UNIVERSITY OF PIKEVILLE

TITLE IX AND SEX DISCRIMINATION POLICY

Responsible Office: Office of Compliance and Legal Affairs
Policy Administrator: Title IX Coordinator
Effective Date: 11-1-2026
Related Policies: Student Code of Conduct; Employee Handbook, Nondiscrimination and Grievance Procedures

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1. Purpose

The University of Pikeville (UPIKE) is committed to maintaining an educational and employment environment in which all members of the campus community are treated with dignity, respect, and fairness. UPIKE prohibits unlawful sex discrimination, including sex-based harassment, sexual assault, dating violence, domestic violence, stalking, retaliation, and other conduct prohibited by applicable law or University Policy.

Consistent with its mission and institutional values, UPIKE is committed to providing equal access to educational programs, activities, employment, and benefits in accordance with applicable federal and state law.

The purpose of this Policy is to:

- Promote a safe, respectful, and inclusive educational and working environment;
- Prevent and address conduct prohibited by Title IX and other applicable federal and state laws, and University Policy;
- Provide a prompt, fair, equitable, and impartial process for responding to reports and complaints of prohibited conduct;
- Ensure that individuals who experience or report prohibited conduct have access to supportive measures and appropriate resources;
- Protect the rights of all parties throughout UPIKE's resolution process;
- Prohibit retaliation against any individual for reporting concerns, participating in a University process, or exercising rights protected by law; and
- Support the UPIKE's educational mission while complying with all applicable legal and regulatory requirements.

UPIKE will respond to reports of conduct covered by this Policy in accordance with applicable law and University procedures and will take appropriate steps to address prohibited conduct, prevent recurrence and remedy its effects.

2. Notice of Non-Discrimination

The University of Pikeville is committed to providing an educational and employment environment in which all members of the university community are treated with dignity, respect, and fairness. UPIKE prohibits unlawful discrimination, harassment, and retaliation and is committed to providing equal access to its educational programs, activities, admissions, employment, and all other university operations.

The University of Pikeville does not discriminate on the basis of race, color, ethnicity, national origin, sex, pregnancy or related conditions, gender, gender identity, sexual orientation, age, disability, religion, veteran status, genetic information, or any other characteristic protected by applicable federal, state, or local law or University Policy.

The University may establish and enforce nondiscrimination protections under University Policy that extend beyond those expressly required by federal or state law. Such institutional protections shall be administered in a manner consistent with applicable federal and state laws, regulations, and controlling judicial decisions, including requirements governing sex-separated programs, facilities, and activities.

In accordance with Title IX of the Education Amendments of 1972 and its implementing regulations, UPIKE does not discriminate on the basis of sex in any education program or activity that it operates, including admissions and employment. UPIKE is required by Title IX and its implementing regulations not to discriminate in this matter.

UPIKE prohibits sexual harassment, sexual assault, dating violence, domestic violence, stalking and retaliation as defined by applicable law and University Policy. Conduct that does not fall within the jurisdiction or definitions of Title IX may nevertheless be addressed under other applicable University policies and procedures.

Questions regarding sex discrimination, sexual harassment, Title IX, supportive measures, or the University's compliance with Title IX may be directed to:

Title IX Coordinator
University of Pikeville
Laughlin Cottage
147 Sycamore Street
Pikeville, Kentucky 41501

Email: compliance@upike.edu
Phone: (606) 218-5344

Inquiries regarding the application of Title IX may also be directed to the U.S. Department of Education, Office of Civil Rights, or both the Title IX Coordinator and the Office for Civil Rights.

Questions regarding other forms of unlawful discrimination, equal employment opportunity, or disability-related employment matters may be directed to:

AVP of Operations and Human Resources
University of Pikeville
Health Professions Education Building
147 Sycamore Street
Pikeville, Kentucky 41501
Email: HR@upike.edu
Phone: (606) 218-5346

Reports of possible sex discrimination or sexual harassment may be submitted to the Title IX Coordinator in person, by mail, telephone, email, or through the University's online reporting form. Reports may be made at any time, including outside normal business hours.

The University's applicable grievance procedures, including procedures for filing complaints of sex discrimination and formal complaints of sexual harassment, are available through the Office of Compliance and Legal Affairs and the University's Title IX website.

The University is committed to responding promptly and fairly to all reports and inquiries and to protecting individuals from retaliation for reporting concerns, participating in a University process, or exercising rights protected by applicable law.

3. Scope and Jurisdiction

This Policy applies to reports and complaints of sex discrimination, sex-based harassment, retaliation, and other conduct prohibited by this Policy involving students, employees, applicants for admission or employment, and, where appropriate, third parties participating in or attempting to participate in the University's educational programs, activities, or employment.

The university may respond to conduct occurring on campus, at university-sponsored or university-affiliated programs and activities, during clinical, educational, research, athletic, and experiential learning activities, through the use of university technology or electronic communications, or in other circumstances where the conduct may adversely affect the university's educational or employment environment or interfere with an individual's ability to participate in or benefit from a university program or activity.

UPIKE will assess each report to determine the applicable law, university Policy, and resolution process. Not all reports of sex discrimination or sex-based harassment fall within the scope of Title IX. When conduct does not meet the jurisdictional or definitional requirements of Title IX, the university may address the conduct under another applicable university Policy, code of conduct, employment Policy, or professional standards process, as appropriate.

UPIKE retains the authority to provide supportive measures, implement reasonable safety measures, conduct an assessment, and take appropriate action consistent with applicable law, regardless of whether a report proceeds through a formal resolution process.

Nothing in this Policy limits the university's authority to address conduct that is inconsistent with its mission, professional standards, community expectations, or other applicable university policies, provided such action is consistent with applicable law and the rights of the parties.

4. Definitions

For purposes of this Policy, the following definitions apply. Where a term has a specific meaning under Title IX and its implementing regulations, that meaning shall govern proceedings conducted under the University's federal Title IX grievance procedures. The University may apply broader definitions of prohibited conduct under other applicable University policies and procedures, consistent with law.

- Actual Knowledge - Notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or an official of the University who has authority to institute corrective measures on behalf of the University. Actual knowledge is not established solely by constructive notice or by the University's vicarious liability. The University's employee reporting requirements may be broader than the federal actual-knowledge standard.
- Advisor - An individual selected by a Party to accompany and assist the Party during the University's resolution process. The Advisor may, but is not required to be, an attorney. For hearings conducted under the federal Title IX sexual harassment grievance process, each party must have an Advisor to conduct questioning as required by applicable regulations. If a Party does not have an Advisor for this purpose, the University will provide one without fee or charge.
- Complainant - An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. At the time of filing a Formal Complaint under the federal Title IX grievance process, the Complainant must be participating in or attempting to participate in the University's education program or activity. For other University proceedings, the term may include an individual who reports or is alleged to have experienced conduct prohibited by University Policy.

- Complaint - A report or allegation of conduct that may violate this Policy or another applicable University policy. A Complaint does not necessarily constitute a Formal Complaint under Title IX.
- Confidential Employee - An employee designated by the university to receive disclosures of conduct covered by this Policy while maintaining confidentiality to the extent permitted by law. Confidential Employees will explain the limits of confidentiality and available reporting options.
- Consent - Consent is a knowing, voluntary, informed, and mutual agreement to engage in specific sexual activity. Consent must be clearly communicated through words or actions. Silence, the absence of resistance, or a prior or existing relationship, by themselves, do not constitute consent.

  Consent may be withdrawn at any time through words or actions. Once consent is withdrawn, the sexual activity must cease promptly.

  An individual cannot give consent when the individual is incapable of making an informed decision due to incapacitation, unconsciousness, sleep, or other circumstances recognized by applicable law.

- Formal Complaint - A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting the University investigate the allegation under its federal Title IX grievance process. A Formal Complaint may be submitted in person, by mail, by email, or through another method designated by the University that results in a document containing the Complainant's physical or digital signature or otherwise indicating that the Complainant is the person filing the complaint.
- Hearing Panel - A panel of three trained individuals appointed by the University to conduct hearings under this Policy, determine whether the Respondent is responsible for violating this Policy, and, when appropriate, determine sanctions and remedies.
- Incapacitation - A state in which an individual lacks the ability to understand the nature of the activity or to make or communicate informed decisions due to the use of alcohol or drugs, sleep, unconsciousness, or a temporary or permanent physical or mental condition.
- Party - Collectively refers to the Complainant and the Respondent. Individually, each is referred to as a "Party."
- Respondent - An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX or who is alleged to have violated this Policy.
- Retaliation -Intimidation, threats, coercion, or discrimination against an individual for exercising rights protected under Title IX, including making a report or Formal Complaint, testifying, assisting, participating, or refusing to participate in an

investigation, proceeding or hearing. The University also prohibits retaliation for engaging in activities protected by other applicable laws or University Policy.

