be denied or whether a replacement hearing officer should be assigned to the live hearing.

2. Pre-hearing Conference

The hearing officer will hold a pre-hearing conference with the parties (accompanied by their advisors to discuss the hearing procedures, order of evidence, the parties or witnesses who will appear and testify, proposed questions to be posed to the parties or witnesses during the hearing, and any evidentiary or procedural matters requiring attention to ensure the efficiency and fairness of the live hearing. The hearing officer shall ensure that the parties have equal opportunity to participate in the pre-hearing conference. The hearing officer has the discretion to meet with the parties separately or jointly, but must ensure that each party has a full and equal right to participate and raise any issues in the pre-hearing conference.

3. General Rules of the Live Hearing

The live hearing shall not occur any earlier than at least ten (10) business days after the parties have received the finalized investigative report.

Each party must have an advisor at the live hearing. If a party does not have an advisor to attend the live hearing, Bryant will provide an advisor to the party free of charge. Before the hearing, the party should notify the Title IX Coordinator as promptly as possible of the need to have an advisor appointed.

The Title IX Coordinator will select the date of the live hearing based upon the availability of the hearing officer and will consider the parties' academic and/or work schedules as reasonably practicable. The Title IX Coordinator shall have the right to set the hearing date to ensure promptness and equity, with the hearing officer's availability being the primary consideration.

Bryant will conduct the live hearing with the parties physically present in the same geographic location or, at Bryant's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the hearing officer and parties to simultaneously see and hear the party or witness while that person is speaking.

The hearing officer shall preside in a manner ensuring that only Relevant and not otherwise impermissible evidence is presented.

There will be an audio recording of the hearing created of the hearing, which will be made available to the parties for inspection and review upon request following the live hearing.

All participants, including the parties, advisors, and witnesses must behave in an appropriate, civil, respectful, non-abusive, and courteous manner throughout the live hearing. Inappropriate, uncivil, disrespectful, abusive or disruptive behavior could lead to that person's removal from the live hearing in the hearing officer's discretion and determination.

The only persons permitted to attend the live hearing are the parties, their advisors, the witnesses, and designated personnel (with the Title IX Coordinator or designee as a mandatory University attendee). The witnesses are only to be in attendance during the time in which they are offering information or answering questions. Otherwise, witnesses must wait in a designated room (or virtual room) until reached for their appearance in the live hearing.

The live hearing is not a formal judicial proceeding. The hearing officer has the discretion to modify the hearing procedures when reasonable cause exists to do so while ensuring the fairness of the proceeding to both parties.

4. Parties' Opening Statements

At the outset of the live hearing, each party (not the party's advisor) will be permitted to make an opening statement that summarizes Relevant and not otherwise impermissible evidence. The Complainant shall proceed first, followed by the Respondent. The hearing officer has the discretion to set a reasonable and equal time limit for each opening statement (with ten (10) minutes presumed to be a reasonable amount of time). As part of the opening statement, each party must also identify their witnesses who will testify during the live hearing.

5. Questioning by The Hearing Officer

The hearing officer shall question the parties and witnesses in a manner that ensures equity in the live hearing process. The hearing officer may ask initial and follow-up questions as deemed appropriate. Advisors shall not question the parties and witnesses during the live hearing.

The hearing officer shall allow each party's advisor to propose questions for the hearing officer's consideration in the examination of a party or witness. As stated above, the pre-hearing conference is designed to address such proposed questions as practically and fully as possible before the live hearing. However, the hearing officer shall allow the parties' advisors to propose additional questions for consideration during the live hearing.

The hearing officer shall have the discretion to determine the manner, procedure, and timing in which the advisors may propose questions during the live hearing to ensure the efficiency and decorum of the hearing process. The hearing officer must ensure that each party's advisor is given an equal opportunity to propose questions for the hearing officer's review and consideration.

The hearing officer shall have the discretion not to accept and ask any proposed questions that are Relevant and not otherwise impermissible, seek to raise or explore impermissible evidence, or are harassing or unduly prejudicial in their content. The hearing officer will afford the advisor an opportunity to clarify or revise a question that is unclear or harassing, and the hearing officer will determine whether the clarification supports the asking of the question.

6. Parties' Closing Statements

At the conclusion of testimony, each party (not the party's advisor) will be permitted to make a closing statement that summarizes the Relevant and not otherwise impermissible evidence. The Complainant will proceed first, followed by the Respondent. The hearing officer will set a reasonable and equal time limit for the parties' closing statements (with fifteen (15) minutes presumes to be a reasonable amount of time).

