

Title IX and Sexual Misconduct Grievance Policies

High Point University (“HPU” or the “University”) is committed to providing a safe and nondiscriminatory learning, working, and living environment for all University community members. HPU does not discriminate on the basis of sex in any of its programs or activities, including admissions and employment, and prohibits discrimination by members of its University community.

HPU takes all allegations of discrimination on the basis of sex seriously and welcomes your involvement in fostering a campus community that strives to prevent discrimination on the basis of sex in all forms, including sexual harassment and sexual misconduct. All members of the University community are encouraged to take reasonable and appropriate actions to prevent, report, or stop an act of Prohibited Conduct. HPU will support and assist community members who take such actions.

All forms of Prohibited Conduct under this Policy are regarded as serious offenses that are harmful to the safety and well-being of our University community. The University has developed this Policy and procedures to respond promptly and equitably to all allegations of Prohibited Conduct and, where such Prohibited Conduct has occurred, the University will act to stop the misconduct, prevent its recurrence, and discipline or take other appropriate action against those found to be responsible. Depending on the nature of the violation, employees or students who violate this Policy may face disciplinary action up to and including expulsion or termination of employment. Third parties who violate this Policy may be permanently barred from HPU, from HPU’s education programs or activities, or may be subject to other restrictions.

High Point University’s grievance process can be found below and on High Point University’s Title IX and Sexual Misconduct webpage (www.highpoint.edu/title-ix).

The Title IX Coordinator is responsible for coordinating the University’s compliance with Title IX. The Title IX Coordinator can answer questions and address any concerns about Title IX, 34 CFR Part 106, and university policy.

Responsibilities of the Title IX Coordinator include, but are not limited to:

- Ensuring the University’s compliance with all administrative requirements of Title IX and other applicable state and federal laws;
- Being available to advise individuals about HPU’s policy and reporting options;
- Being available to provide assistance to employees of HPU about how to respond to reports of sex discrimination;
- Coordinating the HPU’s response to all complaints involving possible sex discrimination;

- Explaining options, resources, and referrals to Complainants regardless of whether a grievance process is instituted;
- Communicating with the parties about available supportive measures, both on and off campus;
- Coordinating the provision of supportive measures;
- Overseeing a process that is free from bias or conflicts of interest;
- Communicating with the parties about the availability of informal resolution; and
- Overseeing training, prevention and education efforts, and periodic reviews of the campus climate and culture.

At High Point University, the Title IX Coordinator does not act alone. The Title IX Coordinator may appoint a designee to fulfill the functions of the Coordinator under this Policy. When this Policy references actions of the Title IX Coordinator, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator's designee.

The University's Title IX Coordinator and Deputy Title IX Coordinator are:

Meghan Miles

Title IX Coordinator

titleix@highpoint.edu

336-841-9138

Couch Hall, Room 327

One University Parkway

High Point, NC 27268

April Wines

Deputy Title IX Coordinator

awines@highpoint.edu

336-841-4645

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aepstein@highpoint.edu

336-841-9421

Brian Falatko

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bfalatko1@highpoint.edu

336-841-9324

After normal business hours and weekends, you can also contact HPU Police/Security at 336-841-9111 to reach staff on call for an immediate response.

Concerns about the University's application of Title IX may be addressed to the Title IX Coordinator or to the U.S. Department of Education, Office for Civil Rights:

400 Maryland Avenue, SW Washington, DC 20202-1100 Telephone:

(800) 421-3481

TDD#: (877) 521-2172

Email: OCR@ed.gov

Jurisdiction

This Policy applies to all conduct that occurs after August 17, 2025. For alleged incidents of Prohibited Conduct occurring prior to August 18, 2025, the definitions of prohibited conduct in place at the time of the alleged incident apply.

This Policy applies to all members of the University community including students, employees, faculty, administrators, staff, trustees and third parties including contractors, vendors, visitors, applicants for admission or employment, guests, or others who are participating in or attempting to participate in High Point University education or employment programs or activities. It applies to conduct that takes place on campus or on property owned or controlled by HPU, at HPU-sponsored events, and in buildings owned

or controlled by HPU's recognized student organizations.

All community members share in the responsibility for creating and maintaining an environment that promotes the safety and dignity of each person. All University community members are required to follow University policies and local, state, and federal law. A student is someone who has gained admission to the University.

This Policy applies to the University's education programs and activities, including locations, events, or circumstances in which the University exercises substantial control over both the Respondent and the context in which the conduct occurred; conduct occurring in a building owned or controlled by a student organization officially recognized by the University; and conduct subject to the University's disciplinary authority. This Policy may also apply even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's education program or activity or outside the United States. This Policy also applies to online conduct when the Title IX Coordinator determines that the conduct affects a substantial HPU interest.

Regardless of where the conduct occurred, a substantial HPU interest may include the following:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeated violations of any local, state, or federal law;
- b. Any situation in which it is determined that there may be an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly

impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace or causes social disorder;

- d. Any situation that is detrimental to the educational interests or mission of HPU; and
- e. Any situation where the conduct that occurs off HPU property and/or outside of a HPU-related program or activity, including off-campus or online conduct that is not part of a HPU program or activity if the alleged prohibited conduct is contributing to a hostile environment that occurs within a HPU program or activity.

Nothing in this Policy is intended to create a contract between High Point University and any student, employee, independent contractor, vendor, visitor, or other individual or entity. High Point University reserves its right to amend this Policy at any time for any reason.

The procedures set forth in this Policy reflect the University's desire to respond to complaints in good faith and in compliance with legal requirements. The University recognizes that each matter is unique and that circumstances may arise which require that it reserve some flexibility in responding to them. The University reserves the right to modify the procedures or to take other administrative action as appropriate to the circumstances.

In instances where a complaint is made against an individual who is not a student or employee of the University, the University reserves discretion to use a process or procedures other than those outlined in this Policy.

The Respondent must be a member of HPU's community in order for the Title

IX Sexual Harassment provisions to apply. If the Respondent is unknown or is not a member of the HPU community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. Further, even when the Respondent is not a member of HPU's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator. In addition, HPU may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from HPU property and/or events.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

When HPU receives reports from individuals who are not participating in HPU programs or activities, it will evaluate those reports promptly and determine the applicability of the Policy and what, if any, action is warranted. HPU retains the discretion to use any of its existing procedures, processes, and/or alternate resolution mechanisms to address the reports and complaints of Prohibited Conduct committed by individuals who are affiliated with HPU, but who do not fall into the category of student, faculty, or staff respondent.

Definition of Terms

Complainant refers to an individual who is alleged to be the victim of conduct that could violate this Policy.

Respondent refers to a person who is alleged to have engaged in conduct that could violate this Policy.

Party refers to a Complainant or Respondent.

A **Report** is an account of prohibited conduct that has allegedly occurred that has been provided to the University by the complainant, a third party, or an anonymous source.

A **Formal Complaint** is a document filed by a Complainant or signed by the Title IX Coordinator alleging a violation of this Policy and requesting that the University investigate the allegation of the Policy violation. A Formal Complaint begins the grievance process.

Prohibited Conduct

HPU prohibits the following forms of misconduct: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Exploitation, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as each term is defined below. Aiding others in such acts also violates this Policy. The University also prohibits Retaliation and Interference with Process, as defined below.

Title IX Sexual Harassment

Title IX Sexual Harassment as defined by Title IX and in this Policy means conduct on the basis of sex that satisfies one or more of the following definitions, when the conduct occurs (1) in the HPU's education program or activity and (2) against a person in the United States:

1. **Title IX Quid Pro Quo Harassment:** When an employee of HPU conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct. Such unwelcome sexual conduct could include, but is not limited to, sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal, or physical conduct or communication of a sexual nature.

2. **Title IX Hostile Environment**

Harassment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to HPU's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following: (a) the degree to which the conduct affected the Complainant's ability to access the University's education program or activity; (b) the type, frequency, and duration of the conduct; (c) the Parties' ages, roles within the University's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct; (d) the location of the conduct and the context in which the conduct occurred; and (e) other sexual harassment in the University's education program or activity.

For the purposes of the definition of Title IX Hostile Environment Harassment, a determination about whether conduct is subjectively and objectively offensive includes consideration of whether a reasonable person in the shoes of the complainant, considering the ages, abilities, and relative positions of authority of the individuals involved in an incident, would deem the conduct offensive.