- Sex Discrimination - Discrimination on the basis of sex that is prohibited by applicable federal or state law or University Policy.
- Sexual Harassment Under Title IX - Conduct on the basis of sex that satisfies one or more of the following:
    1. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
    2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
    3. Sexual assault, dating violence, domestic violence, or stalking, as defined by the applicable federal regulations.
- Sexual Misconduct Under University Policy – Conduct of a sexual nature or conduct based on sex that is prohibited by University Policy, including conduct that does not satisfy the jurisdictional requirements or definition of sexual harassment under federal Title IX. Such conduct may be addressed under other applicable University policies and procedures.
- Supportive Measures - Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

  Supportive 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 to deter sexual harassment.

- Title IX Coordinator - The university official designated to coordinate the university's compliance with Title IX, oversee the implementation of this Policy, coordinate the university's response to reports and complaints, and ensure the equitable administration of the university's resolution processes.

5. Roles and Responsibilities

The University of Pikeville is committed to preventing, addressing, and responding to conduct prohibited by this Policy. Creating and maintaining an educational and employment environment free from sex discrimination is a shared responsibility. While certain university officials have specific responsibilities under this Policy, every member of the university community is expected to contribute to a safe, respectful, and inclusive environment.

A. Title IX Coordinator

The Title IX Coordinator is responsible for coordinating the university's compliance with Title IX, overseeing implementation of this Policy, and administering the university's response to reports and complaints of conduct prohibited by this Policy. The Title IX Coordinator's responsibilities include, but are not limited to:

- Receiving and coordinating the university's response to reports and complaints of conduct prohibited by this Policy;
- Ensuring the prompt, fair, equitable, and impartial administration of the university's resolution processes;
- Coordinating supportive measures for affected individuals;
- Assessing reports and determining the appropriate University policy and resolution process;
- Determining whether a Formal Complaint should be initiated or signed by the Title IX Coordinator when appropriate under applicable law;
- Monitoring the effective implementation of this Policy;
- Providing education, training, and prevention programming;
- Maintaining records as required by applicable law and university Policy; and
- Coordinating the university's compliance with applicable federal and state laws relating to sex discrimination.

The Title IX Coordinator may designate trained individuals to assist in carrying out responsibilities under this Policy.

The Title IX Coordinator may perform multiple administrative and coordination functions but shall not serve as the decision-maker or appeal officer in the same formal TItle IX proceeding. Individuals serving in investigative, decision-making, or appellate roles must be free from conflicts of interest and bias as required by applicable law.

B. Deputy Title IX Coordinators

The University may designate one or more Deputy Title IX Coordinators to assist in implementing this Policy. Deputy Coordinators act under the direction of the Title IX Coordinator and may perform responsibilities assigned by the Title IX Coordinator.

C. Employee Reporting Responsibilities

To promote the safety and well-being of the university community and ensure that individuals receive timely information regarding available resources and supportive measures, all University employees, except student employees and employees specifically designated by the university as Confidential Employees, are required to promptly notify the Title IX Coordinator when they

receive information or otherwise become aware of conduct that may reasonably constitute a violation of this Policy.

This reporting requirement is established by University Policy and may extend beyond the reporting obligations imposed by federal Title IX regulations. An employee's obligation to report information does not, by itself, establish that the employee is an official with authority to institute corrective measures on behalf of the University for purposes of determining actual knowledge under Title IX.

Employees are not expected to investigate allegations, determine whether a Policy violation has occurred, or attempt to resolve reports independently. Rather, employees are responsible for promptly sharing known information with the Title IX Coordinator so the university can assess the report, offer supportive measures, and determine an appropriate response.

Employees should, whenever practicable, inform individuals of their reporting obligation before receiving information that may require a report to the Title IX Coordinator.

The Title IX Coordinator is responsible for determining the appropriate next steps, including outreach, assessment, supportive measures, and any further action consistent with this Policy and applicable law.

D. Confidential Employees

The University recognizes that individuals may wish to seek confidential support before deciding whether to report conduct prohibited by this Policy.

Employees specifically designated by the University as Confidential Employees may receive disclosures without being required by University Policy to report identifying information to the Title IX Coordinator, except as required by applicable law or professional obligations.

Confidential Employees will explain the limits of confidentiality and provide information regarding reporting options, supportive measures, and available University and community resources. Confidential Employees will also explain how individuals may make a report to the University if they choose to do so.

At UPIKE, Confidential Employees include licensed professionals providing services through the Thrive Counseling Center and the University Chaplain when acting within the scope of their designated confidential roles.

E. Supervisors and Administrators

Supervisors, department chairs, program directors, coaches, deans, and other administrators are expected to promote compliance with this Policy, support employees and students who report concerns, and promptly report information regarding possible violations to the Title IX Coordinator.

Supervisors and administrators shall not independently investigate or attempt to resolve allegations of conduct prohibited by this Policy unless specifically authorized to do so by the Title IX Coordinator or another appropriate University official.

Nothing in this section prevents supervisors or administrators from taking immediate and reasonable action necessary to address health or safety concerns, preserve evidence, or maintain University operations, consistent with applicable law and University Policy.

F. Employees

All employees are expected to:

- Foster a learning and working environment free from sex discrimination, sexual harassment and retaliation;
- Complete required education and training;
- Comply with applicable reporting responsibilities;
- Cooperate with university processes when requested, consistent with applicable law, and
- Comply with this Policy and other applicable university policies.

G. Students

Students are encouraged to promptly report conduct that may violate this Policy, cooperate with University processes when appropriate, and contribute to maintaining a respectful and safe educational environment. Nothing in this Policy requires an individual to personally investigate, confront another individual, or participate in a university process against the individual's wishes, except as otherwise required by law or university Policy.

H. Student Employees

Student employees are not required to report information under this section solely because of their employment status unless the University specifically designates the position as having reporting responsibilities. Student employees may, however, voluntarily report concerns or seek guidance from the Title IX Coordinator.

I. Good Faith Reporting

The University encourages all members of the campus community to promptly report conduct that may violate this Policy. Individuals who make reports or participate in university processes in good faith will not be subject to discipline for making a report, even if an investigation ultimately determines that no Policy violation occurred.

Knowingly making a materially false statement during a University proceeding may constitute a separate violation of University Policy. A determination that an individual is not responsible for alleged misconduct does not, by itself, establish that a report was knowingly false.

6. Prohibited Conduct

The University of Pikeville prohibits sex discrimination, sexual harassment, sexual misconduct, retaliation, and other conduct prohibited by applicable federal and state law or University Policy.

Conduct that meets the definition and jurisdictional requirements of sexual harassment under Title IX will be addressed through the University's Title IX grievance procedures. Conduct that does not meet those requirements may nevertheless constitute a violation of University Policy and may be addressed through other applicable University procedures.

A. Sex Discrimination

Sex discrimination is unequal treatment or the denial of equal access, benefits, opportunities, or participation in a university educational program, activity, or employment on the basis of sex, including pregnancy or related conditions, sexual orientation, gender identity, sex characteristics, and sex stereotypes, when prohibited by applicable law or this Policy.

Sex discrimination may include, but is not limited to:

- Unequal treatment.
- Denial of equal educational or employment opportunities.
- Discrimination based on pregnancy or related conditions.
- Discriminatory application of university policies or practices.
- Failure to provide reasonable modifications or other rights required by applicable law.

B. Sex-Based Harassment

For purposes of the federal Title IX grievance process, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- Quid Pro Quo Harassment

  An employee, agent, or other individual acting on behalf of the university conditions the provision of an educational benefit, service, employment benefit, or participation in a University program or activity on an individual's participation in unwelcome sexual conduct.

- Hostile Environment Sexual 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 the University's education program or activity.

- Sexual Assault

  An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

- Dating Violence

  Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the individual experiencing the violence, as defined by applicable federal law.

- Domestic Violence

  Violence committed by a current or former spouse or intimate partner, an individual sharing a child in common with the Complainant, a person cohabitating with the Complainant as a spouse or intimate partner, or another individual protected under applicable domestic violence laws.

- Stalking

  A course of conduct directed at a specific individual that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress.

The University's federal Title IX grievance procedures apply when the alleged conduct satisfies the applicable definition and jurisdictional requirements of Title IX.

