



UNDERSTANDING TITLE IX

THE HOWARD UNIVERSITY POLICY PROHIBITING SEX AND GENDER-BASED DISCRIMINATION, SEXUAL MISCONDUCT AND RETALIATION (THE TITLE IX POLICY)

PROHIBITED CONDUCT (Page 8)

- Sexual Assault
- Sexual Harassment
- Sex or Gender-Based Discrimination or Harassment
- Sexual Exploitation
- Dating and Domestic Violence
- Stalking
- Retaliation
- Complicity
- Consensual Employee/Student Relationships



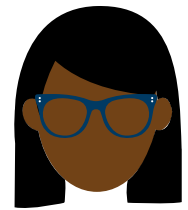
TITLE IX COORDINATOR

Coordinates the University's compliance with Title IX, oversees the University's response to reports of Prohibited Conduct in compliance with federal and local law. (Page 7)



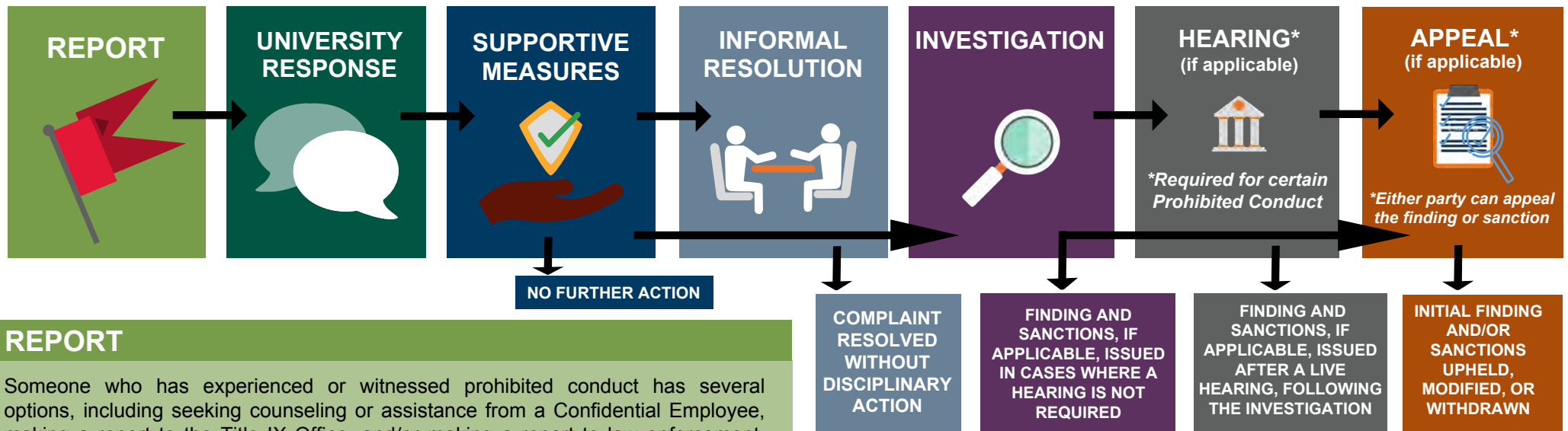
RESPONSIBLE EMPLOYEES

REQUIRED TO REPORT any information regarding a potential violation in a timely manner, no matter how they learn of it. Anyone who is not a Confidential Employee is a Responsible Employee. (Page 15)



CONFIDENTIAL EMPLOYEES

Includes licensed medical, clinical, and mental health professionals; spiritual advisors; and designated advocates. Information shared with them in their confidential roles will not be reported without consent (with some exceptions). (Page 15)



REPORT

Someone who has experienced or witnessed prohibited conduct has several options, including seeking counseling or assistance from a Confidential Employee, making a report to the Title IX Office, and/or making a report to law enforcement. These options are not mutually exclusive. Potential complainants and witnesses are encouraged to explore all potential reporting and support options. A report can be made to the **Title IX Office** by phone, email, appointment, or via the online reporting form. Reports can also be made to the **Howard University Department of Public Safety, Metropolitan Police Department**, or other **local law enforcement**. If a **Responsible Employee** is made aware of a potential violation, they are required to report it to the Title IX Office. (Pages 19-20)

UNIVERSITY RESPONSE

Initial response by the Title IX Office will include **assessment** of the report and **identification of appropriate supportive measures** for both the Complainant and Respondent, as well as for third parties as appropriate and available. (Page 21) The Title IX Office will inform the Complainant of their rights and options, assess the nature and circumstances of the report, determine whether it falls within the scope of the Title IX Policy, and identify the appropriate method of resolution. An initial report may lead to a **formal complaint and grievance process** or to **informal resolution**.