Multiple instances of the following conduct, or other unwelcome conduct on the basis of sex, may constitute Title IX Hostile Environment Harassment:

- Repeated and unwelcome sexual flirtations, advances, attention, or propositions;
- Requests for sexual favors;
- Verbal abuse of a sexual nature, obscene

language, off-color jokes, unwelcome verbal commentary about an individual's body, sexual innuendo, and gossip about sexual relations;

- The display of derogatory or sexually suggestive pictures, posters, cartoons, drawings, objects, notes, letters, emails, or text messages;
- Visual conduct such as leering or making gestures;
- Unwanted kissing;
- Unwelcome touching of a sexual nature such as patting, pinching, caressing, or brushing against another's body; and
- Cyber or electronic harassment.
- The more severe the conduct, the less need there is to show multiple incidents or a pattern of incidents to prove a hostile environment, particularly when the alleged conduct is physical. A single verbal or written act on the basis of sex, standing alone, is typically not sufficient to constitute Hostile Environment Harassment.

3. Sexual Assault, Dating Violence, Domestic Violence, and Sex-Based Stalking, as those terms are defined below.

Non-Title IX Sexual Harassment

HPU also prohibits unwelcome conduct of a sexual nature or based on sex (1) that may not rise to the level of Title IX Sexual Harassment (as defined above), (2) that did not occur in the University's education program or activity, but may nevertheless cause or threaten to cause an unacceptable disruption or interfere with an individual's right to a non-discriminatory educational or work environment, or (3) occurs outside of the United States.

As used in this Policy, Non-Title IX Sexual

Harassment is unwelcome conduct of a sexual nature or based on sex, including sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal, or physical conduct or communication of a sexual nature when:

1. Submission to or rejection of that conduct or communication is made a term or condition, either explicitly or implicitly, of an individual's educational experience or employment; (**Quid Pro Quo**);
2. Submission to or rejection of that conduct or communication is used as the basis for an educational program decision or employment decision affecting that individual; (**Quid Pro Quo**);
3. Unwelcome conduct determined by a reasonable person to be so severe or pervasive or objectively offensive that it unreasonably interferes with an individual's functioning or creates an intimidating, hostile, or abusive working or learning environment. (**Hostile Environment**).
4. Examples of non-Title IX Hostile Environment Harassment may include the same type of conduct listed above for Title IX Hostile Environment Harassment, when such conduct (1) does not rise to the level of being so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; (2) does not occur in the University's education program or activity; or (3) occurs outside of the United States.
5. Sexual Assault, Dating Violence, Domestic Violence, and Sex-Based Stalking, as those terms are defined below.

6. **Sexual Assault** (defined as any actual/ attempted sexual contact), includes:

7. **Sexual Assault** is sexual contact with another person who does not or cannot give consent. This may or may not include force. Sexual assault includes, but is not limited to:

Rape is penetration, regardless of how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another individual, or by a sex-related object, without consent. A Complainant may be a person who is penetrated without consent or a person who is forced to penetrate another person without consent.

Nonconsensual Sexual Contact is the intentional or forced touching of clothed or unclothed body parts without consent for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This most commonly involves the touching of intimate body parts, including the genital area, groin, inner thigh, buttocks or breast.

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

Statutory rape is sexual penetration or other form of sexual contact with a person who is under the statutory age of consent.

Consent is a clear expression in words or overt actions by a person affirmatively communicating a freely-given, present agreement to engage in a particular form of sexual contact. Words or overt actions clearly communicate consent when a reasonable person in the circumstances would believe those words or actions indicate a willingness to participate in the mutually agreed-upon sexual contact. Although consent does not need to be verbal, verbal communication is the most

reliable form of asking for and obtaining consent.

All parties to a particular form of sexual contact must provide consent, and such consent must be present throughout the activity. Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not, by itself, sufficient to constitute consent. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent.

Silence or the absence of resistance alone is not consent. Although resistance is not required, it is a clear demonstration of a lack of consent.

If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

Even when consent is given, it may be withdrawn at any time. When consent is withdrawn, the sexual contact for which consent was initially provided must stop immediately. Any words or overt actions can communicate withdrawal of consent. As is the case with communicating the existence of consent, verbal communication is usually the clearest way of communicating withdrawal of consent.

Consent cannot be obtained, expressly or implicitly, by use of physical force, threats, intimidating behavior, or coercion, as

defined by the Policy.

An individual known to be—or who should be known to be—incapacitated, as defined by this Policy, cannot consent to sexual activity.

Coercion or Force includes conduct, intimidation, and expressed or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that are used in order to compel someone to engage in sexual contact.

Any sexual contact occurring after a person has engaged in coercion or force will be presumed non-consensual, even if the particular sexual contact that occurs is different from the form of sexual contact in which the individual was attempting to engage, and even if the other individual uses words or actions that would otherwise appear to convey consent.

Examples of coercion or force include causing the deliberate incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personally sensitive information if the other party does not engage in the sexual contact.

Incapacitation means the physical and/or mental inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol. With respect to incapacitation due to the influence of alcohol or other drugs, incapacitation requires more than being under the influence of alcohol or other drugs; a

person is not incapacitated just because they have been drinking or using other drugs. Where alcohol and other drugs are involved, incapacitation is determined based on the facts and circumstances of the particular situation, looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation; whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent; and whether such condition was known or reasonably should have been known to the Respondent or a reasonable, sober person in the Respondent's position. Use of drugs or alcohol by the Respondent is not a defense to any violation of this Policy.

Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is incapacitated can be difficult. There are common signs that should alert a reasonable sober person as to whether an individual might be incapacitated. Those signs might include slurred or incomprehensible speech, disorientation of time, place, or location, clumsiness, difficulty walking, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know who I am?" If there is any doubt as to the level or extent of one's own or the other individual's intoxication or incapacitation, the safest course of action is to forgo all sexual contact

Dating Violence

Violence on the basis of sex committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

length of relationship; type of relationship; and frequency of interaction between the persons involved in the relationship.

Domestic Violence

Violence on the basis of sex committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or who has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of North Carolina, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of North Carolina.

Stalking

Engaging in a course of conduct directed at a specific person (e.g., the Complainant) that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

"Course of conduct" means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any actions, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.

"Substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Stalking includes "cyber stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

Examples of stalking might include:

- Repeated, unwanted, intrusive, or frightening communications by phone, mail, text, email, and/or social media or related applications;
- Repeatedly leaving or sending unwanted items or gifts;
- Following or lying in wait for a person at places such as the person's residence hall, school activities, work, or recreational places;
- Making direct or indirect threats to harm a person or a person's relatives, friends, or pets;
- Damaging or threatening to damage a person's property;
- Excessive posting of information or spreading rumors about a person on the internet, in a public place, or by word of mouth; or
- Unreasonably obtaining personal information about a person for no legitimate purposes.

Sexual Exploitation

Sexual Exploitation is taking non-consensual or abusive sexual advantage of another for one's own benefit or for the benefit of anyone other than the person being exploited, including extending the bounds of consensual contact without the knowledge or consent of the other person. Sexual Exploitation is conduct that does not otherwise constitute Prohibited Conduct under this Policy.

Examples of Sexual Exploitation include, but are not limited to:

- Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give

consent to sexual activity.

- Allowing third parties to observe private sexual activity from a hidden location or through electronic means.
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts, or buttocks) in a place where that person would have a reasonable expectation of privacy).
- Recording or photographing private sexual activity and/or a person's intimate parts, including genitalia, groin, breasts, or buttocks, without consent, or reviewing such content without consent.
- Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent.
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity.
- Using artificial intelligence or other technology to create realistic images of another's intimate parts, including genitalia, groin, breasts, or buttocks, without consent.
- Publishing, viewing, or disseminating images of another's intimate parts, including genitalia, groin, breasts, or buttocks, created by using artificial intelligence or other technology to create realistic images of another's intimate parts, including genitalia, groin, breasts, or buttocks, without consent.
- Prostituting or sex trafficking another person.
- Exposing another person to a sexually

transmitted infection or virus without the other person's knowledge.

Retaliation

Intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including in an informal resolution process, in grievance procedures, and in any other actions taken by the University under this Policy.

Interference with Procedures

Interference includes, but is not limited to, the following:

- i. Knowingly falsifying, distorting, or misrepresenting information provided to the Title IX Coordinator, an investigator, hearing decision-maker(s), executive council, or appeal official; or
- ii. Knowingly instituting a complaint without cause and in bad faith.