C. Sexual Misconduct Under University Policy

The University may prohibit and address sexual misconduct that does not meet the definition or jurisdictional requirements of sexual harassment under federal Title IX.

Such conduct may include, but is not limited to:

- Unwelcome sexual advances, requests for sexual favors, or other unwelcome conduct of a sexual nature that violates University Policy;
- Sexual conduct occurring without consent;
- Sexual exploitation;
- Inappropriate sexual conduct that interferes with the educational or working environment;
- Sexual harassment or misconduct occurring outside the jurisdiction of federal Title IX; and
- Other conduct prohibited by applicable University policies or professional standards.

Conduct addressed under this subsection will be evaluated under the applicable University policy and resolution procedures rather than automatically under the federal Title IX sexual harassment grievance process.

D. Sexual Exploitation

Sexual exploitation occurs when an individual takes sexual advantage of another person without that person's knowledge or consent for the benefit of themselves or another person.

Examples may include:

- Recording or distributing intimate images without consent;
- Voyeurism;
- Intentionally exposing another individual to a sexually transmitted infection without disclosure or consent under circumstances prohibited by applicable law or University Policy; or
- Other similar conduct prohibited by University Policy.

Sexual exploitation may be addressed under this Policy or another applicable University procedure. Where the alleged conduct independently satisfies the definition and jurisdictional requirements of sexual harassment under Title IX, the federal Title IX grievance procedures will apply.

E. Retaliation

The University prohibits intimidation, threats, coercion, or discrimination against any individual for exercising rights protected under Title IX, including reporting sexual harassment, filing a Formal Complaint, testifying, assisting, participating, or refusing to participate in an investigation, proceeding, or hearing.

The University also prohibits retaliation against individuals for reporting or opposing conduct prohibited by other applicable laws or University Policy.

Retaliation may constitute a separate violation of University Policy regardless of whether the underlying allegation of misconduct is substantiated.

F. Related Professional, Academic, and Employment Standards

Conduct that does not meet the definition or jurisdictional requirements of sexual harassment under federal Title IX may nevertheless violate other applicable University policies, including the Student Code of Conduct, Employee Handbook, or professional school conduct and ethics policies.

Such conduct will be referred to the appropriate University office or administrator for review and resolution under the applicable policy and procedures.

Nothing in this Policy limits the University's authority to enforce academic, professional, clinical, employment, or other institutional standards, provided such action is consistent with applicable law and the rights of the individuals involved.

When allegations implicate both Title IX and another University policy, the Title IX Coordinator will coordinate with the appropriate University officials to determine the applicable processes and ensure compliance with federal law.

7. Reporting Options

UPIKE encourages individuals to promptly report conduct that may violate this Policy. Reports may be made by any individual, including students, employees, applicants for admission or employment, parents or guardians, witnesses, third parties, or any other person with information regarding possible conduct prohibited by this Policy.

Reports may be made regardless of whether the individual making the report is the person alleged to have experienced the conduct and regardless of when the alleged conduct occurred.

The university accepts reports in person, by telephone, by email, in writing, through the University's online reporting form, or by any other method that provides notice to the university.

Making a report does not automatically initiate a formal Title IX grievance process. Upon receiving a report, the Title IX Coordinator will assess the information, contact the Complainant when known and appropriate, discuss available supportive measures, explain the process for filing a Formal Complaint, and determine the appropriate response under applicable law and University Policy.

A. Reporting to the Title IX Coordinator

Reports of conduct prohibited by this Policy may be made directly to the University's Title IX Coordinator.

The Title IX Coordinator is responsible for receiving reports, coordinating the University's response, providing information regarding supportive measures and available resolution options, and overseeing the University's compliance with Title IX and this Policy.

Current contact information for the Title IX Coordinator is maintained in the University's Notice of Non-Discrimination, on the University's Title IX website, and in other official University publications.

B. Online Reporting

The University maintains an online reporting form that may be used to report conduct prohibited by this Policy at any time. The online reporting form is available through the university's Sexual Misconduct reporting website.

Reports submitted through the online reporting form may be made anonymously. Individuals are encouraged to provide as much information as possible to assist the university in assessing the report and determining an appropriate response. While anonymous reports may limit the university's ability to investigate or respond fully, the university will review all available information, offer supportive measures when appropriate, and take reasonable action consistent with the information available.

UPIKE’s online reporting form is intended to make reporting accessible and does not require an individual to determine whether the reported conduct violates this Policy. The university will review each report and determine the appropriate response under this Policy and other applicable university policies.

The University's online reporting form is currently available at:Sexual Misconduct Reporting Form.

C. Formal Complaints Under Title IX

A Formal Complaint of sexual harassment under Title IX may be filed by a Complainant or signed by the Title IX Coordinator in accordance with applicable federal regulations. A Formal Complaint must be a document alleging sexual harassment against a Respondent and requesting that the University investigate the allegation under its federal Title IX grievance procedures.

A Complainant may file a Formal Complaint in person, by mail, by email, or through another method designated by the University that results in a document containing the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the Formal Complaint.

At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the University's education program or activity.

The Title IX Coordinator may sign a Formal Complaint when appropriate under applicable law. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator does not become a Complainant or otherwise become a Party to the proceeding.

A report of sexual harassment does not automatically constitute a Formal Complaint. Supportive measures may be available regardless of whether a Formal Complaint is filed.

The procedures for reviewing, investigating, resolving, and, when required, dismissing Formal Complaints are addressed in the applicable sections of this Policy.

D. Reports to University Employees

Individuals may also report conduct prohibited by this Policy to any university employee. Employees who have reporting responsibilities under this Policy must promptly notify the Title IX Coordinator upon receiving information that may reasonably constitute conduct prohibited by this Policy.

The University's employee reporting requirements are established by University Policy and do not alter the federal Title IX standard for determining when the University has actual knowledge of sexual harassment.

E. Confidential Resources

Individuals seeking confidential assistance may contact a university-designated Confidential Employee. At UPIKE, Confidential Employees include licensed professionals providing services through the Thrive Counseling Center and the University Chaplain when acting within the scope of those confidential roles.

Speaking with a Confidential Employee does not, by itself, constitute notice to the university for purposes of initiating a response under this Policy.

Confidential Employees will explain the limits of confidentiality, available supportive measures, reporting options, and available university and community resources. Confidential Employees will also explain how an individual may make a report to the university if the individual chooses to do so.

E. Emergency Assistance and Law Enforcement

Individuals who believe they are in immediate danger or require emergency medical assistance should immediately call 911.

Individuals may report conduct prohibited by this Policy to local law enforcement at any time. Reporting to law enforcement does not preclude an individual from reporting to the university, and reporting to the university does not require an individual to file a report with law enforcement.

Upon request, the university will assist individuals in contacting law enforcement, seeking protective orders, or accessing available community resources.

F. Amnesty for Certain Policy Violations

To encourage the reporting of conduct prohibited by this Policy, the university may, in its discretion, refrain from imposing disciplinary action for minor violations of university Policy, such as the personal use or possession of alcohol by students under the legal drinking age or other minor misconduct, when those violations are discovered as the result of a good-faith report made under this Policy.

This provision does not apply to conduct involving violence, coercion, the distribution of illegal drugs, or other serious misconduct that threatens the health or safety of the university community.

G. Timing of Reports

There is no time limit for reporting conduct prohibited by this Policy. UPIKE encourages individuals to report concerns as soon as practicable after the alleged conduct occurs so that the university may respond promptly, offer supportive measures, preserve available evidence, and conduct a thorough review.

The university's ability to investigate, respond to, or remedy alleged conduct may become more limited as time passes due to the availability of evidence, the recollection of witnesses, or other

factors. However, the university will assess every report it receives and will take appropriate action consistent with the information available, applicable law, and this Policy.

8. Supportive Measures

The University will offer and coordinate appropriate supportive measures to individuals involved in reports of sexual harassment under Title IX, consistent with applicable law. Supportive measures are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent.

Supportive measures are designed to restore or preserve equal access to the University's educational programs or activities without unreasonably burdening the other Party, protect the safety of the Parties or the University's educational environment, or deter sexual harassment.

Supportive measures may be provided before or after the filing of a Formal Complaint or when no Formal Complaint has been filed. The availability of supportive measures does not require a determination that this Policy has been violated.

A. Initial Contact and Assessment

When the University has actual knowledge of sexual harassment within the scope of Title IX, the Title IX Coordinator will promptly contact the Complainant to:

- Discuss the availability of supportive measures;
- Consider the Complainant's wishes regarding supportive measures;
- Explain that supportive measures are available with or without the filing of a Formal Complaint; and
- Explain the process for filing a Formal Complaint under Title IX.

