







maintenance, monitoring compliance, and other responsibilities are completed in accordance with SDBOR Policy 1.4.1, correlated policies, and applicable laws.

4. Procedures

a. Receipt of Allegation

- i. Upon the receipt of a report of Sexual Harassment, the Title IX Coordinator will contact the Complainant to schedule a time to meet. At this meeting the Title IX Coordinator will discuss the complaint and the process.

- vi. Near the completion of the investigation, the investigator will issue a draft investigation report and provide it to each party and their Advisor, as applicable. Unless an extension is granted by the Title IX Coordinator, parties will have ten (10) days to submit written responses, which the investigator will consider prior to issuing a final investigation report. Thereafter, the investigator will provide the final investigation report to each party and their Advisor, the Title IX Coordinator, and the SDBOR General Counsel or University General Counsel representative for the hearing. Any evidence gathered by the investigator may be viewed and inspected by the parties.
- vii. The Title IX Coordinator will review the final investigation report with a representative of the SDBOR General Counsel or University General Counsel and may dismiss the Complaint in accordance with Subsection 4.e herein.

c. Hearing Process

- i. Where the Complaint has not been dismissed, Parties will be provided with a hearing. The Title IX Coordinator will send a conforming notice of hearing at least 15 days prior to the hearing. Any hearing held under this procedure will be administered by an independent hearing examiner coordinated by the SDBOR Office of General Counsel (OGC). Presentations on behalf of the University will be made by the SDBOR OGC or the University OGC.
- ii. Determinations regarding responsibility are made using the preponderance of evidence standard. The preponderance of the evidence indicating responsibility is shown if, in considering all the evidence, it is more likely than not that the Respondent is responsible for the alleged conduct and the alleged conduct fully satisfies the criteria for Sexual Harassment.
- iii. Hearings will be held live and in-person with each party having an Advisor of their choice. If an individual does not have an Advisor, the Title IX Coordinator will facilitate provision of an Advisor without cost. Either party may make a request to be physically separated in separate rooms using technology enabling the hearing examiner and parties to simultaneously see and hear the party or the witness answering questions. A request for separation will be considered up to the time of the hearing and during the hearing.
- iv. Following the hearing, the hearing examiner will issue a proposed determination of responsibility to the University President, or designee. The University President, or designee, will determine appropriate action. Once the University President, or designee, has signed the proposed determination of responsibility, the Office of the President will immediately send the determination of responsibility to the parties simultaneously by electronic mail with a copy to the Title IX Coordinator. Any party will have ten (10) working days from the issuance of the proposed determination of responsibility by the President to petition for administrative review under Subsection 4.f. herein. Any determination not petitioned within ten (10) working days is final.
- v. Sanctions for a determination finding responsibility may include: a warning, probation, loss of privileges, restitution, educational/personal development



5. Responsible Administrator

The Title IX Coordinator, successor, or designee is responsible for the annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of this policy and its procedures.

SOURCE: Approved by President on 09/19/2022. Revised 01/29/2024 (clerical).