

TITLE IX GRIEVANCE PROCEDURES

I. Purpose and Scope

It is the policy of Texas Southern University not to discriminate on the basis of sex in its educational programs and activities as required by Title IX of the Education Amendments of 1972. Title IX provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Title IX Sex discrimination includes Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. The Title IX Grievance policy shall apply to all students, staff, faculty, contractors, vendors, and/or visitors to Texas Southern University.

As a student of the University, Title IX Sex discrimination also applies and protects students from sex discrimination in areas including, but not limited to:

- Admission to Schools/Colleges
- Access to Enrollment in Courses
- Access to and Use of School Facilities
- Counseling and Guidance Materials, Tests and Practices
- Vocational Education
- Physical Education
- Competitive Athletics
- Graduation Requirements
- Student Rules, Regulations and Benefits
- Treatment as a Married And/or Pregnant Student
- Housing
- Financial Assistance
- Health Services
- School-Sponsored Extracurricular Activities

As an employee of the University you are protected from sex discrimination in areas including, but not limited to:

- Employment, evaluation, wages, advancement, assigned duties and shifts
- Career advancement
- Other terms and conditions of employment

II. Definitions

- **Consent.** Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas Penal Code, Section 22.011.)
 - The University will consider the following factors in determining whether consent was provided:
 - Consent is a voluntary agreement or assent to engage in sexual activity;

- Someone who is incapacitated cannot consent;
- Consent can be withdrawn at any time;
- Past consent does not imply future consent;
- Silence or an absence of resistance does not imply consent;
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- Coercion, force, or threat invalidates consent; and
- Being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in sexual misconduct.
- **Incapacitation.** Incapacitation (or incapacity) is the state in which an individual's perception or judgment is so impaired that the individual lacks the cognitive capacity to make or act on conscious decisions. The use of drugs or alcohol can cause incapacitation. An individual who is incapacitated is unable to consent to a sexual activity. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where an individual knows or ought reasonably to have understood that the individual is incapacitated, constitutes Title IX Sexual Misconduct as defined by this Policy.
- **Sex Discrimination.** Sex discrimination can occur when conduct is directed at a specific individual or a group of identifiable individuals that adversely affects the education or employment of the individual or group because of sex. Behaviors that may be sex discrimination include, but are not limited to:
 - Exclusion from educational resources or activities because of one's gender
 - Subjection to jokes or derogatory comments about one's gender; or
 - Being held to different standards or requirements on the basis of one's gender
- **Sexual Harassment.** Sexual harassment is a form of sex discrimination that can occur when there are:
 - Unwelcome sexual advances;
 - Request for sexual favors, whether or not accompanied by promises or threats relating to the employment or academic relationship, or that in any way influence any academic or personnel decision regarding a person's academic standing, employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment, career or academic development;
 - Any verbal or physical conduct of a sexual nature that threatens or implies, either explicitly or implicitly, that an employee's or student's submission to or rejection of sexual advances will in any way influence any personnel or academic decision regarding his or her academic standing, employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment, career or academic development;
 - Any verbal or physical conduct that has the purpose or effect of substantially interfering with an employee's ability to do his or her job or a student's academic standing, performance or development;
 - Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working or educational environment; and
 - Certain conduct in the workplace or educational environment, whether physical or verbal, committed by supervisors, non-supervisory personnel, or faculty, including but not limited to references to an individual's body; use of sexually degrading words to describe an individual; offensive comments; off-color

language or jokes; innuendoes; and sexually suggestive objects or behavior, books, magazines, photographs, cartoons or pictures.