The Title IX Coordinator will assess the nature and circumstances of the reported conduct, the safety of the individuals involved and the University community, and the availability of reasonable measures.

B. Available Supportive Measures

Supportive measures may be provided to the Complainant, the Respondent, or both, as appropriate under the circumstances.

Examples of supportive measures include, but are not limited to:

- Academic support, extensions of deadlines, or other course-related adjustments;
- Modifications to class schedules or work schedules;

- Changes to housing assignments;
- Adjustments to clinical, laboratory, practicum, internship, externship, or field education assignments;
- Adjustments to employment responsibilities, work locations, or supervisory assignments;
- Mutual restrictions on contact between individuals;
- Campus safety escorts or increased security and monitoring of certain areas;
- Leaves of absence or other temporary modifications to academic or employment responsibilities;
- Assistance in accessing counseling, medical care, advocacy services, or other available University or community resources; and
- Other reasonable measures designed to restore or preserve equal access to the University's educational programs or activities.

The University will consider the particular circumstances of each matter when determining appropriate supportive measures, including the potential impact on academic progress, clinical education, professional requirements, employment responsibilities, and the rights of the Parties.

C. Coordination and Modification

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator will assess whether supportive measures remain appropriate and may modify or discontinue measures when they are no longer necessary, appropriate, or reasonably available.

The University will make reasonable efforts to communicate significant changes in supportive measures to affected individuals, as appropriate.

D. Privacy of Supportive Measures

The University will maintain the confidentiality of supportive measures provided to the Complainant or Respondent to the extent that maintaining such confidentiality does not impair the University's ability to provide the measures.

Information regarding supportive measures will be shared only as reasonably necessary to implement the measures or as otherwise permitted or required by applicable law.

E. Relationship to Other University Actions and Legal Protections

Supportive measures are separate from disciplinary sanctions, emergency removal, administrative leave, and other actions authorized by applicable law or University Policy.

The University will not impose disciplinary sanctions or other actions that are not supportive measures against a Respondent for alleged Title IX sexual harassment before completing the grievance process required by applicable federal regulations, except as otherwise authorized by law.

Supportive measures provided under this Policy do not replace accommodations, modifications, or protections available under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Pregnant Workers Fairness Act, the Family and Medical Leave Act, or other applicable federal or state laws and University policies.

Individuals may be eligible for rights or accommodations under one or more of these laws or policies independently of supportive measures available under Title IX.

9. Emergency Removal and Administrative Leave

The University is committed to protecting the health, safety, and well-being of its students, employees, and campus community. The University may take appropriate action to address immediate threats to health or safety, consistent with applicable law and University Policy.

Emergency removal, administrative leave, and other interim safety measures are precautionary actions and do not, by themselves, constitute a determination that an individual has violated this Policy.

A. Emergency Removal of Students

The University may remove a student Respondent from its education program or activity on an emergency basis when, following an individualized safety and risk analysis, the University determines that an immediate threat to the physical health or safety of any student or other individual arising from allegations of sexual harassment justifies removal. An emergency removal must be based on an individualized assessment of the available information and may not be imposed solely because an allegation of sexual harassment has been made.

The University will provide the Respondent with notice of the emergency removal and an opportunity to challenge the decision immediately following the removal.

The Title IX Coordinator will coordinate with appropriate University officials, including Student Affairs, Public Safety, the Threat Assessment Team, or relevant academic administrators, as necessary to evaluate the circumstances and implement appropriate measures. Any emergency removal will be implemented in accordance with applicable law, including the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

Emergency removal is not a determination of responsibility and does not replace the grievance procedures required under Title IX.

B. Administrative Leave for Employees

The University may place a non-student employee Respondent on administrative leave during the pendency of a formal Title IX grievance process, consistent with applicable law, University Policy, and any applicable employment agreements.

Administrative leave may be paid or unpaid, as permitted by applicable law and University Policy. Placement on administrative leave does not, by itself, constitute a determination that the employee has violated this Policy.

The University will coordinate administrative leave decisions with Human Resources and other appropriate University officials. Nothing in this section modifies rights or protections available under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or other applicable laws.

C. Other Interim Safety Measures

In addition to supportive measures and emergency removal authorized under Title IX, the University may take other reasonable actions to address health or safety concerns under applicable University policies and legal authority. Such measures may include increased security, temporary restrictions on access to University facilities, modifications to academic or employment assignments, or other appropriate actions consistent with applicable law. When circumstances involve clinical education, patient care, internships, externships, practicums, laboratories, or other professional education activities, the University may coordinate with appropriate academic administrators and clinical affiliates to address patient safety, professional standards, accreditation requirements, or clinical affiliation obligations.

Any interim action arising from allegations of Title IX sexual harassment must comply with the applicable Title IX requirements governing supportive measures, emergency removal, and disciplinary sanctions. The University will not use another policy or procedure to circumvent those requirements. Actions taken independently under other University policies must be supported by an appropriate institutional basis and administered in accordance with applicable law and the rights of affected individuals.

10. Initial Assessment

The initial assessment is intended to be flexible and individualized. No two reports are identical, and the university's response will be based on the specific facts and circumstances of each matter.

Upon receiving a report of conduct that may be prohibited by this Policy, the Title IX Coordinator will conduct an initial assessment to determine the appropriate response. The purpose of the initial assessment is to promptly evaluate the available information, address any immediate health or safety concerns, offer supportive measures, and determine the appropriate next steps. The initial assessment is not a determination of responsibility and does not involve findings regarding whether the alleged conduct occurred.

A. Initial Response to Reports

When the University has actual knowledge of alleged sexual harassment within the scope of Title IX, the Title IX Coordinator will promptly contact the Complainant, when known, to discuss the availability of supportive measures, consider the Complainant's wishes, explain that supportive measures are available with or without a Formal Complaint, and explain the process for filing a Formal Complaint.

The Title IX Coordinator will also assess whether immediate action is necessary to protect the health or safety of any individual and coordinate any appropriate supportive measures or other action authorized by this Policy and applicable law.

The University will respond promptly and in a manner that is not deliberately indifferent to known circumstances.

B. Assessment of Title IX Applicability

When a Formal Complaint is filed, the Title IX Coordinator will assess whether the allegations, if proven, would constitute sexual harassment as defined under federal Title IX regulations and whether the allegations fall within the jurisdiction of the University's federal Title IX grievance process.

This assessment will consider:

- Whether the alleged conduct, if proven, would constitute sexual harassment as defined in Section 6 of this Policy;
- Whether the alleged conduct occurred within the University's education program or activity;
- Whether the alleged conduct occurred against a person in the United States; and
- Whether the Formal Complaint satisfies the applicable federal filing requirements.

The Title IX Coordinator may gather information reasonably necessary to make these determinations but will not make findings regarding responsibility during the initial assessment.

C. Mandatory Dismissal of a Formal Complaint

The University must dismiss a Formal Complaint, or any allegations within it, for purposes of the federal Title IX sexual harassment grievance process if:

1. The alleged conduct, even if proven, would not constitute sexual harassment as defined by the applicable federal Title IX regulations;
2. The alleged conduct did not occur in the University's education program or activity; or
3. The alleged conduct did not occur against a person in the United States.

Dismissal under this subsection is limited to the federal Title IX sexual harassment grievance process. It does not constitute a determination that the alleged conduct did not occur or that the conduct is permitted under other applicable University policies.

D. Discretionary Dismissal of a Formal Complaint

The University may dismiss a Formal Complaint, or any allegations within it, if at any time during the investigation or hearing:

1. The Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint or particular allegations;
2. The Respondent is no longer enrolled or employed by the University; or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding responsibility.

The Title IX Coordinator will consider the circumstances of the matter and applicable legal obligations before determining whether discretionary dismissal is appropriate.

E. Notice of Dismissal and Appeal

When a Formal Complaint or any allegation is dismissed under this section, the University will promptly provide simultaneous written notice to the Parties, including the reason or reasons for dismissal.

Both Parties will have the opportunity to appeal the dismissal in accordance with the appeal procedures established in Section 15 of this Policy.

F. Referral to Other University Procedures

When alleged conduct does not meet the definition or jurisdictional requirements for the federal Title IX sexual harassment grievance process, the Title IX Coordinator may refer the matter to the appropriate University office or administrator for consideration under another applicable University policy.

Depending on the circumstances, such matters may be addressed under the Student Code of Conduct, Employee Handbook, professional school conduct and ethics procedures, or other applicable University policies.