Reporting Allegations of Sexual Harassment and Sexual Misconduct

Reporting Obligations of Employees and Students

1. Responsible Employees

High Point University employees (faculty, staff, administrators), except for the on-campus confidential resources detailed below, are Responsible Employees who must report Prohibited Conduct to the Title IX Coordinator.

Responsible Employees are required to promptly report to and share all details known about any alleged conduct that reasonably may constitute Prohibited Conduct, in all its forms, with the Title IX Coordinator or a Deputy Title IX Coordinator. The information should be reported directly. The Responsible Employee should not attempt to investigate or gather any additional details about the alleged incident, in the moment or subsequently, beyond the information shared with them. Responsible Employees are encouraged to use High Point University's online reporting system for Employees, which can be found [here](#).

Promptly reporting the information to the Title IX Office is important to helping the University provide timely support and assistance to those affected by the conduct. Responsible Employees should also respect the confidentiality of the individuals involved by not further disclosing information to any others without the reporting party's authorization.

Responsible Employees are not permitted to report anonymously.

2. Confidential Employees and Resources

Confidential Employees are employees who can receive confidential communications (such as a qualified counselor, medical professional, or pastor, for example) which, by law, cannot be disclosed to another person without the consent of the individual who provided the information, except in very limited circumstances such as allegations of the abuse of neglect of a minor or the imminent threat to the life of any person. The employee's confidential status is only with respect to

information received while functioning within the scope of their duties to which a privilege or confidentiality applies.

Those who desire to keep the details of conduct that violates this Policy confidential should speak to Confidential Employees or seek out additional confidential resources such as a licensed medical professional, professional counselor, minister or other pastoral counselor, or trained victims' advocates. In addition to resources found at the end of this Policy, on-campus resources who can provide confidentiality regarding a report of Prohibited Conduct are:

- Office of Counseling Services: Slane Center, 3rd Floor | Phone: 336-888-6352 | counseling@highpoint.edu
- Minister to the University: Hayworth Chapel | Phone: 336-841-9241 | pdavis@highpoint.edu
- Minister/Clergy in Residence: Hayworth Chapel | Phone: 336-841-9241 | 336-841-9828 | jward1@highpoint.edu
- Minister/Clergy For Athletics: Hayworth Chapel | Phone: 336-841-9241 | 336-307-1629 | tkindred@highpoint.edu or rpayne@highpoint.edu
- Chaplain to Graduate Students: Hayworth Chapel | Phone: 336-841-9241 | 336-259-7996 | jsmith19@highpoint.edu
- Student Health: 1300 University Parkway (Parkway Commons) | Phone: 336-841-4683 | studenthealth@highpoint.edu

Off campus Confidential Resources include:

- RAINN (Rape, Assault, and Incest National Network) <https://www.rainn.org/> (800) 656-HOPE
24-hour hotline; free and confidential

Confidential Employees should explain to any person who informs them of conduct that reasonably may constitute a violation of this Policy:

- Their status as a Confidential Employee, including the circumstances in which they are not required to notify the Title IX Coordinator about conduct that might reasonably constitute Prohibited Conduct;
- How to contact the Title IX Coordinator and make a complaint; and
- That the Title IX Coordinator may be able to offer Supportive Measures, as well as an Informal Resolution Process or an investigation under the HPU grievance procedures.

3. **Students**

Generally, students are not required to report known or suspected incidents of conduct prohibited by this Policy but for the benefit of the High Point University community, students are strongly encouraged to report them to the Title IX Coordinator.

Students who are also employees and become aware of Prohibited Conduct as a result of performing their job for the University are deemed Responsible Employees, unless they are serving as Confidential Employees at the time.

Making a Report on Prohibited Conduct

1. **Reports to High Point University**

A report may be made by any person who believes that Title IX Sexual Harassment or Sexual Misconduct may have occurred. The University strongly encourages anyone who becomes aware of an incident of Prohibited Conduct to report the incident immediately to enable the University to provide support

and resources. Additionally, delays in reporting may compromise the ability to investigate the complaint, particularly if the individuals who are involved in or who are witnesses to the alleged conduct are no longer HPU community members. Reports can be made to the University through the following reporting options:

- Through the University's Title IX website for online reporting, which can be found [here](#).
- By contacting the University's Title IX Coordinator or Deputy Title IX Coordinator at any time (including during non-business hours) by telephone, mail, and email, or in person during regular office hours at their respective locations, email addresses and/or phone numbers listed.

Upon receiving a report, the University will promptly contact the Complainant. A report of Title IX Sexual Harassment or Sexual Misconduct is not the equivalent of filing a Formal Complaint under this Policy and would not, without other steps, result in the initiation of the University's grievance process. Absent exceptional circumstances, the Complainant is largely in control about whether a report becomes a Complaint and should not fear a loss of confidentiality or privacy by making a report, which creates the opportunity for HPU to discuss and/or provide information about Supportive Measures and resources.

2. No Time Limits to Report to the University

Although there is no time limit for reporting Title IX Sexual Harassment and Sexual Misconduct to the University under this policy, the University's ability to effectively respond or investigate may diminish with the passage of time, as evidence may not be preserved, memories may fade, and Respondents may no

longer be affiliated with the University. If the Respondent is no longer a Student or an Employee of the University, the University will provide reasonably appropriate Supportive Measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Title IX Sexual Harassment and Sexual Misconduct, prevent its recurrence, and remedy its effects.

Beyond losing the ability to preserve important evidence and to effectively address potential Policy violations by a Respondent, delays in reporting can cause Complainants to not obtain important resources or Supportive Measures that the University has reasonably available to assist them.

3. Reports to Law Enforcement

Behavior that violates this policy may also constitute a crime under the laws of the jurisdiction in which the alleged incident occurred. While Complainants have the right to notify (or decline to notify) law enforcement, the University encourages Complainants who believe they have been subjected to a crime of sexual violence, particularly Sexual Assault, Dating Violence, Domestic Violence, Stalking, or Sexual Exploitation, to report to local law enforcement as soon as possible by contacting:

- 911 (for emergencies)
- Guilford County Police (336) 641-3694
- City of High Point Police (336) 883-3224
- HPU Police/Security at (336) 841-9111

The University is available to assist Complainants in notifying law enforcement. Reporting to law enforcement carries no obligation for the Complainant

to initiate a Complaint or investigation as part of HPU's grievance process.

In contrast to the University, law enforcement has unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Emergency Protective Orders.

Amnesty

To encourage Complainants and witnesses to make reports of conduct prohibited under this Policy, individuals who, in good faith, report a violation of this Policy to the University, respond to allegations of a violation of this Policy, or participate as a witness in an investigation into allegations of violations of this Policy, will not be disciplined by the University for disclosure of their consumption of drugs or alcohol in connection with the reported incident. The University may still require the individual to participate in training or educational programming or pursue disciplinary action for the alleged violation of other University policies in instances where someone is harmed by the conduct.

Confidentiality and Privacy

High Point University is committed to protecting the privacy of individuals involved in a report on Prohibited Conduct. Allegations of policy violations will be considered private and will only be shared with other University employees on a need-to-know basis, as permitted by law. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy. The University will keep confidential the identity of any individual who has made a report or filed a Formal Complaint alleging a violation of this Policy, as well as any Complainant, Respondent, or witness, except as permitted by law or as is necessary to carry out the grievance process pursuant to this Policy.

Allegations of sexual harassment, in any

of its forms, will not be shared with law enforcement without the consent of the individual who has alleged the misconduct, unless the allegations relate to physical abuse, sexual abuse, or neglect of a minor or unless compelled to do so pursuant to a subpoena or court order.

In addition, although the University will strive to protect the privacy of all individuals involved to the extent possible consistent with the University's legal obligations, the University may be required to share information with individuals or organizations outside the University under reporting or other obligations under federal and state law, such as reporting of Clery Act crime statistics and mandatory reporting of child abuse and neglect. In addition, if there is a criminal investigation or civil lawsuit related to the alleged misconduct, the University may be subject to a subpoena or court order requiring the University to disclose information to law enforcement and/or the parties to a lawsuit. In these cases, personally identifying information will not be reported to the extent allowed by law and, if reported, affected students will be notified consistent with the University's responsibilities under FERPA, as allowed by law.

HPU may contact parents/guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk but will typically consult with the student first before doing so.