- Title IX Sexual Harassment: Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the University's education program or activity;
- Quid Pro Quo Sexual Harassment: 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;
- Sexual Assault. Sexual Assault: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault can occur between individuals of the same or different sexes and/or genders. This includes the following:
 - Rape: The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
 - Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
- Dating Violence. Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the victim. The existences of such a relationship shall be determined based on the reporting individual's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. This includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Domestic Violence. A felony or misdemeanor crime of violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By an individual with whom the victim shares a child in common;
 - By an individual who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred;

- By any other individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence occurred.
- Stalking. Engaging in course of conduct directed at a specific individual that would cause a reasonable person to:
 - Fear for the individual's safety or the safety of others;
 - Suffer substantial emotional distress;

For purposes of the stalking definition:

- Course of conduct means two or more acts, including acts in which the stalking directly, indirectly, or through third parties, by any actions, method, device, or means;
- Follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual's property.

III. Filing Complaints

- Texas Southern University (TSU) encourages any student, employee or visitor who thinks that they have been subjected to sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, or stalking by another student, member of the faculty or staff, campus visitor or contractor, to report that action immediately to the University's Title IX Coordinator.
- There is no time limit when filing complaints of sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, or stalking made under the Title IX Grievance policy.
- All TSU employees are Responsible Employees and required to report incidents of sex discrimination, sex harassment, sexual assault, dating violence, domestic violence, or stalking that come to their attention during the course of their employment to the University's Title IX Coordinator.
- All other individuals (e.g. students, visitors) are urged to report to incidents they believe involve sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence or stalking to the University's Title IX Coordinator.
- University employees designated as Confidential Employees are not required to report details about an incident involving sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, or stalking do not report to the University's Title IX Coordinator.

IV. Notice of Title IX Coordinator/Deputy Coordinators

While compliance with the law is everyone's responsibility at the University, listed below are the University's Title IX Coordinator, Deputy Coordinators and Investigators who have primary responsibility for Title IX compliance.

Office of Title IX

Title IX Coordinator:

Dr. Cynthia Buckley

Hannah Hall 127 B

Texas Southern University

Houston, TX 77004

713.313.7037

cynthia.buckley@tsu.edu

Deputy Title IX Coordinator in Athletics

Dr. Dwalah Fisher

Senior Woman Administrator - Athletics

Health & Physical Education Building, Room 114

Texas Southern University

Houston, Texas 77004

(713) 313- 7272

Dwalah.Fisher@tsu.edu

Title IX Liaison in Thurgood Marshall College of Law

Cheryl Cash

Law Professor, Thurgood Marshall College of Law

Texas Southern University

Houston, Texas 77004

713.313.4216

Cheryl.cash@tsu.edu

Duties and responsibilities of the Title IX Coordinator include monitoring and oversight of overall implementation of Title IX compliance at the University, including, but not limited to coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students and other members of the University community.

Individuals who believe they have experienced sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence and stalking may file complaints:

Online: visit the Office of Title IX's website at: Title IX (<https://www.tsu.edu/about/administration/office-of-compliance/title-ix/>)

Gender Equity in Athletics

If you have a complaint about gender equity in TSU athletic programs, you should contact the Title IX Coordinator or Deputy Title IX Coordinator in Athletics, regarding Title IX compliance in matters relating to gender equity in TSU athletic programs.

For Sexual Assault:

To file a complaint of sexual assault, you may contact one of the offices listed above, and you may also contact:

TSU Department of Public Safety

Texas Southern University

3443 Blodgett Street

Houston, Texas 77004

(713) 313-7000 (Emergency)

(713) 313-7001 (Non-emergency)

U.S. Department of Education, Office for Civil Rights

You may also file a complaint of illegal discrimination with the Dallas regional office of the U. S. Department of Education's Office for Civil Rights (OCR).

Contact information for OCR:

1999 Bryan Street, Suite 1620

Dallas, Texas 75201 (214) 661-9600

OCR.Dallas@ed.gov

Confidentiality

The term "confidentiality" refers to circumstances under which information will or will not be disclosed to others. In accordance with federal regulations, the University will keep confidential the identity of any individual who makes or has made a Report or Formal Complaint under the Title IX Grievance Policy, including any Complainant, any individual who has been reported to be the Respondent, and any Witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of conducting any investigation or hearing under this Policy. Individuals are encouraged to familiarize themselves with their options and responsibilities, and make use of Confidential Employees and support services, when determining their preferred course of action.