A referral does not constitute a determination that a policy violation occurred. Any subsequent proceedings will be governed by the applicable policy and procedures.

The Title IX Coordinator may coordinate with the receiving office to ensure appropriate supportive measures, compliance with applicable legal requirements, and an orderly institutional response.

G. Documentation

The Title IX Coordinator will document the initial assessment, including the University's response to the report, supportive measures offered or provided, applicable jurisdictional determinations, dismissal decisions, and referrals to other University procedures.

Records will be maintained in accordance with the recordkeeping requirements of this Policy and applicable law.

11. Informal Resolution

The University may offer an informal resolution process to resolve a Formal Complaint of sexual harassment under Title IX when appropriate and permitted by applicable federal law.

Informal resolution is voluntary and provides an alternative to completing the formal investigation and hearing process. The University retains discretion to determine whether informal resolution is appropriate based on the nature of the allegations, the circumstances of the matter, and the interests of the University community.

A. Eligibility for Informal Resolution

Informal resolution may be offered only after a Formal Complaint has been filed and before a determination regarding responsibility has been reached. The University will not offer or facilitate informal resolution to resolve allegations that a University employee sexually harassed a student.

The University may decline to offer informal resolution when the nature or circumstances of the allegations make the process inappropriate, including when there are concerns regarding safety, coercion, or the ability of the Parties to participate voluntarily.

B. Voluntary Participation and Written Consent

Participation in informal resolution is entirely voluntary.

The University will not require either Party to participate in informal resolution or condition enrollment, continued enrollment, employment, continued employment, or the enjoyment of any other right on participation in informal resolution or waiver of the formal grievance process.

Before initiating informal resolution, the University must obtain the voluntary, written consent of both Parties. Either Party may decline informal resolution without penalty.

C. Written Notice

Before beginning an informal resolution process, the University will provide the Parties with written notice explaining:

1. The allegations that are the subject of the Formal Complaint;
2. The requirements and procedures of the informal resolution process;
3. The circumstances under which an agreed-upon resolution will prevent the Parties from resuming the formal grievance process concerning the same allegations;
4. The right of either Party to withdraw from informal resolution and resume the formal grievance process at any time before agreeing to a resolution; and
5. The consequences of participating in informal resolution, including the records that will be maintained or may be shared.

D. Informal Resolution Process

The Title IX Coordinator will determine whether informal resolution is appropriate and will coordinate the process. Informal resolution may involve facilitated discussions, mediation, negotiated agreements, or other appropriate methods designed to resolve the allegations without a full investigation and hearing.

The University will designate an appropriately trained and impartial individual to facilitate the process. The facilitator must be free from conflicts of interest or bias for or against Complainants or Respondents generally or the individual Parties.

The University may establish reasonable timeframes for completing informal resolution and may discontinue the process if it is no longer appropriate or productive.

E. Withdrawal from Informal Resolution

Either Party may withdraw from informal resolution at any time before agreeing to a resolution. If either Party withdraws, the Formal Complaint may proceed through the University's formal Title IX grievance procedures.

A Party's decision not to participate in informal resolution, or to withdraw before an agreement is reached, will not be treated as evidence of responsibility or used as a basis for disciplinary action.

F. Resolution Agreements

If the Parties reach an agreement, the terms will be documented in writing and acknowledged by both Parties. An informal resolution agreement may include mutually agreed-upon measures intended to resolve the matter, restore or preserve access to educational opportunities, and prevent recurrence of the alleged conduct.

The University will determine whether the proposed agreement is consistent with applicable law and University Policy before approving it. An approved informal resolution agreement will conclude the Formal Complaint concerning the allegations resolved by the agreement, subject to its terms.

The University will explain the consequences of the agreement, including any limitations on reopening the same allegations, before the Parties consent to the resolution.

G. Records and Confidentiality

The University will maintain records of informal resolution proceedings and agreements in accordance with the recordkeeping requirements of this Policy and applicable federal law.

Information obtained during informal resolution will be handled with appropriate privacy protections, subject to applicable law, the terms disclosed to the Parties, and the University's obligations to implement or enforce an agreement.

12. Formal Resolution Process

The University of Pikeville will investigate and resolve Formal Complaints of sexual harassment within the scope of Title IX through a fair, impartial, and reasonably prompt grievance process consistent with applicable federal regulations. The formal resolution process includes written notice of allegations, an investigation, an opportunity to review evidence, a live hearing, a written determination regarding responsibility, and an opportunity to appeal.

The procedures in this section apply to Formal Complaints of sexual harassment subject to the federal Title IX grievance requirements. Allegations addressed under other University policies will be resolved through the procedures applicable to those policies.

A. General Principles

The University will administer its formal Title IX grievance process in accordance with the following principles:

1. Presumption of Non-Responsibility. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
2. Equitable Treatment. The University will treat Complainants and Respondents equitably by providing appropriate supportive measures and following a grievance process that complies with applicable law before imposing disciplinary sanctions or other actions that are not supportive measures against a Respondent.
3. Impartiality. Investigators, decision-makers, appeal officers, and individuals facilitating informal resolution will be appropriately trained and free from conflicts of interest or bias for or against Complainants or Respondents generally or an individual Party.
4. Objective Evaluation of Evidence. The University will objectively evaluate all relevant evidence, including evidence that supports or contradicts the allegations, and will not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness.
5. Burden of Proof. The University bears the burden of gathering evidence sufficient to reach a determination regarding responsibility. Neither Party is required to prove or disprove the allegations.
6. Standard of Evidence. The University will apply the preponderance of the evidence standard, meaning that a violation is established when the evidence demonstrates that it is more likely than not that the alleged conduct occurred, provided that this standard is used for all comparable formal complaints of sexual harassment against students and employees, including faculty.
7. Advisors. Each Party may be accompanied by an advisor of their choice, who may, but is not required to be, an attorney. The University will apply the advisor participation requirements established by federal Title IX regulations and this Policy.

B. Notice of Allegations

Upon receipt of a Formal Complaint that proceeds through the federal Title IX grievance process, the University will provide written notice to the known Parties in accordance with applicable federal regulations. The notice will include sufficient details of the allegations, the identities of the Parties if known, the conduct allegedly constituting sexual harassment, the date and location of the alleged incident if known, the applicable grievance procedures, the presumption of non-responsibility, the right to an advisor, and the opportunity to inspect and review evidence.

The notice will also identify applicable provisions prohibiting knowingly making false statements or knowingly submitting false information during the grievance process.

If the University subsequently determines that additional allegations will be investigated, it will provide appropriate supplemental written notice.

C. Investigation and Evidence Review

The University will conduct an impartial investigation of the allegations in accordance with Section 13 of this Policy. Both Parties will have an equal opportunity to identify witnesses, present relevant evidence, and inspect and review evidence directly related to the allegations, as required by applicable federal regulations. The University will provide the Parties with the required opportunity to review and respond to the evidence and investigative report before the hearing.

D. Live Hearing and Determination

Following the investigation, the University will conduct a live hearing in accordance with Section 14 of this Policy. The hearing will be conducted by an impartial decision-maker or Hearing Panel that is separate from the Title IX Coordinator and investigator. The Parties will have the opportunity to participate in questioning through their advisors as required by federal Title IX regulations. Following the hearing, the decision-maker or Hearing Panel will issue a written determination regarding responsibility that includes the findings, conclusions, and other information required by applicable federal regulations.

E. Appeals

Both Parties will have an equal opportunity to appeal a determination regarding responsibility or the dismissal of a Formal Complaint or allegations in accordance with Section 15 of this Policy.

The determination regarding responsibility becomes final on the date the University provides the written appeal determination to the Parties, if an appeal is filed, or, if no appeal is filed, on the date an appeal would no longer be considered timely.

F. Timeframes and Delays

The University will seek to complete the formal grievance process within reasonably prompt timeframes established by its procedures. Temporary delays or limited extensions may be permitted for good cause, including the absence of a Party, advisor, or witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

When a delay or extension is necessary, the University will provide written notice to the Parties explaining the reason for the delay or extension.

G. Relationship to Other University Procedures

The formal Title IX grievance process is separate from proceedings under the Student Code of Conduct, Employee Handbook, professional school conduct and ethics policies, and other applicable University procedures.

When allegations involve conduct potentially governed by more than one policy, the Title IX Coordinator will coordinate with appropriate University officials to determine the applicable procedures and ensure that federal Title IX requirements are satisfied.

13. Investigation

When a Formal Complaint proceeds through the University's federal Title IX grievance process, UPIKE will conduct a prompt, thorough, fair, and impartial investigation consistent with applicable federal regulations.