Supportive Measures

At any time after a report of Sexual Harassment of any kind has been received, the University will arrange for reasonable and appropriate Supportive Measures aimed at protecting the well-being and safety of the parties. Supportive Measures are individualized services to restore or preserve equal access to the University's education program or activity without

unreasonably burdening the other party, including measures that are designed to protect the safety of the Parties or the University's educational environment, or measures intended to provide support during the grievance or informal resolution process. Supportive measures are offered as appropriate, as reasonably available, and without fee or charge. Generally, information about Supportive Measures is only shared with the Party to whom it applies and as is necessary to effectively implement the Supportive Measure(s).

Supportive Measures are available regardless of whether a report proceeds with the Grievance Process. And Supportive Measures may be requested by a Party (to participate in the Grievance Process), or they may be initiated by the University.

Appropriate supportive measures will vary depending upon the particular circumstances and based on a party's confidentiality preferences. The range of potential supportive measures that HPU may take includes:

- Referral to counseling, medical, and/or other health care services;
- Referral to community-based service providers;
- Visa and immigration assistance;
- Student financial aid counseling;
- Education to the community or community subgroup(s);
- Altering campus housing assignment(s);
- Altering work arrangements, including status and job responsibilities, for employees or student-employees;
- Safety planning;
- Providing campus safety escorts;

- Providing transportation accommodations;
- Implementing contact limitations (No Contact Orders) between the parties;
- Limiting access to certain residence halls, facilities or activities pending resolution of the matter;
- Academic support, extensions of deadlines, or other course/program related adjustments;
- Support with extracurricular or other programs or activities;
- Timely warnings;
- Voluntary leaves of absence;
- Class schedule modifications, withdrawals, or leaves of absence;
- Increased security and monitoring of certain areas of the campus;
- Assistance in reporting to law enforcement or locating resources to petition a court for an order of protection;
- Training and education programs related to Sex-Based Harassment; and
- Any other actions deemed appropriate by the Title IX Coordinator.

Supportive measures are offered by the University based upon the information gathered during the report or made available to the University thereafter. They are not intended to be punitive or disciplinary.

The Title IX Coordinator will maintain on-going contact with those who have requested Supportive Measures. The Title IX Coordinator retains the discretion to initiate and/or modify any Supportive Measures based on all available information.

Parties should contact the Title IX Coordinator with any concerns about the effectiveness of the Supportive Measures or if there has been a change in circumstance.

The Grievance Process

High Point University is committed to providing a safe and nondiscriminatory environment for all members of the University community and is committed to operating educational programs and activities that are free from Title IX Sexual Harassment and Sexual Misconduct. The University uses this Grievance Process to respond to, investigate, and adjudicate allegations of Prohibited Conduct and to impose disciplinary sanctions against Students and Employees found responsible for engaging in Prohibited Conduct in violation of this Policy.

The Title IX Coordinator is a resource for all Parties participating in the Grievance Process. Any questions about the Grievance Process should be directed to the Title IX Coordinator. For matters outside the scope of this Policy, the Title IX Coordinator may refer the matter to others at the University, as applicable.

The procedures in the formal Grievance Process for all cases of Prohibited Conduct are the same through the investigation phase and begin upon the filing of a Formal Complaint by a Complainant or the Title IX Coordinator.

Disability Accommodations in the Grievance Process

HPU is committed to providing reasonable accommodation and support to qualified students, employees, or others with disabilities to ensure equal access to the Grievance Process.

Anyone needing such accommodation or support should contact the Director of Accessibility Resources and Services who will

review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

Consolidation

Formal Complaints, investigations, hearings, or other aspects of the Grievance Process may be consolidated when the allegations of misconduct arise out of the same facts or circumstances or when the Title IX Coordinator deems it prudent to consolidate cases. Likewise, the University may decide to process separately allegations raised in the same Formal Complaint.

Initial Assessment of Allegations

Within seven (7) calendar days of the receipt of a Report or Formal Complaint of Prohibited Conduct, the Title IX Coordinator will assess the information and respond to any immediate health or safety concerns, including contacting the Complainant (if known) to offer Supportive Measures, discuss the available options for addressing the alleged conduct, and understand how the Complainant would like to proceed. All Reports and Complaints of Prohibited Conduct will be reviewed by the Title IX Coordinator to determine the risk of harm to individuals or to the campus community. Steps will be taken to address these risks in consultation with other University officials.

The process typically begins by meeting with the Complainant. As part of the initial meeting with the Complainant, the Title IX Coordinator will:

- Assess the nature and circumstances of the allegation;
- Address immediate physical safety and emotional well-being of the Complainant and the campus, in consultation with appropriate campus officials;

- Notify the Complainant of the right to contact law enforcement and seek medical treatment;
- Notify the Complainant of the importance of preservation of evidence;
- Discuss the resources available to the complainant (on-campus and off-campus);
- Notify the Complainant of the range of Supportive Measures, with or without filing a Complaint;
- Explain the procedural options for resolution, including how to file a Formal Complaint, if not already filed, Informal Resolution, and the Grievance Process;
- Discuss the Complainant's preference for the manner of resolution and any barriers to proceeding; and
- Explain the University's Policy prohibiting Retaliation.

The Grievance Process begins when a Formal Complaint is filed by a Complainant or the Title IX Coordinator. If the Title IX Coordinator determines that the Report or Formal Complaint, even if substantiated, will not be a violation of this Policy, the University may dismiss the matter or refer it to another applicable disciplinary procedure. The Parties will be notified of that determination, and the complainant will be informed of other procedures for resolving the Complaint and of other resources that may be available to the Complainant.

Mandatory and Discretionary Dismissal of Formal Complaint of Title IX Prohibited Conduct

Mandatory Dismissal - If the Title IX Coordinator determines that the conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment,

in any of its forms as defined by this Policy, even if proven; did not occur in the University's education program or activity; or did not occur against a person in the United States, then the Title IX Coordinator must dismiss the Formal Complaint.

Discretionary Dismissal – The Title IX Coordinator may dismiss a Formal Complaint alleging Title IX Sexual Harassment, in any of its forms, if the Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations in the complaint, if the respondent is no longer enrolled or employed by the University, or if specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the complaint.

Notice of Dismissal – In the event the Title Coordinator determines that dismissal of a Formal Complaint or a portion of the allegations is appropriate under this provision, the Title IX Coordinator will promptly send written notice of the dismissal, including the reason(s) for the dismissal to the parties. Dismissal does not impair the University's ability to proceed with any appropriate or disciplinary actions under this Policy or another HPU policy or procedure and/or to provide supportive measures to the parties. The parties have the opportunity to appeal the dismissal of a Title IX Formal Complaint or any allegations in the Formal Complaint in the manner set forth in the Appeal Procedures section of this Policy. A dismissal does not preclude action under another provision of this Policy or the University's Code of Conduct. Even if the University is unable to take disciplinary action, the University will seek to take appropriate steps to prevent sexual offenses from occurring.

Emergency Removal and Administrative Leave

High Point University can act to remove a Respondent from its education program or activities—partially or entirely—on an emergency basis when an individualized safety and risk analysis has determined that an imminent and serious threat to the health or safety of any Complainant or other individual arising from the allegations of Prohibited Conduct justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the University's Threat Assessment Team.

When an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon as reasonably possible thereafter, to show cause why the action/removal should not be implemented or should be modified. A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within three (3) business days, objections to the emergency removal will be deemed waived.

The Title IX Coordinator has sole discretion under this Policy to implement or modify an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this Policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

High Point University will implement the least restrictive emergency actions possible in the circumstances and safety concerns. As determined by the Title IX Coordinator,

these actions could include, but are not limited to: removing a student from a residence hall, temporarily reassigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take incomplete grades without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural/club athletics.

The University may place a Respondent employee on administrative leave from employment or employment responsibilities during the pendency of the grievance procedures included in this Policy.

Expectations for the Grievance Process

High Point University seeks to ensure that all Parties involved in the Grievance Process are treated with dignity and respect as part of its effort to provide a process that is prompt, fair, and impartial. If parties have any concerns about how they are being treated during the Grievance Process, they should immediately report their concerns to the Title IX Coordinator.