Issues of privacy and confidentiality play important roles in this Policy and may affect individuals differently. Requests for confidentiality or use of anonymous reporting may limit the University's

ability to investigate alleged violations of the University's Title IX Grievance policy. Also, in some circumstances, the reporting responsibilities of University employees, the University's obligation to respond promptly and effectively to individuals who experience, and the University's responsibility to investigate, may conflict with the preferences of the Complainant and/or Respondent with regard to privacy and confidentiality. University employees who are not designated Confidential Employees are required to notify the Title IX Coordinator of suspected violations of this Policy and cannot guarantee the confidentiality of a report under this policy.

V. Informal Resolution Procedures

The Informal Resolution process is a voluntary, remedies based process designed to provide parties with an option to resolve disputes in a forum that is separate and distinct from the University's formal grievance processes under the Title IX Grievance Policy and Procedures. The purpose of the Informal Resolution Process is to eliminate the conduct which has been reported by the Complainant (and prevent its recurrence), and place both individuals in a position to pursue their academic, working, and non-academic interests in a safe, respectful, and productive educational and working environment. Under this process, there will be no disciplinary action taken against a Respondent, and the resolution will not appear on the Respondent's disciplinary record. Subject to approval by the Title IX Coordinator, the Informal Resolution Process is available in matters involving a student or employee Complainant and a student Respondent as well as matters involving an employee Complainant and an employee Respondent; the Informal Resolution Process is not available in matters involving student Complainant and an employee Respondent.

VI. Formal Resolution Procedures

The University will respond to Reports or Formal Complaints of sex discrimination, sexual harassment, sexual misconduct, dating violence, domestic violence, or stalking with supportive measures designed to stop the prohibited conduct, prevent its recurrence, and remediate any adverse effects of such conduct on campus or in University related programs and activities. The University is committed to providing a prompt and impartial investigation and adjudication of all Formal Complaints alleging violations of this Policy. During the grievance process, both parties (Complainant and Respondent) have equal rights to participate.

1. Filing of a Complaint. There are no time limits when filing a complaint with the Office of Title IX. A complaint can only be filed by the individual who experienced the prohibited conduct or by the Title IX Coordinator
2. A complaint may be filed:

Online: Office of Title IX's website at Title IX (<https://www.tsu.edu/about/administration/office-of-compliance/title-ix/>)

Live Safe App: Title IX Live Safe Card

3. Sex discrimination, sexual harassment, and sexual misconduct, dating violence, domestic violence, and stalking must meet the following requirements:

1. Occurs within the United States; and
2. Occurs within the University's education program or activity, meaning:
 - a. Locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the Title IX sexual misconduct occurs, and
 - b. Any building owned or controlled by a student organization that is officially recognized by the University; and
3. At the time of filing a formal complaint, the Complainant is participating in or attempting to participate in an educational program or activity at the University.

4. Receipt of a Complaint. Upon receipt of a formal complaint, the Title IX Coordinator will respond to any immediate health or safety concerns raised. Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to the parties who are known which includes:

1. Notice of allegations potentially constituting Title IX Sexual Misconduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, the conduct allegedly constituting Title IX Sexual Misconduct, and the date and location of the alleged incident.
2. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
3. Notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney.
4. Notice that the parties may inspect and review evidence, as described below.
5. Notice of any provision in the University's code of conduct and/or this policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

5. Acceptance of a Complaint. The Title IX Coordinator will conduct an initial assessment for the purpose of determining whether the alleged conduct, if substantiated, would constitute Title IX Sexual Misconduct

prohibited under this Policy. The University will seek to complete this initial assessment within ten (10) business days of receipt of the Formal Complaint.