The investigation is intended to gather and evaluate relevant evidence concerning the allegations. The investigator will not make the final determination regarding responsibility.

A. Appointment of Investigator

The Title IX Coordinator will designate an appropriately trained and impartial investigator to conduct the investigation. The investigator may be a University employee or an external professional.

The investigator must be free from conflicts of interest or bias for or against Complainants or Respondents generally or an individual Party.

The investigator may not serve as the decision-maker or appeal officer in the same matter.

B. Investigation Procedures

The University bears the burden of gathering evidence sufficient to reach a determination regarding responsibility. Neither Party is required to prove or disprove the allegations.

The investigator may interview the Parties and witnesses, request documents and other records, review electronic communications, and gather other evidence reasonably related to the allegations.

Both Parties will have an equal opportunity to:

1. Present fact and expert witnesses;
2. Identify and submit evidence that supports or contradicts the allegations;
3. Provide information relevant to the investigation;

4. Discuss the allegations and gather and present relevant evidence; and
5. Be accompanied by an advisor of their choice, who may, but is not required to be, an attorney.

The University may establish reasonable restrictions on an advisor's participation during investigative meetings, provided those restrictions apply equally to both Parties and do not limit the Parties' rights under applicable federal regulations.

C. Notice of Investigative Meetings

The University will provide a Party whose participation is invited or expected with written notice of the date, time, location, participants, and purpose of any investigative interview or other meeting.

Notice will be provided with sufficient time for the Party to prepare to participate.

D. Evidence and Privacy Protections

The investigator will objectively evaluate relevant evidence, including evidence that supports or contradicts the allegations.

Credibility determinations will not be based on an individual's status as a Complainant, Respondent, or witness.

The University will not access, consider, disclose, or otherwise use records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional in connection with treatment provided to a Party unless the University obtains the Party's voluntary, written consent, or the consent of a parent when required by applicable federal regulations.

The University will also observe applicable legal protections governing privileged information and evidence concerning a Complainant's sexual predisposition or prior sexual behavior.

E. Review of Evidence

Before completing the investigative report, the University will provide both Parties and their advisors, if any, an equal opportunity to inspect and review evidence obtained during the investigation that is directly related to the allegations raised in the Formal Complaint.

This includes evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, as well as evidence that supports or contradicts the allegations, regardless of its source.

The evidence will be provided in electronic format or hard copy to each Party and the Party's advisor, if any.

Each Party will have at least ten (10) days to submit a written response to the evidence.

The investigator will consider any timely written responses before completing the investigative report.

The evidence subject to inspection and review will also be made available at the hearing so that both Parties have an equal opportunity to refer to it, including during questioning.

F. Investigative Report

Following the evidence-review period, the investigator will prepare an investigative report that fairly summarizes the relevant evidence.

The report will identify the allegations investigated, describe the investigative steps taken, and summarize relevant evidence gathered during the investigation.

The investigative report will not include a final determination regarding responsibility.

The University will provide the completed investigative report to both Parties and their advisors, if any, in electronic format or hard copy at least ten (10) days before the hearing.

Both Parties will have an opportunity to review the report and submit a written response before the hearing.

G. Completion of Investigation

Following completion of the investigative report and the required review period, the matter will proceed to a live hearing under Section 14 of this Policy, unless the Formal Complaint is otherwise resolved or dismissed in accordance with applicable federal regulations.

The investigator may be asked to participate in the hearing as appropriate.

The Hearing Panel will independently evaluate the relevant evidence and determine responsibility in accordance with the procedures established in this Policy.

H. Investigation Timeframes

The University will conduct investigations within reasonably prompt timeframes consistent with the overall grievance process.

Temporary delays or limited extensions may be permitted for good cause, including the absence of a Party, advisor, or witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The University will provide written notice to the Parties of any delay or extension and the reasons for the action.

14. Hearing Panel and Hearing Procedures

The University will provide a live hearing for Formal Complaints of sexual harassment proceeding under the federal Title IX grievance process. The hearing will be conducted in accordance with applicable federal regulations and the procedures established in this Policy.

A. Hearing Panel

The hearing will be conducted by a three-member Hearing Panel designated by the University. One member will serve as Hearing Panel Chair.

Panel members may be University employees or external professionals and must be appropriately trained, impartial, and free from conflicts of interest or bias for or against Complainants or Respondents generally or an individual Party.

The Title IX Coordinator and investigator assigned to the matter may not serve as members of the Hearing Panel.

The Hearing Panel is responsible for evaluating the evidence, determining the relevance of questions, making findings of fact, and reaching a determination regarding responsibility.

B. Notice and Scheduling of Hearing

The University will provide the Parties with written notice of the hearing date, time, location or virtual format, participants, and applicable procedures, with sufficient time to prepare.

The hearing will not occur until the Parties have received the investigative report and the required opportunity to review and respond to it, as provided in Section 13.

The University may make reasonable scheduling adjustments or grant limited extensions for good cause, consistent with applicable law and this Policy.

C. Advisors

Each Party may be accompanied by an advisor of their choice, who may, but is not required to be, an attorney.

The University will not limit a Party's choice or presence of an advisor, although it may establish reasonable rules governing advisor conduct that apply equally to both Parties.

At the live hearing, questioning of the other Party and witnesses must be conducted by the Party's advisor, rather than by the Party personally.

If a Party does not have an advisor present at the hearing, the University will provide an advisor of the University's choice, without fee or charge, to conduct cross-examination on that Party's behalf. The University-provided advisor may, but is not required to be, an attorney.

D. Hearing Format and Participation

The hearing may be conducted with participants physically present in the same location or through a virtual format that permits participants to see and hear one another simultaneously.

At the request of either Party, the University will arrange for the Parties to participate from separate rooms using technology that permits the Hearing Panel and Parties to simultaneously see and hear the individual answering questions.

The Hearing Panel Chair will oversee the orderly conduct of the hearing and may establish reasonable procedures governing the presentation of evidence, questioning, breaks, and participant conduct.

The University will provide reasonable accommodations required by applicable law to facilitate participation in the hearing.

E. Presentation of Evidence and Questioning

The Hearing Panel will consider the investigative report and relevant evidence presented during the hearing.

Each Party will have an equal opportunity, through their advisor, to ask the other Party and witnesses relevant questions and follow-up questions, including questions challenging credibility.

Cross-examination must be conducted directly, orally, and in real time by the Party's advisor. A Party may not personally conduct cross-examination of another Party or witness.

The Hearing Panel may also ask questions of Parties and witnesses as appropriate.

Before a Party or witness answers a cross-examination question or other question, the Hearing Panel must determine whether the question is relevant.

If the Hearing Panel excludes a question as irrelevant, the Hearing Panel Chair will explain the reason for that determination.

The Hearing Panel Chair may enforce reasonable rules of decorum, provided those rules do not interfere with the Parties' rights under applicable federal regulations.

F. Limitations on Certain Evidence

The Hearing Panel will apply the evidentiary limitations required by applicable federal law.

Questions and evidence concerning the Complainant's sexual predisposition or prior sexual behavior are not relevant, except when:

1. Offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or
2. Concerning specific incidents of the Complainant's prior sexual behavior with the Respondent and offered to prove consent.

The Hearing Panel will also respect applicable legal privileges and restrictions governing treatment records, consistent with Section 13 and federal Title IX regulations.

G. Absence or Refusal to Answer Questions

A Party or witness may decline to attend the hearing or answer particular questions.

The Hearing Panel will evaluate the available admissible and relevant evidence in reaching its determination, consistent with applicable law.

The absence of a Party or witness, or a refusal to answer questions, will not automatically require the exclusion of all statements previously made by that individual.

The Hearing Panel will assess the reliability and weight of the available evidence in light of the circumstances, including any limitations on the opportunity to question the individual.

H. Standard of Evidence and Determination

The Hearing Panel will apply the preponderance of the evidence standard, as established in Section 12 of this Policy and consistent with applicable federal requirements.

The Respondent is presumed not responsible for the alleged conduct unless and until the Hearing Panel determines that a violation occurred.

The Hearing Panel will objectively evaluate relevant evidence, including evidence that supports or contradicts the allegations. Credibility determinations will not be based on an individual's status as a Complainant, Respondent, or witness.

The Hearing Panel will determine responsibility for each allegation based on the evidence and applicable policy provisions.

I. Written Determination

Following the hearing, the Hearing Panel will issue a written determination regarding responsibility.