Parties to this Grievance Process can expect the following:

- Prompt and equitable resolution of allegations of Prohibited Conduct;
- Privacy afforded by this Policy and applicable legal requirements, including materials gathered during the Grievance Process;
- Reasonably available Supportive Measures;
- Freedom from Retaliation for making a good faith report of Prohibited Conduct or for participating in the Grievance Process;

- Title IX Coordinator, investigators, and decision-makers that are free from bias or conflict of interest;
- Written notice of the allegations giving rise to the Grievance Process, including the notice of potential violations of the Policy;
- The opportunity to provide relevant evidence and identify witnesses during an investigation;
- The opportunity to have timely and equal access to all relevant and permissible evidence gathered during the investigation and that may be used during any proceedings under the Grievance Process;
- Reasonable time to prepare in advance of any interview or proceeding under the Grievance Process;
- Reasonably prompt timeframes with written notice of any extension of timeframes for good cause;
- A process for addressing the credibility of evidence when evidence is in dispute;
- Prompt and simultaneous written notice of decisions relating to a Complaint, including the decision about responsibility and any appeal;
- Appropriate remedies and sanctions for any determination of a Policy violation; and
- The right to timely appeal the decision of the decision-maker.
- The opportunity to select an advisor of choice, who may be but is not required to be an attorney, including the right to have that advisor attend any meeting or proceeding at which the party's presence is contemplated by the Grievance Process;
- A reasonable opportunity to review relevant evidence; and

- The right to a hearing for which the parties may suggest questions to be asked of witnesses and other parties.

Promptness and Delays for Good Cause

The Grievance Process allows for the reasonable extension of time frames for good cause and with written notice to the Complainant and Respondent of the delay and reason for the delay. The Title IX Coordinator maintains discretion to reasonably advance the process.

HPU may undertake a short delay in its investigation if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, academic breaks, the absence of parties and/or witnesses, and/or health conditions.

Generally, HPU action(s) or processes are not typically delayed or impacted due to civil actions or criminal charges involving the underlying incident(s).

Ensuring Impartiality and Presumption of Not Responsible

Any individual materially involved in the administration of the Grievance Process including the Title IX Coordinator, investigator(s), and decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

At any time during the Grievance Process, the parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will access the concern and make a determination. To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the High Point University Senior Vice President of Business Affairs.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

HPU operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

Preponderance of the Evidence Standard

The applicable standard for determining whether the Policy has been violated is the Preponderance of the Evidence Standard. Preponderance of the Evidence means that the available relevant evidence demonstrates that it is more likely than not that a Policy violation occurred.

Advisor of Choice

Both the Complainant and Respondent have the right to be accompanied to meetings by an advisor of their choice, who may be, but is not required to be, an attorney. Generally, the advisor selected by the Complainant or Respondent should be readily available to participate in an efficient Grievance Process and be free of conflicts of interest. If a member of the HPU community, the advisor should be free of conflicts in his or her position in the community. Parties must notify the Title IX Coordinator, in writing, of their advisor of choice and the parties and their advisors must complete HPU's advisor agreement in advance of any meeting related to this Policy.

A Party's advisor must observe the following protocols, among others established by HPU:

- The purpose of the advisor is to support a Party in the Grievance Process.
- During the investigation phase of the Grievance Process or in any other meeting, advisors may confer with their advisee, but they may not speak on behalf of their advisee, advocate for their advisee, or otherwise actively participate in the process.
- The advisor may accompany their advisee to all meetings relating to the Grievance Process, including the Informal Resolution Process if applicable.
- While advisors may assist their advisee in drafting written communications to the University, they may not directly or indirectly communicate with the University in the Grievance Process, including with the Title IX Coordinator, the investigator, any decision-maker (including appeals), or any witnesses except as specifically outlined in this Grievance Process.
- Advisors may not interrupt or otherwise unduly delay the Grievance Process. The University will strive to accommodate advisors' schedules; however, if an advisor is not reasonably available to participate in and throughout the Grievance Process, HPU reserves the right to move forward with its process in order to ensure its prompt completion.
- With the permission of their advisee, advisors will be provided access to the same investigation materials and permissible evidence that is available to their advisee. This information frequently includes student records of participants beyond just their advisee and other confidential and highly sensitive information. Advisors' access to such information is conditioned upon their agreement to maintain the confidentiality of these records, except when disclosure

is legally authorized. Advisors may only discuss information disclosed through the investigation process with their advisee. For example, if a party's advisor is an attorney, the attorney may not share any information obtained during the investigation process with other attorneys or staff associated with the attorney.

- Violations of confidentiality or other forms of interference with the Grievance Process by the advisor may result in disqualification of an advisor, in addition to other available actions.
- The parties should expect that the University will disclose information about the identity of one party's advisor to the other party in a Grievance Process.

Notice of Investigation and Allegations of Prohibited Conduct

Upon initiation of HPU's Grievance Process for Complaints of Prohibited Conduct, HPU will simultaneously provide the Parties with a written Notice of Investigation and Allegations of Prohibited Conduct (NOIA), which will be updated throughout the process as necessary. The NOIA will notify the Parties of the following:

- Information about the Grievance Process and the Informal Resolution Process;
- Right to an advisor or choice who may be, but is not required to be, an attorney;
- 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 violate the Policy, and the date(s) and location(s) of the alleged incident(s);
- The specific potential Policy violations;
- Burden of proof and presumption of non-responsibility;

- Retaliation is prohibited;
- Knowingly making false statements is prohibited; and
- The Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

If the investigation reveals additional allegations of Prohibited Conduct, whether by the Complainant toward the Respondent or by the Respondent toward the Complainant (and that Complaint is consolidated), the University will promptly issue an amended notice to the Parties containing the additional allegations and apply the applicable grievance procedures.

Investigations of Formal Complaints (Title IX and Non-Title IX Prohibited Conduct)

The same investigation process applies for Formal Complaints alleging Title IX Prohibited Conduct and Non-Title IX Prohibited Conduct.

HPU will assign a trained investigator free from bias or conflicts of interest to provide for an adequate, prompt, reliable, impartial, and focused investigation of the Formal Complaint. Assigned investigators may be University employees or external professionals. The Parties will be afforded two days to raise concerns, in detail and in writing, about perceived bias or conflict of interest of the investigator before the investigation begins.

HPU's timeframe for completing an investigation is typically 60-90 business days from the disclosure of the investigator to the parties. This time frame may be extended depending on the circumstances of each case.

As part of the investigation process, the burden is on the University (and not any Party) to conduct an investigation that

gathers sufficient evidence to determine whether Prohibited Conduct occurred. The role of the investigator is to gather relevant information or evidence, including through interviews of parties and witnesses and the collection of other data and documentation, including information obtained directly from the Parties and witnesses or otherwise obtained from public and other resources. In most cases, the investigator will first seek to interview each Party to obtain their account of the facts and circumstances surrounding the Formal Complaint. The investigator may request information from the Parties or witnesses about additional witnesses who have not already participated in the process, what information they have to share, and how to contact them. Interview requests will typically be made in writing to participants, will include information about the arrangements and purpose of the meeting, and will give participants sufficient time to prepare to participate.

The Parties will be afforded the opportunity to suggest questions to be asked of the other party, to suggest fact witnesses with relevant information, and to provide other inculpatory and exculpatory evidence that are relevant to the allegations and not otherwise impermissible. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged Prohibited Conduct occurred.

When expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation, the investigator may consult medical, forensic, technological, or other experts. Relevant information obtained through those efforts will be shared with the Parties. Information and opinions from experts may be sought by the investigator only as part of the Grievance Process.

It is important to understand that the University cannot require or compel a student witness or witness from outside the Community to participate in the Grievance Process, but they are encouraged to participate and share their personal knowledge of information relevant to the allegations.

The investigator will review all evidence gathered through the investigation and determine what evidence collected is relevant and what evidence is impermissible (regardless of relevance). The parties will be informed of a close-of-evidence date. The parties must submit all information and evidence they would like considered as part of the investigation by the close-of-evidence date. After the close-of-evidence date, the parties will not be permitted to submit new or additional evidence that existed prior to the close-of-evidence date, unless the Investigator, in consultation with the Title IX Coordinator, determines otherwise. In cases involving allegations of Title IX Prohibited Conduct, all evidence a party wishes to offer or refer to at the hearing must have been provided as part of the investigation process, unless extraordinary circumstances exist as determined by the Title IX Hearing Officer(s) and the Title IX Coordinator.

At the conclusion of the investigation, the Investigator(s) will prepare a final investigative report that fairly summarizes the relevant evidence. Absent good reason, the investigative report will also consist of all information, documents and other relevant evidence that will be provided to the Title IX Hearing Officer(s) / Adjudicator(s). At the Investigator(s)' discretion, such information may include, as applicable: the Formal Complaint, the notice of allegations, any other evidence obtained during the investigation, and the Investigator(s)' report of the investigation. The final investigative report will be forwarded to the Title IX Coordinator who will review the investigative report.