1. The Title IX Coordinator shall initiate an investigation of the allegations. However, if the Title IX Coordinator deems the Formal Complaint appropriate for the informal resolution process, upon the consent of both parties, the Title IX Coordinator may instead refer the matter to the informal resolution process.
2. If the allegations forming the basis of the Formal Complaint would not, if substantiated, constitute Title IX Sexual Misconduct, did not occur in the University's education program or activity, or did not occur against a person in the United States, the Title IX Coordinator shall dismiss the Formal Complaint from the Title IX grievance process.
3. If the Title IX Coordinator deems the Formal Complaint appropriate for the informal resolution process, upon the consent of both parties, the Title IX Coordinator may instead refer that matter to the informal resolution process.
4. If the Title IX Coordinator deems it appropriate, the Title IX Coordinator may refer the matter to another officer for review.

6. Mandatory dismissal of Complaint. The Title IX Coordinator shall dismiss a complaint when the following is determined:

1. If the allegations forming the basis of the Formal Complaint would not, if substantiated, constitute Title IX Sexual Misconduct,
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, the Title IX Coordinator shall dismiss the Formal Complaint from the Title IX grievance process (and either party may appeal this dismissal).
4. However, if appropriate, the Title IX Coordinator may refer the matter to the University Sexual Misconduct process or to another office for review;
5. If the Title IX Coordinator deems the Formal Complaint appropriate for the informal resolution process, upon the consent of both parties, the Title IX Coordinator may instead refer the matter to the informal resolution process.

7. Discretionary dismissal of complaint. At any time prior to the hearing, the University may dismiss a Formal Complaint if:

1. The Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint or any allegations therein;
2. The Respondent is no longer enrolled or employed by the University; or
3. Specific circumstances prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or the allegations therein;
4. Upon dismissal, the University shall promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties via written or electronic format;
5. Both parties will have equal right to appeal the dismissal through the appeal process described in MAPP 02.05.09.
6. The determination regarding dismissal becomes final either on the date that the parties are provided with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Once final, a complainant cannot file a Formal Complaint under this Policy concerning the same alleged conduct.

8. **Complaint Investigation.** A trained investigator shall conduct the investigation of a formal complaint referred for investigation by the Title IX Coordinator.

1. The University shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, during the investigation.
2. The University shall not restrict the ability of either party to discuss the allegations under investigations or to gather and present relevant evidence.
3. The parties shall have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or interview by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either party in any meeting or grievance proceeding; however, an advisor may not actively participate in any meeting or interview, but may only observe any such meeting or interview for purposes of advising the parties. The University is not required to provide a party an advisor other than a Hearing Advisor.
4. The University shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
5. The University shall provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
6. Prior to completion of the investigative report, the University must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The recipient must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
7. The investigator shall draft an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The parties' written response shall be submitted no later than five (5) business days prior to the hearing.
8. Upon completion of the investigation by a Title IX investigator, the University will hold a live hearing during which both parties' advisors will have the opportunity to present relevant evidence and ask questions of the parties and Witnesses.

9. **Preparing for the Hearing.** The Title IX Coordinator will schedule a hearing within fifteen (15) business days from the conclusion of the investigation.