The written determination will include:

1. Identification of the allegations potentially constituting sexual harassment under Title IX;
2. A description of the procedural steps taken from receipt of the Formal Complaint through the determination;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the University's applicable conduct provisions to the facts;
5. A statement of the result and rationale for each allegation, including the determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the Complainant; and
6. The procedures and permissible grounds for appeal.

The University will provide the written determination simultaneously to both Parties.

The determination will become final in accordance with the appeal provisions established in Section 15.

J. Hearing Record

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

The hearing record will be made available to the Parties for inspection and review in accordance with applicable federal regulations.

The University will maintain the hearing record and related materials in accordance with the recordkeeping requirements of this Policy.

K. Hearing Administration

The Hearing Panel Chair may establish reasonable administrative procedures necessary to conduct a fair and orderly hearing, provided those procedures are consistent with applicable federal regulations and the rights of the Parties.

The University may utilize external hearing officers, advisors, or other appropriately trained professionals when necessary to ensure impartiality, procedural compliance, or the effective administration of the hearing.

15. Appeals

Both the Complainant and Respondent have the right to appeal a determination regarding responsibility or the dismissal of a Formal Complaint, or any allegations within it, under the University's federal Title IX grievance process.

Appeals are limited to the grounds established in this section and are not intended to provide a new investigation or rehearing of the allegations.

A. Grounds for Appeal

Either Party may appeal on one or more of the following grounds:

1. Procedural Irregularity: A procedural irregularity occurred that affected the outcome of the matter.
2. New Evidence: New evidence was not reasonably available at the time the determination regarding responsibility or dismissal was made, and the evidence could affect the outcome of the matter.
3. Conflict of Interest or Bias: 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 affected the outcome of the matter.

Disagreement with the determination, without an identified permissible ground for appeal, is not sufficient to establish a basis for appeal.

B. Filing an Appeal

A Party wishing to appeal must submit a written appeal within five (5) business days after receiving the written determination regarding responsibility or notice of dismissal.

The appeal must identify the specific ground or grounds relied upon and provide a written explanation of the basis for the appeal, including any supporting information. Appeals will be submitted to the Title IX Coordinator, who will arrange for review by an impartial appeal officer.

The University may extend the appeal submission deadline for good cause, provided any extension is administered equitably and consistent with applicable law.

C. Appeal Officer

The University will designate an appropriately trained and impartial appeal officer to review the appeal.

The appeal officer may be a University employee or external professional but may not be:

- The Title IX Coordinator;
- An investigator assigned to the matter; or
- A decision-maker who participated in the determination regarding responsibility or dismissal being appealed.

The appeal officer must be free from conflicts of interest or bias for or against Complainants or Respondents generally or an individual Party.

D. Notice and Written Submissions

When an appeal is filed, the University will notify the other Party in writing. Both Parties will be provided an equal and reasonable opportunity to submit a written statement supporting or challenging the outcome. The University will provide each Party with five (5) business days to submit a written statement following notice of the appeal. The appeal officer may review the investigative report, hearing record, written determination, dismissal notice, appeal submissions, and other materials relevant to the permissible grounds for appeal. The appeal officer will not conduct a new hearing or substitute an independent assessment of the evidence merely because the appeal officer would have reached a different conclusion.

E. Appeal Decision

The appeal officer may:

1. Uphold the original determination or dismissal;
2. Reverse a dismissal and return the matter for further proceedings under the applicable Title IX grievance procedures;
3. Return the matter for additional investigation, reconsideration, or a new hearing when necessary to address a substantiated appeal ground; or
4. Take other appropriate action consistent with the applicable federal regulations and the identified basis for appeal.

The appeal officer will issue a written decision describing the result of the appeal and the rationale for the decision. The University will provide the written appeal decision simultaneously to both Parties.

F. Finality of Determination

A determination regarding responsibility becomes final on the date the University provides the written appeal decision to the Parties, if an appeal is filed, or, if no appeal is filed, on the date the opportunity to appeal expires. Any additional proceedings directed by the appeal officer will be conducted in accordance with the applicable provisions of this Policy.

G. Appeal Timeframes

The University will ordinarily issue a written appeal decision within ten (10) business days after the deadline for the Parties' written submissions. Temporary delays or limited extensions may be permitted for good cause, including the absence of a Party or necessary University official, the need to obtain relevant information, or circumstances requiring additional time for a fair review.

The University will provide written notice to both Parties explaining any delay or extension and the reasons for it.

16. Sanctions and Remedies

When a Respondent is determined responsible for violating this Policy through the University's federal Title IX grievance process, UPIKE may impose appropriate disciplinary sanctions and provide remedies designed to restore or preserve the Complainant's equal access to the University's education program or activity.

Sanctions and remedies will be determined based on the circumstances of the matter, the nature and severity of the conduct, and applicable University policies and legal requirements.

A. Determination of Sanctions

When the Hearing Panel determines that a Respondent is responsible for violating this Policy, the Hearing Panel will determine appropriate disciplinary sanctions.

In determining sanctions, the Hearing Panel may consider:

1. The nature, severity, and circumstances of the conduct;
2. The impact of the conduct on the Complainant and the University community;
3. Whether the conduct involved violence, threats, coercion, or abuse of authority;
4. Any relevant prior disciplinary history;
5. Whether the conduct was repeated or involved multiple incidents;

6. The need to prevent recurrence and protect the educational environment;
7. The Respondent's status as a student, employee, or both; and
8. Other relevant circumstances consistent with applicable law and University Policy.

The Hearing Panel may consult appropriate University officials regarding the feasibility and implementation of potential sanctions, provided that the Hearing Panel retains responsibility for the sanction determination and that such consultation does not compromise the fairness or impartiality of the process.

B. Sanctions for Students

Disciplinary sanctions for students may include, but are not limited to:

- Written warning or reprimand;
- Disciplinary probation;
- Educational or training requirements;
- Restrictions on participation in University activities or programs;
- Restrictions on access to specified University facilities or privileges;
- Changes in University housing or removal from University housing;
- Suspension from the University for a specified period;
- Dismissal or expulsion from the University; and
- Other appropriate disciplinary actions consistent with University Policy.

Sanctions may be imposed individually or in combination, depending on the circumstances and severity of the violation.

C. Sanctions for Employees

Disciplinary sanctions for employees may include, but are not limited to:

- Written warning or reprimand;
- Required training or professional development;
- Performance improvement or corrective action requirements;
- Modification of duties or supervisory responsibilities;
- Restrictions on participation in certain University activities;
- Reassignment or demotion, when appropriate;
- Suspension, with or without pay, as permitted by applicable law and University Policy;
- Termination of employment; and
- Other appropriate disciplinary action consistent with applicable law, employment agreements, and University Policy.

Sanctions involving employees will be implemented in coordination with Human Resources and other appropriate University officials.

D. Professional and Clinical Education Considerations

When a Respondent is enrolled in or employed by a professional or clinical education program, the University may consider the implications of a policy violation for clinical participation, patient safety, professional responsibilities, and applicable accreditation or affiliation requirements.

Potential consequences may include restrictions on clinical participation, reassignment of clinical placements, suspension from clinical activities, or other appropriate actions within the range of sanctions authorized by this Policy.

The Hearing Panel may consult appropriate academic or professional school administrators regarding the implementation and consequences of potential sanctions.

Any separate action under professional school conduct and ethics policies, academic standards, or clinical affiliation requirements must comply with applicable law and the University's established procedures.

E. Remedies for Complainants

When a determination of responsibility for sexual harassment has been made, the University will provide appropriate remedies designed to restore or preserve the Complainant's equal access to the University's education program or activity.

Remedies may include, but are not limited to:

- Academic adjustments or assistance;
- Changes in course schedules, housing, or work assignments;
- Adjustments to clinical placements, internships, or other educational assignments;
- Continued or modified restrictions on contact;
- Counseling or other available support services;
- Measures addressing the educational or employment effects of the conduct;
- Increased monitoring or other measures designed to prevent recurrence; and
- Other appropriate actions to restore or preserve equal access.

Remedies may include services similar to supportive measures but are not required to be non-disciplinary or non-punitive and may impose burdens on the Respondent.

The Title IX Coordinator is responsible for coordinating the effective implementation of remedies.

F. Institutional and Preventive Measures

In addition to individual remedies, the University may take appropriate measures to address the effects of sexual harassment and prevent recurrence.

Such measures may include training, policy review, educational programming, increased supervision, adjustments to institutional practices, or other appropriate actions.

Institutional measures will be implemented in coordination with appropriate University officials.

G. Notice and Implementation

The written determination regarding responsibility will identify any disciplinary sanctions imposed on the Respondent and state whether remedies designed to restore or preserve equal access will be provided to the Complainant.

