



Effective August 29, 2022

**A** General Information

John Carroll University ("the University") will act on any Actual Knowledge or Formal Complaint regarding an alleged violation of the University's Sexual Harassment and Interpersonal Violence Policy that is received by the Title IX Coordinator or a Deputy Title IX Coordinator. These actions will include, as appropriate, steps to eliminate the harassment, prevent its recurrence and address its effects.

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[esherwood@jcu.edu](mailto:esherwood@jcu.edu)

Concerns regarding violations of the Sexual Harassment and Interpersonal Violence Policy can be reported online, both during and outside of business hours.

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such, some reports of sexual harassment or interpersonal violence—such as reports involving violent behavior—may not be appropriate for pre-complaint resolutions.

Pre-complaint resolution efforts are voluntary, and the parties have a right to end the process at any time. Pre-complaint resolution efforts also do not preclude any person from filing a Formal Complaint at a later time. If satisfactory resolution is not reached after discussion with the other individual(s), the Complainant or Title IX Coordinator may file a Formal Complaint to initiate the Resolution Processes described in this document.

The Title IX Coordinator will work with other University officials to coordinate the effective implementation of appropriate Supportive Measures for the Complainant, Respondent, or witnesses. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter Sexual Harassment and Interpersonal Violence.

Supportive Measures may include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; escorts by the JCU Police Department; mutual restrictions on contact between the parties; changes in work or housing locations; leaves of absence; increased security and monitoring of certain areas of the campus; and other similar measures.

The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures. The University will share information regarding Supportive Measures with those with a need to know in order to implement the measures effectively.

Appeals of supportive measures, like no-contact directives, must be submitted, in writing, to the Title IX Coordinator within five (5) business days of notice of the decision. The Vice

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asked to leave the meeting. Advisors who serve in an additional role, such as an outside attorney, must nonetheless comply with the requirements for Advisors during the process.

The University expects that the parties will wish the University to share documentation related to the allegations with their Advisor. The University provides a consent form that authorizes such sharing. Each party must complete this form before the University is able to share records or information with an Advisor. The parties are ji

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If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Investigation provided pursuant to paragraph above, the University must provide written notice of the additional allegations to the parties whose identities are known.

### C. Dismissal of Reports and Formal Complaints

If the Title IX Coordinator's review determines that a Report does not allege any violation of the University's Interim Sexual Harassment and Interpersonal Violence Policy, the case will be closed or referred to another office for resolution, and the Complainant will be so notified in writing.

Where a Formal Complaint is dismissed for failing to allege any violation of the University's Interim Sexual Harassment and Interpersonal Violence Policy, both the Complainant and Respondent will be notified in writing. Dismissal of a Formal Complaint may be appealed according to the appeal guidelines set forth in Section XI.

The Title IX Coordinator may refer the Report or Formal Complaint to the appropriate Academic Dean, Human Resources, or Dean of Students Office for a determination as to whether the conduct may violate another University policy depending on the constituency of the Respondent.

The University's ability to move forward in reviewing or investigating any matter depends on a number of factors including, but not limited to, knowledge of any party's identity and/or the Complainant's willingness to file a Formal Complaint. If a Report is submitted anonymously, the University's ability to investigate may be limited. Additionally, if the Complainant does not wish to file a Formal Complaint, an investigation typically will not follow unless the safety and well-being of the University community is in jeopardy.

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sanctions, and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Interim Sexual Harassment and Interpersonal Violence Policy.

Regardless of whether a resolution by agreement or the Formal Investiga





evidence of prior sexual history is deemed relevant.

#### 4. The Investigation Report

At the conclusion of the investigation, the Investigator(s) will prepare a written investigation report. Two versions of the investigation report will be shared with the parties: the preliminary investigation report, and the final investigation report.

The preliminary investigation report will include a statement of the allegations and issues; a description of the applicable standards; and any evidence obtained as part of i

Complaint Review Panel would provide a sufficient opportunity to a

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manner reasonably calculated to end t d t

Should a Respondent unilaterally withdraw or separate from the University while a formal investigation and hearing process is pending, the Title IX Coordinator will have the discretion to either:

- continue the formal investigation and hearing process, or
- postpone the process until the Respondent requests to rejoin the University.

In either event, the individual will not be permitted to return to the University until the matter has been fully resolved through one of the resolution processes described in these procedures, and all conditions of the resolution process (including sanctions, if any) have been satisfied.