Impermissible Evidence that Must be Excluded

Certain types of evidence (and questions seeking that evidence), are impermissible and will not be sought by the investigator or considered by the University in the Grievance Process. Such evidence and information will not be accessed or considered, (except by the University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless HPU obtains that party's or witness's voluntary, written consent for use in its Grievance Process; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged Prohibited Conduct. The existence of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged Prohibited Conduct or preclude a determination that Prohibited Conduct occurred.

Matters Involving Allegations of Title IX Prohibited Conduct

Review of Directly Related Evidence For Formal Complaints involving allegations of Title IX Prohibited Conduct, including Title IX Sexual Harassment, the parties will have an equal opportunity to inspect and review all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence on which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source. The Title IX Coordinator will provide such evidence, and if applicable a draft investigative report, to each party and each party's advisor in electronic format.

The parties will have a ten (10) calendar day period to review the materials and prepare a written response to the evidence (the "Evidence Response"). The Evidence Response may be used as an opportunity to clarify information contained in the directly related evidence, to present the party's viewpoint about whether the evidence directly related to the allegations is relevant and therefore whether it should be included in the final investigative report, and to identify evidence previously provided to the Investigator that the party believes is directly related and relevant. Although the parties may be assisted by their advisors in preparation of the Evidence Response, the Evidence Response must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Parties may not address statements to one another in the Evidence Response.

The parties and parties' advisors may use the evidence reviewed only for purposes of participating in the Grievance Process and are prohibited from disseminating or otherwise sharing the evidence with any

other individual. Any violation may be subject to disciplinary action, including termination or expulsion, as well as dismissal of an advisor.

The Title IX Coordinator will review the parties' Evidence Responses and may remove or redact any portions of the parties' Evidence Responses that exceed the permitted scope of information that may be considered in the Grievance Process (such as treatment records without consent or information subject to a legal privilege without a waiver).

The Investigator will consider the parties' Evidence Responses prior to completion of the final investigative report. All the evidence made available for the parties' review will be available during the hearing.

Review of Final Investigative Report

For Complaints involving allegations of Title IX Prohibited Conduct, including Sexual Harassment, the Title IX Coordinator will provide the final investigative report to each party and each party's advisor in electronic format or hard copy at least ten (10) days prior to the live hearing. The parties will have a seven (7) calendar day period to review the final investigative report and prepare a written response to the Report (the "Report Response") and submit it to the Title IX Coordinator.

The Report Response may be used as an opportunity to clarify points in the final investigative report, identify information previously given to the Investigator(s) that is not included in the final investigative report which the party believes should have been included, or raise other concerns regarding the evidence. Although the parties may be assisted by their advisors in preparation of the Report Response, the Report Response must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on

the party's behalf. Parties cannot address statements to one another or submit new evidence in Report Response.

The parties and parties' advisors may use the final investigative report only for purposes of participating in the Grievance Process and are prohibited from disseminating or otherwise sharing the investigative report with any other individual. Prior to being provided the final investigative report, the parties and parties' advisors will be required to sign an agreement related to the use of these records and the information contained. A violation of this agreement may be subject to disciplinary action, including termination or expulsion, as well as dismissal of an advisor.

The Title IX Coordinator will review the parties' Report Responses. Based on the statements, the Title IX Coordinator has the discretion to ask the Investigator(s) for clarification, additional investigation, and / or to have information removed or redacted from the investigative report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' Report Responses that exceed the permitted scope of information that may be considered in the Grievance Process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the Complainant's prior sexual history if an exception does not apply).

Upon completion of the investigation into cases involving allegations of Title IX Prohibited Conduct the matter will be submitted to the Hearing Board to promptly and equitably hold a live hearing and to make a determination regarding responsibility.

Appointment of Hearing Board

Formal Complaints alleging Title IX Prohibited Conduct, including Title IX Sexual Harassment will be decided by a Hearing Board of three decision-makers.

The role of the Hearing Board is to provide all Parties with an equitable opportunity to be heard and to reach a full and fair determination as to responsibility and imposition of any sanction and/or remedy, should there be a finding of responsibility. HPU will assign trained Hearing Board members free from bias or conflicts of interest to determine whether the Respondent is responsible for violating the Policy. An assigned Hearing Board member may be a university employee, not including the investigator or Title IX Coordinator, an external professional, or both. The Parties will be afforded two (2) business days to raise concerns about the bias or conflict of interest of any member of the Hearing Board upon the University's notification of the individuals assigned.

Hearings

For Formal Complaints alleging Title IX Prohibited Conduct, including Title IX Sexual Harassment, upon completion of the investigation in cases involving allegations of Title IX Prohibited Conduct, including Title IX Sexual Harassment, the matter will be submitted to the Hearing Board to promptly and equitably hold a live hearing and to make a determination regarding responsibility. Hearings will be conducted in accordance with HPU's then-current hearing procedures.

All parties will be offered the opportunity to conduct cross-examination of the other party and any witness participating in the hearing. At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such questions will be conducted directly, orally, and in real-time by the party's advisor and will never be conducted by a party personally. Only relevant cross-examination and other questions may be asked of a party or Witness by the advisor.

Before a Complainant, Respondent, or witness answers a question at the hearing, the Hearing Board must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant in the Formal Complaint, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove Consent.

All evidence obtained as part of the investigation that is directly related to the allegations raised in the Complaint will be made available at the hearing.

The hearing will generally be held by video-conference with the parties, witnesses, and the Hearing Board located in separate locations and technology enabling the Hearing Board and parties to simultaneously see and hear the party or the witness answering questions. The University reserves the right to determine that a hearing will instead be conducted with all participants, including the parties, witnesses, and the Hearing Board physically present in the same location. If the live hearing is held with the participants in the same location, the University will provide for the parties to be located in separate rooms with technology enabling real-time live hearing with participation by parties.

During questioning, neither a Party nor witness can be compelled to respond to any question posed. The Hearing Board may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Board will

not draw an inference about whether a Policy violation occurred based solely on a Party's or witness's refusal to respond to such questions.

The University will create an audio or audiovisual recording, or transcript, of any live hearing.

University Appointed Advisors

If a party does not have an advisor present at the live hearing, the University will provide an advisor to the party, without fee or charge to that party, to conduct cross-examination and other questioning on behalf of that party. If a party will not have an advisor present at the hearing, the party must inform the Title IX Coordinator at least three (3) calendar days prior to the live hearing so that the University may appoint an advisor for the hearing. The appointed advisor's role will be limited to relaying the party's questions to be asked of parties and Witnesses.

The University reserves the right to appoint any individual as the University deems it appropriate to act as an advisor at a live hearing. The University's appointment of an advisor is final and refusal to work with an appointed advisor at the live hearing will forfeit the party's right to conduct cross-examination or other questioning.

Cases Involving Allegations of Prohibited Conduct Other than Title IX Prohibited Conduct Review of Investigative Report

In cases involving allegations of Prohibited Conduct other than Title IX Prohibited Conduct, the parties will be provided ten (10) calendar days to access and review the investigative report and prepare a response to the investigative report.

Both parties will have equal opportunity to provide a written response to the Report (the "Response"). The Response may be used as an opportunity to clarify points in the investigative report, identify information previously given to the

Investigator that is not included in the investigative report which the party believes should have been included, identify questions a party believes the other party has not yet answered or evidence the other party has not explained, raise other concerns regarding the evidence, and to challenge the credibility of the other party and Witnesses.

Although the parties may be assisted by their advisors in preparation of the Response, the Response must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Parties may not address statements to one another in the Response.

The parties and parties' advisors may use the investigative report reviewed at this step only for purposes of participating in the Grievance Process and are prohibited from disseminating or otherwise sharing the report with any other individual. Any violation may be subject to disciplinary action, including termination or expulsion, as well as dismissal of an advisor.

The Title IX Coordinator will review the Responses. Based on the statements, the Title IX Coordinator has the discretion to ask the Investigator(s) for clarification, additional investigation, and / or to have information added, removed, or redacted from the investigative report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' written statements that exceed the scope of information that may be considered in the Grievance Process (e.g., treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the Complainant's prior sexual history if an exception does not apply).