F. Written Determination of Whether Sex Discrimination Occurred

Following the completion of the live hearing, the hearing officer will:

- Use and apply the preponderance of evidence standard to determine whether Sex-Based Harassment occurred and the Respondent is responsible for the alleged conduct. The preponderance standard of proof requires the hearing officer to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness. If the hearing officer concludes that the preponderance of the evidence does not support that Sex-Based Harassment occurred, the hearing officer shall determine that the Respondent is not responsible for the alleged conduct.

- Draft a written determination of whether Sex-Based Harassment occurred under Title IX, which shall include the following:

    - A description of the alleged Sex-Based Harassment;

    - Information about the policies and procedures that Bryant used to evaluate the allegations;

    - When the hearing officer finds that Sex-Based Harassment occurred, any Disciplinary Sanctions that Bryant will impose on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided by Bryant to the Complainant, and the extent appropriate, other students identified by Bryant to be experiencing the effects of Sex-Based Harassment; and

    - Bryant's procedures and permissible bases for the Complainant and Respondent to appeal.

In the determination of appropriate Disciplinary Sanction, if a Respondent is found to be Responsible for Sex-Based Harassment, the hearing officer shall consider the range of sanctions described below and the appropriateness of the sanction under Bryant's community standards. In the sanctioning evaluation and determination, the hearing officer will consult with and consider recommendations from the Title IX Coordinator and other appropriate University officers (e.g., the Vice President of Student Affairs of Student Affairs

& Dean of Students or the Vice President of Human Resource) to assess and implement Bryant's community standards.

The Title IX Coordinator shall review a draft of the hearing officer's written determination to ensure its completeness and compliance with Bryant's University Rules and policies and procedures.

Within fifteen (15) business days after the completion of the live hearing, Bryant shall notify the parties simultaneously of the finalized written determination.

Bryant will not impose Disciplinary Sanctions on a Respondent for Sex-Based Harassment prohibited by Title IX, unless there is a determination at the conclusion of the Type 2 Grievance Procedure that the Respondent engaged in prohibited Sex Discrimination. The determination regarding responsibility becomes final either on the date that Bryant provides the parties with the written determination of the result of any appeal (which will be reviewed and decided under the below-described appellate process), or, if no party appeals, the date on which an appeal would no longer be considered timely.

If there is a determination that Sex-Based Harassment occurred, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of Remedies to a Complainant and other persons Bryant identifies as having had equal access to the University's education program or activity limited or denied by Sex-Based Harassment;

- 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 (including retaliation) does not continue or recur within Bryant's education program or activity.

Bryant will not discipline a party, witness or others participating in the Type 2 Grievance Procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination of whether Sex-Based Harassment occurred.

G. Range of Disciplinary Sanctions

Employee Respondent: Disciplinary Sanctions imposed upon a faculty or a staff member found responsible for Sex-Based Harassment in violation of Title IX, the range of appropriate disciplinary and/or corrective action shall be in accordance with personnel policies and collective bargaining agreements. Actions may range from warnings or reprimands, changes in responsibilities, suspension with or without pay, to termination of employment, depending on the magnitude and specifics of the infraction.

Student Respondent: Disciplinary Sanctions imposed upon a student found responsible for Sex-Based Harassment in violation of Title IX shall be consistent with and withing the range prescribed in the Student Handbook (including its Code of Student Conduct). Such sanctions range from a warning or reprimand, probation, residence hall restrictions or eviction, suspension, expulsion, a transcript notation describing the disciplinary action, revocation of admission or degree, and withholding of a degree. More than one of the Code's sanctions may be imposed for any single violation.

H. Appeal

Either party may appeal the written determination, including any imposed Disciplinary Sanction, only on one or more of the following grounds:

- 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, 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.

Appeals must be submitted in writing to the Title IX Coordinator within five (5) business days after the issuance of the written determination, unless the appeal period is mutually extended for both parties for good cause. The party must specify the grounds and support for the appeal. An untimely appeal will be rejected and not considered by the University, absent compelling and/or exigent circumstances that directly impacted the timeliness of the filing and that the Title IX Coordinator deems appropriate to justify the acceptance of the appeal.

