

a verbal warning, followed by a written warning. Activities that may warrant immediate dismissal can include but are not limited to the following: poor performance, abuse (sexual or physical), sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination (depending upon the seriousness), alcohol or drug use/abuse, insubordination, falsifying information, illegal or violent acts, and breach of confidentiality. These actions once reported and investigated by the sponsoring University department or division volunteer supervisor will be discussed with the Director of Human Resources and decided upon in terms of whether or not they warrant immediate dismissal. The University volunteer can be dismissed for just cause without warning. All warnings and reports should be placed on file for record and will be treated as confidential in nature. The dismissal process will be dependent on the level of seriousness of the infraction. Volunteers serve at the sole discretion of Walsh University. See paragraph 7 of the volunteer agreement.”

**d. Retaliation**

Charges of retaliation are as separate matter from the Title IX issues and will be addressed promptly through the Human Resources office in collaboration with the employee’s direct supervisor.

**Q. Appeal Process**

The Complainant(s) or Respondent(s) have the right to appeal a determination and recommended sanctioning only on the following grounds:

- 1) There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the investigating Title IX Team Member or Sexual Misconduct and Interpersonal Violence Hearing Board Member, would result in a different decision,
- 2) There was a procedural error significant enough to call the outcome into question, and/or
- 3) The sanction or disciplinary action imposed is disproportionate to the offense.

Appeals are not intended to be full re-hearings of the formal complaint and investigation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. This is not an opportunity for Appeal Review Board members to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions.

Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

**1. Method of Appeal**

Complainant(s) and Respondent(s) may file a written appeal with the Vice-President for Student Affairs/Dean of Students (or designee) within seven (7) calendar days from the date of the written decision.

The appeal must be in writing and contain the following:

- 1) Name of the Complainant(s)
- 2) Name of the Respondent(s)

- 3) A statement of the outcome of the investigation, including disciplinary action or sanctioning recommendations, if any
- 4) A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it, and requested action, if any

The non-appealing party will have an opportunity to provide a written response to the request for appeal to the Vice-President for Student Affairs/Dean of Students (or designee). The written response must be submitted within seven (7) calendar days of receipt of Request for Appeal.

\*Per University policy, third parties are unable to utilize the institutional process as they are not under the University's jurisdiction, and must be addressed through appropriate administrators, Campus Police, and/or local enforcement.

## **2. Resolution of the Appeal**

The Vice-President for Student Affairs/Dean of Students will generally resolve the appeal within fourteen (14) days of receiving it and may take any and all actions that they determine to be in the interest of a fair and just decision. The decision of the Vice-President for Student Affairs/Dean of Students is final. The Vice-President for Student Affairs/Dean of Students shall issue a short and plain, written statement of the resolution of the appeal, including any changes made to the Sexual Misconduct and Interpersonal Violence Hearing Board previous written determination and/or the sanctions and remedial measures imposed. The written statement shall be provided to the Complainant(s), Respondent(s), and the Title IX Coordinator within ten (10) days of the resolution. Sanctions imposed are then implemented immediately, pending the outcome.

## **R. Annual Training for Conduct and Disciplinary Proceedings**

Annual training on issues related to sexual misconduct and interpersonal violence is provided for all university officials involved in Walsh University's Title IX process and conduct and disciplinary proceedings. Any investigative procedures implemented will be conducted by officials who have received annual training on issues related to sexual misconduct and interpersonal violence and how to conduct an investigation that protects the safety of victims and promotes accountability.

### **Title IX Coordinator, Title IX Deputies, Chief Conduct Officer, Conduct Officers, Sexual Misconduct and Interpersonal Violence Hearing Board, and Appellate are annually trained in:**

- Title IX, VAWA, Clery legislation and statutes
- Neurobiology of trauma
- Definitions of sexual assault, domestic violence, dating violence, and stalking
- Information about the causes and effects of sexual assault, domestic violence, dating violence and stalking
- The ways victims respond to trauma/tactics of offenders
- Information on the issue of consent in sexual assault cases
- Confidentiality
- Supportive/interim measures
- Conduct and Hearing Procedures
  - Basic Procedure for proceedings
  - Addressing conflicts of interest
  - Evidence gathering and use
  - Questioning witnesses
- Disciplinary action and sanctioning
- Grievance appeals process