Appointment of Hearing Board

Complaints alleging Non-Title IX Prohibited Conduct will be decided by a Hearing Board of three decision-makers. The role of the

Hearing Board is to provide all Parties with an equitable opportunity to be heard and to reach a full and fair determination as to responsibility and imposition of any sanction and/or remedy, should there be a finding of responsibility. HPU will assign trained Hearing Board members free from bias or conflicts of interest to determine whether the Respondent is responsible for violating the Policy. An assigned Hearing Board member may be a university employee, not including the investigator or Title IX Coordinator, an external professional, or both. The Parties will be afforded two (2) business days to raise concerns about the bias or conflict of interest of any member of the Hearing Board upon the University's notification of the individuals assigned.

Hearings

For Formal Complaints alleging Non-Title IX Prohibited Conduct, upon completion of the investigation, the matter will be submitted to the Hearing Board to promptly and equitably hold a live hearing and to make a determination regarding responsibility. Hearings will be conducted in accordance with HPU's then-current hearing procedures.

Party and witness examinations will be conducted by the Hearing Board. All parties will be offered the opportunity to submit cross-examination examination questions of the other party and any witness participating in the hearing.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant in the Formal Complaint, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove Consent.

The hearing will generally be held by videoconference with the parties, witnesses, and the Hearing Board located in separate locations and technology enabling the Hearing Board and parties to simultaneously see and hear the party or the witness answering questions. The University reserves the right to determine that a hearing will instead be conducted with all participants, including the parties, witnesses, and the Hearing Board physically present in the same location. If the live hearing is held with the participants in the same location, the University will provide for the parties to be located in separate rooms with technology enabling real-time live hearing with participation by parties.

During questioning, neither a Party nor witness can be compelled to respond to any question posed. The Hearing Board may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Board will not draw an inference about whether a Policy violation occurred based solely on a Party's or witness's refusal to respond to such questions.

The University will create an audio or audiovisual recording, or transcript, of any live hearing.

Decision Making Process (All Prohibited Conduct)

Once the Hearing Board has reached its conclusion and prepared a written determination, the Parties will simultaneously receive the written determination, which will include the following:

- A description of the alleged Prohibited Conduct;
- Information about the policies and procedures that the University used to evaluate the allegations;
- The Hearing Board's evaluation of the relevant and not otherwise impermissible

evidence and determination whether Prohibited Conduct occurred;

- Disciplinary sanctions for determinations of responsibility, whether remedies other than the imposition of disciplinary sanctions will be provided by the University to the Complainant, and, to the extent appropriate, other students identified by university to be experiencing the effects of the Prohibited Conduct;
- The Hearing Board's rationale for its decision and any sanctions and remedies; and
- Procedures and permissible bases for the Complainant and Respondent to appeal.

When there is a finding of responsibility on one or more of the allegations, the decision-maker(s), the parties, their Advisors, and appropriate administrators of High Point University may then consider the previously submitted party impact and/or mitigation statement(s) in determining appropriate sanction(s). Each of the parties will have an opportunity to review any submitted impact and/or mitigation statement(s). And, as part of the determination of sanctions and remedies, the Title IX Coordinator may, in their discretion, provide the decision-makers with information regarding previous conduct violations by the Respondent.

For Title IX Prohibited Conduct, the determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

For Non-Title IX Prohibited Conduct, the Hearing Board will specify whether the determination becomes final on the date of the decision, on the date that the University provides the parties with the written determination of the result of the appeal,

if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

HPU's timeframe for the determination process of allegations of Prohibited Conduct is typically twenty (20) business days from the conclusion of the hearing.

The University will not discipline a Party, witness, or others participating in the Grievance Process for making a false statement or for engaging in Prohibited Conduct based solely on the determination whether the Prohibited Conduct occurred (or did not occur).

Sanctions

Not all forms of Prohibited Conduct are deemed equally serious offenses and, as a result, different remedies or sanctions may be imposed depending on the severity of the offense and any previous conduct violations.

Individuals who are found responsible under this Policy may face sanctions as appropriate for students, employees, visitors, or others, including, but not limited to, the sanctions listed in this section. Each of these sanctions and other sanctions may be imposed alone or in combination for a Respondent found responsible for Prohibited Conduct, as defined by this Policy:

- Required assessment, education, or training;
- Disciplinary or other Probation;
- Warning;
- Reprimand;
- Loss of privileges;
- Fines;
- Restitution;
- Community service hours;

- Campus housing suspension, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Temporary or permanent restricted access to areas of campus, and campus events, activities, organizations, or courses;
- Conditions upon presence on campus or at University events;
- No trespass or no-contact orders;
- Removal or non-renewal of scholarships or honors;
- Suspension from the University, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Expulsion from the University;
- Temporary or permanent revocation of degree;
- Revocation of admission to the University;
- Loss of salary or benefit such as sabbatical or research or travel funding;
- Suspension of promotion and salary increases, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Suspension or withdrawal of faculty privileges, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Suspension/Administrative Leave with Pay or Without Pay;
- Transfer or change of job or responsibilities;
- Reassignment or removal from an elected or appointed position;
- Formal censure;
- Revocation of tenure;
- Demotion; and/or
- Termination of employment.

When an investigation reveals that a student campus organization (such as a student club or athletic team) has committed or promoted behavior involving Prohibited Conduct, the organization may be sanctioned. Sanctions to the organization may include, but are not limited to, loss of University privileges (including, but not limited to, prohibition on the organization's participation in certain activities and the use of University facilities), educational requirements for organization members, required additional oversight of organization activities, temporary loss of organization recognition and/or funding, and permanent loss of organization recognition, in addition to individual members of the organization who are determined responsible for a Policy violation being subject to the sanctions listed above. All student campus organizations are responsible for the actions of its members when they are operating on behalf of the organization.

Violations of imposed sanctions should be promptly reported to the Title IX Coordinator.

Remedies

Remedies for the Complainant (and others) are designed to restore or preserve equal access to the University's education program or activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. Remedies, accommodations, and protective measures for the Complainant include implementing or extending supportive/interim measures, including, without limitation, the following examples:

- A mutual or one-sided no-contact order;
- Prohibiting an individual involved from being on University property;
- Prohibiting an individual involved from participating in University-sponsored events;
- Changing an individual's on campus residency, dining, or transportation arrangements;
- Special parking arrangements;
- Changing an individual's student or employee status or job responsibilities;
- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escorts;
- Access to counseling;
- Making information about orders for protection and harassment restraining orders available to a complainant; and/or
- Assistance identifying an advocate to help secure additional resources or assistance, including off campus and community advocacy, support, and services.

The University will undertake, to the extent possible, additional remedies as dictated by the circumstances, such as increased training to prevent Prohibited Conduct; the development and publication of additional written education materials such as policies and resources; review campus security relative to monitoring, supervision, or security at locations where reported Prohibited Conduct occurred; and/or revisiting other policies and practices.

Appeals

Appealing the Dismissal of a Title IX Complaint

A party wishing to appeal a decision to dismiss a Title IX Complaint or any allegations, may do so by completing the online form included in the Notice of Dismissal within three (3) business days of when the Title IX Coordinator sent the Notice to the parties. A decision denying a request to dismiss a Formal Complaint or any allegations is not appealable.

The appeal should state the grounds for appeal in detail and how the alleged appealable issue would have changed the outcome. The non-appealing party will have an opportunity to review and respond to the appeal. A non-appealing Party's response must be submitted to the Title IX Coordinator, in writing, within three (3) business days of their receipt of the notice of the appeal.

While the parties may be assisted by their advisors in preparation of the appeal, the appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Failure to file a timely appeal constitutes a waiver of any right to an appeal. Parties cannot address statements to one another in their appeal statement.

The Title IX Coordinator will provide the Formal Complaint, Notice of Dismissal, and any other information relevant to the appeal to the Executive Council for review. The Executive Council will be properly trained and not be the Title IX Coordinator or anyone who has had any other previous involvement in the matter. If a Party has any concern that a member of the Executive Council has a conflict of interest, such concern should be reported to the Title IX Coordinator, in writing with sufficient detail about the basis, within two (2) business days after receiving the notice of the assigned members.

Either or both parties may contest the dismissal determination on any 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 decision-maker 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.

Failure to comply with these procedures may result in the rejection of an appeal.

If a party appeals the Notice of Dismissal, the Executive Council will review the appeal submissions, the Formal Complaint, the Notice of Dismissal and other relevant information to determine whether the appeal has merit. In reviewing any appeal, the Executive Council has the ability to affirm the dismissal or overturn the decision and remand the matter for further investigation and adjudication.