1. Once the hearing is scheduled, requests to reschedule the hearing must be submitted in writing to the Title IX Coordinator and will be considered by the Hearing Officer.
2. The Complainant and Respondent(s) will be notified of the identity of the Hearing Officer for their hearing. Within five (5) business days of this notification, the Complainant and Respondent(s) have the opportunity to object in writing to the Hearing Officer for cause, including any alleged conflict of interest or bias.
3. The Title IX Coordinator, in consultation with the Hearing Officer, will consider any objection and replace the Hearing Officer if appropriate. In the event that the Hearing Officer recuses themselves, an alternative hearing officer will be assigned. No later than five (5) business days prior to the hearing, all materials that will be used by the parties at the hearing must be submitted to the Title IX Coordinator. The Title IX Coordinator will simultaneously make this material available for inspection or provide the materials to both parties as well as the Hearing Officer. The materials must include:
 - i. All documents and other tangible evidence that will be used as evidence during the hearing;
 - ii. The names of any Witnesses and a brief summary concerning the subject matter of the Witness' expected testimony;
 - iii. The name of any advisor to attend the hearing and whether that person is an attorney; and
 - iv. No Witness, document, or tangible evidence will be permitted at the hearing unless such information was timely submitted.
- d. It is the responsibility of the party wanting to present a witness to secure that witness.
10. **Title IX Hearing.** The hearing process is as follows:
 1. The live hearing will be held in accordance with process set forth in MAPP 02.05.09.
 2. **Standard of Evidence.** In all cases before a Hearing Officer, the standard of proof is a preponderance of evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence presented, that the Respondent violated this Policy. The burden of proof is on the University. By law, it is presumed that the Respondent is not responsible for the alleged conduct unless that determination regarding responsibility is made at the conclusion of the grievance process.
 3. The hearing shall be no more than four (4) hours in length, unless the Hearing Officer determines that exceptional circumstances exist justifying a longer hearing. The time of the hearing for opening and closing statements, presenting evidence, and examination of witnesses shall be divided equally among the parties, and each party may not exceed their allotted time for these portions of the hearing.
 4. At the request of either party, the University will provide the parties separate rooms and use technology so that the Hearing Officer and parties may simultaneously see and hear the questions. The live hearing may also take place virtually.
 5. An audio and/or video recording of the hearing will be kept for the use of the Hearing Officer and for any appeal. The parties and their Hearing Advisors may request to review the recording.
 6. Evidence that is not relevant or admissible:
 - i. Information protected by a legally recognized privilege.

ii. Evidence about a Complainant's prior sexual history cannot be used to prove character or reputation and may only be allowed to prove that someone other than the Respondent committed the alleged conduct or if offered to prove consent.

iii. Any party's medical, psychological, and similar records unless the party has given voluntary written consent.

iv. If a party or Witness does not submit to cross-examination at the live hearing, the Hearing Officer must not rely on any statement of that party or Witness in reaching a determination regarding responsibility. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or Witness' absence from the live hearing or refusal to answer cross-examination or other questions. This exclusion shall not apply to a Respondent's alleged verbal conduct that itself constitutes the alleged Title IX Sexual Misconduct at issue.

v. Hearsay exceptions such as statements against a party's interest or death or disability of a party or Witness are not recognized in Title IX Hearings.

vi. Similarly, police reports, SANE reports, medical reports, and other documents and records may not be relied on to the extent they contain the statements of a party or Witness who has not submitted to cross-examination.

g. Evidence Exceptions. Evidence or statements that have not been subject to cross examination at a live hearing may be submitted in the following circumstances:

i. If the evidence involves intertwined statements of both parties (e.g., a text message exchange or e-mail thread) and one party refuses to submit to cross-examination and the other does submit, the statements of one party cannot be relied on but the statements of the other party may be relied on.

ii. Where a Complainant refuses to answer cross-examination questions, but video evidence exists showing the underlying incident, the Hearing Officer may still consider the available evidence and make a determination.

iii. Where a grievance process is initiated because the Title IX Coordinator, and not the Complainant, signed the Formal Complaint, the Complainant who did not wish to initiate a grievance process remains under no obligation to then participate in the grievance process.

h. A designated representative may be present at a hearing to serve as a resource to the Hearing Officer for sanctioning purposes in the case of a finding. If there is a finding of responsibility, the Hearing Officer will coordinate with the following departments to issue sanctions and remedies as appropriate.

i. Any finding against a student Respondent must be addressed through the Dean of Students Office. The designated Representative will determine sanctions and/or remedies consistent with the University's policies and procedures related to student conduct/discipline.

ii. A Hearing Advisor is responsible for advising and acting on behalf of a named party as to presentation of Witnesses. Each party may have one (1) Hearing Advisor. If a party does not have a Hearing Advisor present at the live hearing, the University must provide without fee or charge to that party, a Hearing Advisor of the University's choice, who may be, but is not required to be, an attorney.

