The University also offers access to confidential resources for Employees who are unsure about whether to report Prohibited Conduct, or any student seeking counseling or other emotional support throughout this process.

THE PATH OF A REPORT OF PROHIBITED TITLE IX EMPLOYEE CONDUCT

Upon receiving a Formal Complaint of Prohibited Conduct, the University will:

1. PROVIDE SUPPORT
   and assistance in obtaining University and community resources to the parties.

2. PROVIDE INFORMATION
   about preserving evidence, obtaining medical treatment, contacting police, and the Title IX process.

3. CONDUCT THREAT & JURISDICTIONAL ASSESSMENT
   - EVALUATE SAFETY. Evaluate safety of individuals and the University community provide interim supportive measures.
   - EVALUATE REPORTING DUTIES. Evaluate if State law requires reporting to law enforcement or other state agency.
   - EVALUATE JURISDICTION. Evaluate whether the Complaint meets Title IX or BOG Policy GA-1 Jurisdiction. Mandatory or discretionary dismissals will be made in writing and are subject to appeal by Complainant.

   If a matter is dismissed by the Title IX Coordinator, it may be referred to Human Resources for further action, including separate investigation under appropriate procedures.

4. ASCERTAIN THE COMPLAINANT’S PREFERENCES
   - Complainant may request that no further University action be taken.

   Due Process requires that the Identity of the Complainant be shared with all parties. If the Complainant does not wish to participate, the University will seek to honor this request if it is possible to do so while also protecting the health and safety of individuals and the University community.

   - Complainant may request one of two forms of University Grievance Procedures:
     1. Formal Resolution, which involves an investigation, and hearing/sanction (if applicable).
     2. Alternative Resolution, which (if available) includes a variety of informal options for resolving reports.

5. ASCERTAIN UNIVERSITY ACTION

   If Complainant requested:
   1. University Resolution: Grant request and issue Notice of Investigation for appropriate Resolution process.
   2. Anonymity/No Action: Balance request with health and safety risk factors to determine whether request can be honored.

Process either concludes or moves on to formal or alternative resolution process.
At the beginning of the resolution process:

1. **WRITTEN NOTICE OF INVESTIGATION** will be provided by the Title IX Coordinator to the Complainant and Respondent with details of the complaint.

2. **TRAINED INVESTIGATOR** will conduct a prompt, thorough, fair, and impartial investigation. Both parties will have an equal opportunity to be heard, to submit evidence, to identify witnesses, and to submit questions they believe should be directed by the investigator to each other or to any witness.

3. **ADVISOR OF CHOICE** may accompany, support, and advise each party throughout the investigation and resolution process.

* A University Advisor will be assigned for each party unless the party selects an alternate Advisor.

At the conclusion of the investigation:

- **ACCESS TO THE INVESTIGATION FILE.** The Investigator will provide each party the right to inspect, review, and respond* to all evidence obtained as part of the investigation that is directly related to the allegations of the formal complaint.

  *The parties have 10 business days to respond.

- **INVESTIGATION REPORT.** Fairly summarizes and analyzes relevant information and evidence which includes recommendations as to whether there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility for Prohibited Conduct.

- **INVESTIGATION REPORT**
  - Fairly summarize relevant information and evidence which includes recommendations as to whether there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility for Prohibited Conduct.

- **At the conclusion of the Investigation Report, the Title IX Coordinator will distribute the Investigation Report to each party and each party’s advisor for review and response*.**

  *The parties will have 10 business days to respond to the Investigation Report.

- Upon review of the Investigation Report and the party’s responses, the Title IX Coordinator will:
  1. Determine, in writing, whether facts permit or require a dismissal of the complaint (Dismissals are subject to appeal) OR
  2. Send a Notice of Referral for Live Hearing to the parties and the Review Panel Hearing Officer.

**LIVE HEARINGS and Potential Sanctioning:**

**REVIEW PANEL HEARING:** Trained panelists will conduct a Live* hearing and will issue an independent Final Outcome Letter determining: (1) whether there is substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation; and, if not, (2) whether there is sufficient evidence to support the Investigator’s recommended findings(s) by a Preponderance of the Evidence.

*The Panel may allow the parties to appear virtually; however, Live hearings require that all participants are able to be seen and heard by all.

**SANCTION:** If the Review Panel recommends findings of responsibility, the Review Panel will refer the matter to a Human Resource Administrator to determine the appropriate sanction(s), which will be contained within the Final Outcome Letter.

**APPEALS:** Decisions of the Title IX Coordinator or Review Panel may be appealed to an Appeal Officer/Director of Human Resource who will review timely filed appeals. The Appeal Officer’s written decision is FINAL. However, an employee may still file a grievance pursuant to W.Va. Code §§ 6C-2-1, et. seq.

Typically, the period from the issuance of a Notice of Investigation through Investigation Report will not exceed 60 calendar days. This time frame may be extended for good cause. Please see the Employee Title IX Grievance Procedures, Administrative Procedures PERS-01, for the entire Employee Title IX Grievance Procedures.