### C. Issues Outside of the Sexual Harassment and Interpersonal Violence Policy

Where an issue arises in a matter that is outside the scope of the policy or this process – i.e., an issue not related to misconduct involving sex/gender or interpersonal violence as defined in the Sexual Harassment and Interpersonal Violence Policy – those matters will be referred to the appropriate office to address under other appropriate University policies. If such issues arise, staff employees may contact Human Resources at (216) 397-1905; faculty may contact the Provost's office at (216) 397-4762; and students should contact the Dean of Students Office at (216) 397-3010.

Any visitor to campus who experiences perceived misconduct outside the scope of the policy or process should consult with the appropriate office on campus, or contact the Office of Legal Affairs at (216)-397- 1590 or the Office of Regulatory Affairs and Risk Management at (216) 397-1982. In any situation where an emergency exists, contact the JCU Police Department at (216) 397-1234 or call 911.

Where the Formal Complaint alleges facts that, if true, would constitute Title IX Sexual Harassment as defined by Section V(D)(1) of the Sexual Harassment and Interpersonal Violence [Policy](#), the Grievance Process for Title IX Sexual Harassment in this section will govern the resolution process. Conversely, where a Formal Complaint does not allege facts that would constitute Title IX Sexual Harassment, this section will not apply. Where a Formal Complaint alleges violations of both Title IX Sexual Harassment and Sexual Harassment and Interpersonal Violence Beyond the Purview of Title IX arising from the same set of facts or circumstances, the University will have the discretion to adjudicate some or all of the alleged violations together under the Grievance Process for Title IX Sexual Harassment.

This Grievance Process for Title IX Sexual Harassment incorporates Sections I through IX(A) above. Where any material conflict exists between those incorporated sections and these provisions of the Grievance Process for Title IX Sexual Harassment, the provisions of this section will control.

### A. Investigation Phase

The Investigation Phase of the Grievance Process for Title IX Sexual Harassment will follow the same procedures described in Section IX(A) above.

## B. Hearing Phase

At the conclusion of the investigation phase, the Title IX Coordinator will forward the final investigation report and accompanying evidence to the designated Title IX Officers serving on a four-person Complaint Review Panel (CRP). The CRP will include a Chairperson and three (3) Title IX Officers. The CRP voting members may not have participated in the investigation phase. The Chair will be a non-voting member of the CRP and will not have served as an investigator in the investigation phase. The CRP will serve as the hearing body and decision-maker(s) on questions of credibility, findings of fact, responsibility, and as applicable, sanctions and other responsive actions. The CRP voting members will only make final determinations after holding a live hearing.

The Chair of the CRP will schedule a separate pre-hearing informational meeting with the Complainant and the Respondent, which shall be no later than five (5) business days before the date of the hearing. Each party's respective Advisor is also permitted to attend the pre-hearing informational meeting. The parties and/or Advisor(s) are not required to attend the pre-hearing informational meeting, but a party's and/or Advisor's decision not to attend will not be accepted as grounds for rescheduling the hearing.

The Chair of the CRP will use the pre-hearing informational meeting to provide the parties with the information required to make their decision to attend or not attend the hearing.

retained by the Title IX Coordinator and remain available to the parties for inspection upon request<sup>rd</sup>

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request will be notified, and the finding and sanction(s) or other responsive action(s) will stand. The decision not to accept an appeal request is final and is not subject to further appeal.

If the appeal request is timely and meets the grounds for appeal, the Title IX Coordinator will notify both parties that the appeal has been accepted for consideration. The Title IX Coordinator will then share the appeal request with the other party (reporting or responding), and that individual may file a response within five (5) business days. The response (if any) will be shared with the other party.

The ARP will then convene to deliberate over the issues presented in the appeal, and any response. An appeal is not a full re-hearing of the allegation(s) but is a review of the findings and relevant evidence related only to one or more of the stated grounds for appeal noted in Section XI(A). The ARP can take any of the following actions:

- Affirm the original findings;
- Remand the case to the original Investigator(s) or CRP for consideration of new evidence or to remedy a procedural error or omission, or to the CRP to assign new sanctions that are within the parameters or guidelines set by the University for this type of violation or account for the cumulative conduct record of the Respondent;
- Remand the case to a new Investigator(s) or new CRP. In a rare case where an error or omission cannot be cured by the original Investigator(s) or original CRP members (as in a case of bias), the ARP may order a new investigation with a new Investigator(s);
- Administratively alter the sanction if the sanction is substantially outside the parameters or guidelines set by the University for this type of violation or the cumulative conduct record of the Respondent; or
- Refer the assigning of sanctions or responsive actions to the CRP.

Decisions rendered by the ARP voting members or actions taken following the ARP voting members' decision are final and not subject to further appeal.

In cases where a police investigation has been conducted or is being conducted, law enforcement may be unable to provide some information to the Title IX Coordinator. The University'



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