i. A Hearing Advisor may present evidence, question witnesses, and will conduct cross examination of the parties and Witnesses. Each party will present their own opening and closing statements, which will be limited to fifteen (15) minutes each.

j. Parties must adhere to the rules of decorum.

i. Complainants and Respondents are precluded from conducting cross-examination personally. The only method for conducting cross-examination is by a party's Hearing Advisor.

ii. Parties shall not address each other during the hearing.

k. Hearing Advisors must adhere to the rules of decorum.

i. Hearing Advisors shall address all remarks outside of cross examination to the Hearing Officer, not to the opposing Hearing Advisor or the opposing party.

ii. Hearing Advisors and the parties shall refrain from making any comments after the Hearing Officer has issued a determination.

iii. Hearing Advisors and parties shall not cause unreasonable delays by failing to schedule or appear for a meeting as requested by a Hearing Officer.

l. The role of the Hearing Officer is to determine whether or not there is a finding of a violation of the University's Title IX Grievance Policy & Procedures. The finding(s) will be determined using a preponderance of the evidence standard; that is, whether it is more likely than not that a Respondent violated this Policy. Also, the Hearing Officer will make determinations on admissibility.

i. The Hearing Officer may determine the relevance of, and place restrictions on, any Witness testimony or questions or information presented. The Hearing Officer has the responsibility to determine the relevancy of questions and explain in real time any decision not to permit a question to be asked.

ii. The Hearing Officer has the authority to dismiss a Hearing Advisor who, in the Hearing Officer's judgement, is badgering or harassing a witness or party. Should the Hearing Officer dismiss a party's Hearing Advisor, the hearing shall be suspended until that party is assigned or obtains a new Hearing Advisor.

11. Written Determination, Findings, and Sanctions. The Written Determination will contain both the finding(s) and the sanctions or remedies, if applicable, and will be provided to the parties simultaneously.

1. The Written Determination will include the following statements from the Hearing Officer:

i. Identification of the allegations at issue;

ii. Description of the procedural steps taken throughout the case including any notifications to the parties, interviews with parties and Witnesses, site visits, methods used to gather other evidence, and hearings held;

iii. Findings of fact supporting the determination;

iv. Conclusions regarding the application of the Sexual Misconduct Policy;

v. A statement and rationale as to the determination for each allegation; and

iv. A statement of any disciplinary sanctions imposed on the Respondent and whether any remedies will be provided to the Complainant.

vii. The Written Determination will also include a description of the procedures and permissible grounds for appeal.

b. Remedies: Regardless of the finding(s), and in addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the University will take appropriate action(s) to resolve Formal Complaints of sexual misconduct, prevent any recurrence and, as appropriate, remedy any effects. These actions may include the following:

i. Ensuring the Complainant and Respondent do not share classes, working environments, or extracurricular activities;

ii. Making modifications to the on-campus living arrangements of a Respondent or Complainant (if the Complainant requests to be moved);

iii. Providing comprehensive, services including medical, counseling, and academic support services such as tutoring;

iv. Determining whether the Sexual Misconduct adversely affected the Complainant's University standing and providing a remedy for same;

v. In conjunction with University leaders, conducting a University climate check to assess the effectiveness of efforts to ensure that the University is free from Sexual Misconduct, and using that information to inform future proactive steps that the University will take; and

vi. Providing targeted group training.

vii. These remedies are separate from, and in addition to, any Support Measures that may have been provided before the end of the University's investigation. If the Complainant did not take advantage of a specific service (e.g., counseling) when offered as a support measure, the Complainant should still be offered, and is still entitled to, appropriate final remedies that may include services the Complainant declined as a support measure.

c. Sanctions: The sanctions for a finding of a violation under this Policy will be commensurate with the offense and may include, but are not limited to, the following:

i. Probation (including disciplinary probation);

ii. Temporary or permanent ban from campus locations (such as residence hall communities);

iii. Educational programs such as state-certified batterer's intervention;

iv. Ban from participating in campus organizations or activities;

v. Disqualification from employment or student leadership positions;

vi. Withholding of transcripts, grades, diploma, or degree;

vii. Partial or full criminal trespass;

viii. Suspension from employment and/or enrollment;

ix. Revocation of admission;

x. Expulsion;

xi. If a student is issued a sanction that makes them ineligible to reenroll in the University, the University will include on the student's transcript a

notation stating that the student is ineligible to reenroll in the University for a reason other than an academic or financial reason.

xii. On the student's request, the University may remove the notation from a student's transcript if the student is eligible to reenroll in the University or the University determines that good cause exists to remove the notation.