If a party appeals the written determination whether Sex-Based Harassment occurred or the appropriateness of an imposed Disciplinary Sanction, the Title IX Coordinator will:

- Notify the parties in writing of Bryant's receipt of the appeal;
- Implement the appeal procedures equally for the parties;
- Ensure the decisionmaker for the appeal has been trained consistent with Bryant's policies and procedures to ensure compliance with Title IX's requirements;
- Communicate to the parties in writing that Bryant will provide a party with the opportunity to submit a written response to the other party's appeal within five (5) business days;

- Notify the party simultaneously regarding any material developments during the course of the appellate review and upon the determination of the appeal.

Upon the submission of a party's response to an appeal, the Title IX Coordinator shall promptly (within no more than three (3) business days) direct the appeal to the attention of the Vice President of Student Affairs & Dean of Students in appeals involving a student Respondent, the Provost in faculty Respondent cases, and the Vice President for Human Resources in non-faculty employment Respondent cases. If one of these officers had previously heard and decided an appeal of a dismissal decision during the course of the Type 2 Grievance Procedure, Bryant shall assign the appeal to a proper and trained designee to serve as the appeals officer.

The appeals officer will issue a written decision withing fifteen (15) business days after the officer's receipt of the appeal, describing the result and the rationale. The appeal's officer may deny the appeal or grant it in whole or in part. If an appeal is granted in whole or in part, the appeals officer may modify the determination or sanction, if any, and/or determine that further proceedings (such as additional investigation or reopen live hearing) are appropriate.

XVI. The Role of a Party's Advisor

In a Type 1 Grievance Procedure, Bryant has the discretion to determine whether the parties shall have the right to an advisor at meetings and proceedings. Bryant shall make such determinations based upon the nature of the allegations, the totality of the circumstances, and the status of the involved parties. In matters pertaining to employees, Bryant will act in accordance with the representation requirements under any of its collective bargaining agreements.

In a Type 2 Grievance Procedure, parties are allowed to have an advisor as a matter of right.

The following requirements apply to an advisor's role:

- During any meeting and/or investigation interview, advisors may not speak for or on behalf of the Complainant or Respondent. While an advisor cannot speak for or on behalf of the party, reasonable time will be granted for the advisor and the party to confer, if requested, by the official conducting the meeting, interview, or live hearing.

- As stated above during the live hearing in the Type 2 Grievance Procedure, the hearing officer, not a party's advisor, shall question the parties and witnesses. The advisor is entitled to propose questions for the hearing officer's consideration in the manner stated above in connection with the live hearing process.

- The University expects that the advisor will act in a respectful manner and reserves the right to remove an advisor who fails to respect the expected decorum of any meeting, interview, or live hearing. Should an advisor be excluded from a live hearing in the Type 2 Grievance Procedure, the party will be able to choose a new advisor, or one will be provided by the University at the hearing.

XVII. Retaliation Prohibited

As stated and delineated in Bryant's Title IX Policy, the University prohibits retaliation, including peer retaliation, in its education program or activity.

Neither Bryant nor any other person may intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, complained of Sex Discrimination, testified, assisted, or participated in or refused to participate in an investigation, proceeding or hearing under this policy (including an Informal Resolution Process or a Grievance Procedure).

Bryant may require an employee or other University personnel authorized to provide aid, benefit, or service under its education program or activity to participate as a witness in, or otherwise assist in, an investigation, proceeding, or hearing under this policy.

When Bryant has information about conduct that may reasonably constitute retaliation under its Title IX Policy and these Title IX procedures, it will provide appropriate Supportive Measures to the affected persons.

Bryant will access any Complaint of prohibited Title IX retaliation to determine whether it must be investigated and determined under the Type 1 or Type 2 Grievance Procedure. If a retaliation complaint is consolidated with a Complaint of Sex-Based Harassment (involving a student Complainant or a student Respondent), then Bryant will address the retaliation Complaint through the Type 2 Grievance Procedure.

XVIII. Recordkeeping

Consistent with the Title IX Regulations (34 CFR § 106.8(f)), Bryant will maintain the following records for a period of at least seven (7) years:

- For each Complaint of Sex Discrimination, records of the Informal Resolution Process, the Grievance Procedure (including the investigation, determination, live hearing and appeal), and the resulting outcome;

- Any actions, including any Supportive Measures, taken in response to a report of Sex Discrimination; and

- All materials used to train its Title IX coordinators, investigators, decision-makers, facilitators of informal resolutions, and appeals officers, as well as all other trainings of employees required under the Title IX Regulations. (Training materials will be made available upon request by members of the public).

XIX. Policy Revisions

Bryant reserves the right to amend this policy and/or its procedures in its sole discretion at any time, provided that any such amendments shall be consistent with the University's Title IX obligations.