The Executive Council will strive to simultaneously issue to both Parties a written decision describing the result of the appeal and the rationale for the result within ten (10) business days after receipt of all appeal documents, however in some cases more time may be required.

Appeals of Title IX Formal Complaint dismissals must be made under this appeal process and are not eligible for consideration under other grievance policies or processes.

Appealing the Decision of a Hearing Board

A party wishing to appeal a decision by a Hearing Board for Formal Complaints of Prohibited Conduct may do so by completing the online form included in the written determination within five (5) calendar days of receiving it and must explain which of the below grounds the party is invoking for the appeal. While the parties may be assisted by their advisors in preparation of the appeal, the appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Failure to file a timely appeal constitutes a waiver of any right to an appeal. Parties cannot address statements to one another in their appeal statement.

Upon the filing of the appeal, the Title IX Coordinator will review the appeal statement to determine whether the appeal states a permissible ground for appeal such that the appeal will be considered.

The only permissible grounds for appeal are:

- 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 decision-maker 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.

The Title IX Coordinator may remove or redact any portions of the appeal statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the Grievance Process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the Complainant's prior sexual history if an exception does not apply).

If the Title IX Coordinator determines that the appeal states a permissible ground for appeal, the non-appealing party will be notified of the appeal and provided an opportunity to review the appeal statement and submit a written response in support of the outcome. Any written response from the non-appealing party in support of the outcome must be submitted to the Title IX Coordinator within five (5) business days of receiving notice of the appeal. While the party may be assisted by their advisors in preparation of the responsive appeal statement, the responsive appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Parties cannot address statements to one another in their appeal statement. The Title IX Coordinator will review any responsive appeal statement and may remove or redact any portions of the statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the Grievance Process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the Complainant's prior sexual history if an exception does not apply).

The Executive Council will decide the appeal. The Executive Council will be properly trained and not be the Title IX Coordinator or anyone who has had any other previous involvement in the matter. If a Party has any concern that a member of the Executive Council has a conflict of interest, such concern should be reported to the Title IX Coordinator, in writing with sufficient detail about the basis, within two (2) business days after receiving the notice of the assigned members.

The Title IX Coordinator generally will compile an appeal file, which may consist of any information, documents, or other evidence. Such information will include, the appeal statement, any response, the notice of determination, the adjudication file in its entirety or in part, any previously undiscovered evidence (if discovery of new evidence is a ground for the appeal), and any other information determined to be necessary for the Executive Council's decision, at the Title IX Coordinator's discretion.

The Executive Council will review the file to determine whether the appeal has merit. The Executive Council will not rehear the case but will review the appeal file and consider whether it is more likely than not that any of the above-listed grounds for appeal have been satisfied.

The appeal file will be made available for review by the Complainant and Respondent. The Title IX Coordinator will provide a reasonable period for the Complainant and Respondent to have access to review the appeal file.

The parties and their advisors may use the appeal file reviewed at this step and any additional information reviewed during the consideration of the appeal (see below), only for purposes of participating in the Grievance Process and are prohibited from disseminating or otherwise sharing the

appeal file or additional information with any other individual. Prior to being provided access to the appeal file or any additional information, the parties and parties' advisors will be required to agree to the conditions on access to this confidential and protected information. A violation of this agreement may be subject to disciplinary action, including termination or expulsion.

Failure to comply with these procedures may result in the rejection of an appeal.

In reviewing any appeal, the Executive Council can affirm the decision, overturn the decision, or remand the matter, with instructions, for further investigation and adjudication by the same or different investigators, decision-makers, or Hearing Board or Adjudication Panel members, as applicable.

The written decision describing the result of the appeal and the rationale for the result will be simultaneously issued to the parties. The University will strive to complete the appeal within twenty (20) business days following the Executive Council's receipt of the appeal file from the Title IX Coordinator; however, in some cases, more time may be required.

Informal Resolution Process (IRP)

High Point University offers Parties the opportunity to participate in the Informal Resolution Process (IRP) to resolve allegations of Prohibited Conduct. The University has chosen to offer IRP as an option for parties to choose a resolution that is best for them, while still serving the safety and educational needs of the campus community. IRP is voluntary, and both the Complainant and Respondent must consent in writing to participating in IRP, and the University must also agree that the process is appropriate in the specific circumstances of the alleged Prohibited Conduct. IRP is available any time prior to a determination of whether Prohibited Conduct occurred.

Participating in IRP

Before initiation of IRP, the University will provide the parties with written notice that explains:

- The allegations of Prohibited Conduct;
- The IRP requirements;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from IRP and to initiate or resume the recipient's grievance procedures;
- That the Parties' agreement to a resolution at the conclusion of IRP would preclude the Parties from initiating or resuming grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an IRP, including notice that an informal resolution agreement is binding only on the parties; and
- The information HPU will maintain and whether and how the recipient and how it could disclose such information for use in grievance procedures.

An IRP request must be submitted, using the IRP form provided by the Title IX Coordinator.

IRP may be conducted by any means (in-person, virtually, or email) the Title IX Coordinator determines to be appropriate, based on factors such as the nature of the Formal Complaint, the desires of the parties, and any other relevant considerations. The Title IX Coordinator may facilitate the IRP or assign a facilitator as appropriate. If either party believes that the assigned facilitator of the IRP has a conflict of interest or bias, they must notify the Title IX Coordinator, in writing and in detail, within two (2) of the identification of the facilitator. If the Title IX Coordinator is the facilitator, either party should notify the Senior Vice President of Business and

Financial Affairs if a party believes that the Title IX Coordinator has a conflict of interest or bias.

At any time prior to agreeing to a resolution in writing, the Title IX Coordinator has the right to end the IRP and each party also has the right to withdraw from the IRP and resume the formal complaint process.

As a condition of engaging in Informal Resolution, the statements made, or evidence shared, during the Informal Resolution process will not be considered in the formal Grievance Process unless all parties consent. The facilitator is prevented from otherwise participating in a formal Grievance Process as a witness or in any other capacity.

Prior to implementing Informal Resolution, HPU will provide the parties with written notice of the reported misconduct and any sanctions (if the Respondent has accepted responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by HPU.

HPU maintains the right to reject any term or proposed term of the IRP agreement. HPU may provide suggested language to be included in the agreement.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for formal resolution, referral to the conduct process for failure to comply). The results or agreements resulting from an IRP are not appealable.

Prevention and Education Programs

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. All incoming students

and new employees (faculty and staff) receive primary prevention and awareness programming, and returning students are offered and current employees receive ongoing training and related programming. For a description of the University's Prohibited Conduct prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, see the University's annual Clery reports. Individuals involved in the implementation of this Policy also receive regular, comprehensive training on this Policy and Resolution Processes, which incorporates all required training content, including specific training and, as applicable annual training, required by the Clery Act (as amended by the Violence Against Women Act), and Title IX.

Recordkeeping

For a period of at least seven (7) years following the conclusion of the Grievance Process, HPU will maintain the following records of:

- Each discrimination, harassment, and retaliation Grievance Process, including any determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required by law;
- Any disciplinary sanctions imposed on the Respondent;
- Any Supportive Measures provided to the Parties and any remedies provided to the Complainant or the Community designed to restore or preserve equal access to the Recipient's education program or activity;
- Any appeal and the result;
- Any Informal Resolution and the result;
- All materials used to provide training to the Title IX Coordinator, Investigators,

Decision-makers, Executive Council member, Informal Resolution Facilitator, and any person who is responsible for implementing the HPU's Grievance Process, or who has the authority to modify or terminate Supportive Measures. The University will make these training materials available for review upon request;

This document does not create legally enforceable protections beyond the protections of the background state and federal laws which frame such policies and codes, generally.

- All materials used to train all employees consistent with the requirements in the 2020 Title IX Regulations; and
- Any other records required in accordance with state and federal law.

These records will be maintained in accordance with the privacy protections set forth in Title IX, Title VII, the Clery Act, FERPA, and applicable state law regarding the privacy of personnel records..

Revision of this Policy and Procedures

This Policy and procedures supersede any previous policies addressing harassment, sexual misconduct, discrimination, and/or retaliation for incidents occurring on or after August 18, 2025, under Title IX and will be reviewed and updated annually by the Title IX Coordinator.

During the Grievance Process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require Policy or procedural alterations not reflected in this Policy and procedures. If laws or regulations change—or court decisions alter—the requirements in a way that impacts this document, this document will be construed to comply with the most recent laws, regulations, or applicable law.