12. Investigation Time. The Office of Title IX will attempt to complete investigations within sixty (60) calendar days. However, additional time may be necessary to complete an investigation. When additional time is necessary, the Office of Title IX will notify the involved parties in writing.

13. Appeal. The Complainant and the Respondent(s) both have the right to appeal to the Title IX Coordinator.

1. The Complainant or Respondent may appeal a Title IX dismissal or Written Determination by submitting their written appeal to the Title IX Coordinator within five (5) business days from the date they receive the Title IX dismissal or Written Determination.

2. The appealing party may appeal the dismissal, finding, sanction, or remedy.

3. The non-appealing party will be notified of the appeal and be permitted to submit a written statement in response within five (5) business days of receiving notice of the appeal.

4. Grounds for Appeal may include the following:

i. Procedural irregularity that affected the outcome of the matter, including failure to objectively evaluate all relevant evidence, including inculpatory and exculpatory evidence;

ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could significantly affect the outcome of the matter;

iii. The Title IX Coordinator, investigator(s), Hearing Officer, or designated representative 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; and

iv. Parties may appeal erroneous determinations on the relevancy of evidence submitted during the Live Hearing if they significantly affected the outcome.

14. As required by Federal law, any disclosure of the findings and decision in regard to student disciplinary proceedings will be governed by the provisions of the Family Educational Rights and Privacy Act.

15. Supportive measures (also known as interim measures or support services):

1. Upon receipt of a Report or Formal Complaint of a violation of this Policy, the University, through the Title IX Coordinator, will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the complainant the process for filing a Formal Complaint. The University will also consider supportive measures, as appropriate and reasonably available, for the Respondent.

2. These supportive measures are designed to restore or preserve equal access to the University's educational and working programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the broader

University community, or deter sexual harassment. While a supportive measure may impose some restrictions on a party, it will not unreasonably burden them. The University may provide supportive measures to the Complainant or Respondent, as appropriate, as reasonably available, and will do so without fee or charge, regardless of whether the Complainant seeks formal disciplinary action. Once supportive measures are approved, the parties or affected individuals will be notified in writing of the supportive measures. The University will maintain any supportive measures provided to the Complainant or Respondent as confidential to the extent possible.

16. Interim/support measures may include:

1. Counseling;
2. Extensions of deadlines or other course-related adjustments;
3. Modifications of work or class schedules to ensure the Complainant and Respondent do not share classes, working environments, or extracurricular activities;
4. Campus escort services - LiveSafe-Safe walk;
5. Mutual restrictions on contact between the parties;
6. Changes in work or housing locations (if the Complainant requests to be moved);
7. Leaves of absence;
8. Increased security and monitoring of certain areas of the campus; and/or
9. Any other measure that can be used to achieve the goals of this Policy.

17. Requests for supportive measures may be made by or on behalf of the Complainant or Respondent to the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of supportive measures and coordinating the University's response with the appropriate offices on campus.

18. Emergency removal:

1. In connection with this Policy, whether or not a grievance process is underway, the University may summarily remove an individual from an education program or activity on an emergency basis, after undertaking an individualized safety and risk analysis, and upon the determination that the individual poses an immediate threat to the physical health or safety of any student or other individual (including themselves, the Respondent, the Complainant, or any other individual). In these situations, the University will provide the individual with notice and an opportunity to challenge the decision immediately following the removal.