The University will provide the written determination simultaneously to both Parties in accordance with Section 14.

Disciplinary sanctions imposed under the federal Title IX grievance process will ordinarily be implemented when the determination becomes final under Section 15, unless earlier action is independently authorized by applicable law and this Policy.

Supportive measures, emergency removal, and administrative leave may continue or be modified as permitted by applicable law.

The Title IX Coordinator will coordinate with Student Affairs, Human Resources, academic administrators, professional school officials, or other appropriate University personnel to ensure effective implementation of sanctions and remedies.

H. Failure to Comply

Failure to comply with disciplinary sanctions, remedies, or other lawful directives issued under this Policy may constitute a separate violation of applicable University policies and may result in additional disciplinary action through the appropriate procedures.

17. Recordkeeping

The University will maintain records relating to reports, investigations, resolutions, and other actions taken under this Policy in accordance with applicable federal and state law and University records retention requirements.

Records required by federal Title IX regulations will be maintained for a period of at least seven (7) years.

A. Records of Title IX Proceedings

The University will maintain records of:

1. Each sexual harassment investigation, including investigative reports, determinations regarding responsibility, hearing recordings or transcripts, disciplinary sanctions imposed on Respondents, and remedies provided to Complainants;
2. Appeals and their outcomes;
3. Informal resolution proceedings and their outcomes; and
4. Materials used to train Title IX Coordinators, investigators, decision-makers, and individuals facilitating informal resolution.

Training materials will be made publicly available on the University's website in accordance with applicable federal Title IX requirements.

B. Documentation of Institutional Responses

For each response required under federal Title IX regulations, the University will create and maintain records documenting actions taken in response to a report or Formal Complaint of sexual harassment, including supportive measures offered or provided.

The University will document the basis for its conclusion that its response was not deliberately indifferent and the measures taken to restore or preserve equal access to its education program or activity.

When supportive measures are not provided to a Complainant, the University will document the reasons why that response was not clearly unreasonable in light of the known circumstances.

C. Confidentiality and Access

Records will be maintained securely, with access limited to individuals who have a legitimate institutional need or are otherwise authorized by applicable law.

Records may be disclosed as required or permitted by Title IX, FERPA, other applicable laws, or lawful legal process.

D. Retention and Preservation

Records will be retained for at least seven (7) years or longer when required by applicable law, a litigation hold, a pending investigation, an administrative proceeding, or the University's records retention schedule.

The Title IX Coordinator will oversee the maintenance of records required by this Policy and coordinate with appropriate University officials regarding secure storage, access, retention, and preservation.

18. Training, Prevention, and Education

The University of Pikeville is committed to providing education and training designed to prevent sex discrimination and sexual harassment, promote awareness of reporting options and available resources, and ensure the fair and effective administration of this Policy.

A. Training for Title IX Personnel

The University will ensure that the Title IX Coordinator, investigators, decision-makers, appeal officers, and individuals who facilitate informal resolution receive training appropriate to their responsibilities and consistent with applicable federal Title IX regulations.

Required training will address, as applicable:

1. The definition of sexual harassment under federal Title IX regulations;
2. The scope of the University's education program or activity;
3. The procedures for conducting investigations, hearings, appeals, and informal resolution processes;
4. The obligation to serve impartially, including avoiding prejudgment of the facts, conflicts of interest, and bias;
5. The evaluation and relevance of evidence, including applicable limitations on questions concerning a Complainant's sexual predisposition or prior sexual behavior;
6. The preparation of investigative reports that fairly summarize relevant evidence; and
7. The use of technology and procedures necessary to conduct live hearings.

Training materials will not rely on sex stereotypes and will promote impartial investigations and adjudications.

B. Education for Students and Employees

The University will provide appropriate educational and awareness programming for students and employees concerning sex discrimination, sexual harassment, prevention, reporting options, supportive measures, and available University and community resources.

Educational programming may be provided through orientation, employee onboarding, professional development, campus awareness activities, online training, or other appropriate methods.

The University may provide additional training tailored to the responsibilities of employees, supervisors, faculty, student leaders, and individuals participating in professional or clinical education programs.

C. Employee Reporting Responsibilities

Employees who are required to report possible violations of this Policy will receive information regarding their reporting obligations, the role of the Title IX Coordinator, available confidential resources, and the appropriate response to disclosures of possible misconduct.

Employees will be encouraged to respond to reports in a manner that is respectful, supportive, and consistent with University Policy.

D. Training Materials and Records

The University will maintain records of training materials used for Title IX personnel in accordance with the recordkeeping requirements of Section 17 and applicable federal law.

Training materials required to be publicly available under federal Title IX regulations will be posted on the University's website.

The Title IX Coordinator will coordinate the University's Title IX training and educational efforts in collaboration with appropriate University offices and administrators.

19. Policy Review and Revision

The University of Pikeville will periodically review this Policy to ensure continued compliance with applicable federal and state laws, regulations, and judicial decisions, and to promote the fair and effective administration of its procedures.

The Title IX Coordinator, in consultation with appropriate University officials, will review this Policy at least annually and recommend revisions as necessary.

The University may revise this Policy at any time to address changes in applicable law, regulatory requirements, judicial decisions, institutional operations, or identified procedural needs.

Revisions will be approved through the University's established policy approval procedures and communicated to the University community as appropriate.

The University will maintain the current version of this Policy on its official website and identify its effective date.

Complaints and proceedings will be governed by the applicable legal requirements and University procedures in effect at the relevant time, taking into account any governing transition rules, court orders, or other applicable legal requirements.

Appendix A

Title IX Resources and Contact Information

This appendix is provided as a resource to assist members of the University community in identifying reporting options, supportive services, and emergency resources. Contact information may be updated periodically without requiring amendment of this Policy.

Title IX Coordinator
Office of Compliance and Legal Affairs
University of Pikeville
Laughlin Cottage
147 Sycamore Street
Pikeville, Kentucky 41501
Email: compliance@upike.edu
Phone: (606) 218-5344

Human Resources

Assistant Vice President of Operations and Human Resources
University of Pikeville
Health Professions Education Building
147 Sycamore Street
Pikeville, Kentucky 41501
Email: HR@upike.edu
Phone: (606) 218-5346

Online Reporting

Reports of sex discrimination, sex-based harassment, sexual assault, dating violence, domestic violence, stalking, retaliation, and other conduct prohibited by this Policy may be submitted at any time through the University's online reporting form available on the University's Title IX website.

Anonymous reports may also be submitted through the online reporting form. While anonymous reporting may limit the University's ability to investigate or respond fully, the University will review all available information and take appropriate action consistent with applicable law and University policy.

Confidential Resources

Thrive Counseling Center
Licensed mental health professionals are available to provide confidential counseling and support to eligible students.

600 Record Memorial
(606) 218-4479

University Chaplain
The University Chaplain serves as a Confidential Employee when acting within the scope of that confidential role and may provide confidential support, spiritual guidance, and information regarding available resources and reporting options.

Campus Safety

University Public Safety
Emergency: 911
Non-Emergency: (606) 218-5940 or (606) 477-0262

Public Safety is available to assist with emergency response, safety planning, escorts, and coordination with local law enforcement when requested.

Local Law Enforcement

Pikeville Police Department
Emergency: 911
Non-Emergency: (606) 437-5111

Medical Assistance

Individuals who have experienced sexual assault are encouraged to seek medical care as soon as possible. Medical treatment can address injuries, provide preventive care, and assist with the preservation of evidence when appropriate.

Pikeville Medical Center
911 Bypass Road
Pikeville, Kentucky 41501
Main Phone: (606) 218-3500

Pike County Health Department
119 River Drive
Pikeville, KY 41501
(606) 509-5500

Community Advocacy Resources

The Healing Program
104 South Front Avenue
Prestonsburg, KY 41653
(606) 886-8572

Kentucky Association of Sexual Assault Programs
83-C Michael Davenport Blvd
Frankfort, KY 40601
(502) 226-2704

National Resources

National Sexual Assault Hotline (RAINN)
Phone: 800-656-HOPE (4673)
Website: https://www.rainn.org

National Domestic Violence Hotline
Phone: 800-799-SAFE (7233)
TTY: 800-787-3224
Website: https://www.thehotline.org

988 Suicide & Crisis Lifeline
Call or Text: 988
Website: https://988lifeline.org

Additional Information

Additional information regarding this Policy, reporting options, supportive measures, educational materials, training opportunities, and applicable procedures is available from the Office of Compliance and Legal Affairs and on the University's Title IX website.