The Title IX Office will consider the Complainant's preferred manner of resolution. However, in some cases, the University may determine that a formal investigation is necessary to protect the safety of the campus community, even if the Complainant requests that the matter not be investigated and/or that their name not be disclosed. The Title IX Coordinator will consider what steps may be possible or appropriate when a Complainant requests anonymity or declines to participate in a formal grievance process, or in cases where a Respondent is unknown. The Complainant's concerns, fairness to all parties involved, impact on the campus community, and the University's obligations under our Policy and the law will all be taken into account.

SUPPORTIVE MEASURES

Supportive measures are offered to the Complainant, Respondent and, in some cases, third parties regardless of whether a report leads to a formal complaint. Supportive measures are **non-disciplinary, non-punitive, individualized services** designed to **restore or preserve equal access to the University's education program or activity**, without unreasonably burdening the other party. Supportive measures can include academic, residential or workplace accommodations; referrals to counseling, medical or other support services, on or off campus; safety planning; no contact orders; and/or measures designed to protect the safety of all parties in the University community. (Page 22)

INFORMAL RESOLUTION

Informal Resolution is a voluntary and remedies-based resolution that does not involve taking disciplinary action against a Respondent, but rather includes informal or restorative options for resolving a report or a formal complaint. Potential remedies include educational programming or training, supported direct conversation or interaction between the Complainant and Respondent, and/or indirect conversation or interaction through a Title IX Officer or other facilitator. Even if a formal investigation has been initiated, the Title IX Office can facilitate an informal resolution process at any time prior to reaching a determination regarding responsibility. Any party has the right to withdraw from the informal resolution process and resume the investigation and adjudication process. (Page 25)

INVESTIGATION

Both Complainant and Respondent receive a **written notice of investigation** and equal opportunity to **review and present information and evidence**; to be accompanied by an **advisor** and/or **support person** of their choice to meetings; to receive timely/equal access to information that will be used in the grievance proceedings; to receive timely notice of meetings; to receive simultaneous written notice of the outcome, sanction, and rationale; and to seek appeal of the finding. If a Complainant or Respondent wishes to limit their participation, the University will respect their choice. However, the University may move forward with an investigation without their participation, including possible disciplinary action against the Respondent if a violation of the policy is found by a preponderance of the evidence. (Page 27)

At the end of the fact-gathering portion of the investigation, the Investigator will prepare and make available to each party and their advisor, if any, a **Preliminary Report of Investigation**. (Page 33) The Preliminary Report will provide a summary of the relevant facts and policy, and all evidence collected. The Preliminary Report will not state a finding of whether a violation has occurred or potential sanctions. If either party requests to receive or provide additional information, that information will be shared with the other party and made part of the **Final Report of Investigation**. (Page 33) The Final Report of Investigation for complaints of **"Sexual Harassment I"** will include a summary of the relevant evidence and will not include a finding or sanctions. Sexual Harassment I includes sexual assault, dating or domestic violence, stalking, and certain forms of sexual harassment. (Page 8) Under Title IX law, the formal grievance process for complaints of Sexual Harassment I must include a **live hearing** following the investigation. All other prohibited conduct is defined as **"Sexual Harassment II"** and does not require a live hearing as part of the formal grievance process. (Page 10) Instead, the Final Report of Investigation will include a finding and sanctions, if applicable.

HEARING

Under Title IX law, investigations into Sexual Harassment I must be followed by a live hearing, at which both the Complainant and Respondent must be present, either in-person or virtually, and accompanied by an advisor who will ask questions of the other party, witnesses, and the Investigator, who will provide a summary of the Final Report. (Page 34) The decision-maker(s) for the hearing will deliberate in closed session and make a determination regarding responsibility and sanctions, if applicable, using the preponderance of evidence standard.

APPEAL

If neither party contests the findings or sanctions, they will become final and be submitted to the Title IX Coordinator for implementation. However, either party may submit a written request for appeal to the Title IX Coordinator within 5 days of receiving the finding. (Page 36 & 38) The Provost will provide the final decision to the Title IX Coordinator who will inform the parties of the Provost's decision in person, via mail or via email.