19. Effect of Criminal Proceedings. Because sexual assault may constitute both a violation of University policy and criminal activity, the University encourages students to report alleged sexual assaults promptly to University and/or local law enforcement agencies. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy, criminal investigations or reports are not determinative of whether sexual assault, for purposes of this Policy, has occurred. In other words, conduct may constitute sexual assault under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

1. The filing of a complaint of sexual assault under this Policy is independent of any criminal investigation or proceeding, and (except

that the University's investigation may be delayed temporarily while the criminal investigators are gathering evidence) the University will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take interim measures to protect the Complainant and the University Community, if necessary.

20. Retaliation Prohibited. Retaliation under this Policy: The University takes reports within jurisdiction of this Policy very seriously and will not tolerate retaliation against those who make such reports or participate in the investigatory or adjudicatory process. Retaliation includes, but is not limited to, any adverse employment or educational action taken for making a report under this Policy, or otherwise participating in any way in an investigation, proceeding, or hearing under this Policy. Any actual or threatened retaliation, or any act of intimidation, threats, coercion, or discrimination to prevent or otherwise obstruct the reporting, investigating, or adjudicating of Title IX Sexual Misconduct may be considered a separate violation of this Policy and may result in disciplinary sanctions. Any person who believes that she or he has been subjected to retaliation should immediately report this concern to the Title IX Coordinator.

21. False Complaints/Statement in Bad Faith. The University retains the right to charge an individual for making a materially false statement in bad faith during the course of an investigation, proceeding, or hearing under this Policy, but will not conclude that any individual has made a materially false statement in bad faith solely based on the determination regarding responsibility.

22. Time Frames. Investigation Time frame. The Office of Title IX will attempt to complete investigations within sixty (60) calendar days. However, additional time may be necessary to complete an investigation. When additional time is necessary, the Office of Title IX will notify the involved parties in writing.

VII. Title IX Grievance Procedures

This procedure shall constitute the grievance procedures for complaints alleging unlawful sex discrimination required under Title IX of the Education Amendments of 1972. As used herein, "complaint" is synonymous with "grievance".

VIII. Other Discrimination Grievances/Complaints

Complaints and grievances by faculty, staff and students alleging other forms of unlawful discrimination and harassment by faculty or staff, including but not limited to unlawful discrimination/harassment based on race, color, religion, national origin, age, disability, sexual orientation or veteran status, are subject to the procedures set forth in the University's "EEO / Non Discrimination" – MAPP 02.05.13.

AMERICANS WITH DISABILITIES ACT (ADA)/SECTION 504 POLICY

A. PURPOSE

The purpose of this operating policy/procedure is to ensure understanding of the University's responsibilities regarding the Americans with Disabilities Act (ADA), the ADA Amendments Act of 2008 (ADAAA) and Section 504 of the Rehabilitation Act of 1973 as amended (Section 504). It is the policy of Texas Southern University (TSU) to provide reasonable accommodations upon request for qualified individuals with a disability who are students, employees, or applicants for employment. TSU will adhere to all applicable state and federal

laws, regulations and guidelines with respect to providing reasonable accommodations as required to offer equal opportunities to qualified disabled individuals. The Vice President for Student Services will review this policy on an annual basis and forward any recommendations for revisions to the Human Resources Department.

B. INTRODUCTION

The Americans with Disabilities Act (ADA) of 1990 mandates equal opportunities for persons with disabilities in all public facilities, programs, activities, services and benefits derived from them. Section 504 of the Rehabilitation Act of 1973, as amended, mandates equal opportunity for qualified persons with disabilities in all programs, activities and services of recipients of federal financial assistance. The ADA, ADAAA and Section 504 are civil rights statutes which prohibit discrimination based on disability, obligate colleges and universities to make certain adjustments and accommodations and offer to persons with disabilities the opportunity to participate fully in all institutional programs and activities.

For federally assisted programs or activities operated by post-secondary education recipients, the specific obligations with regard to disabled students, faculty or staff, include but are not limited to the following:

- All programs and activities must be offered in the most integrated setting appropriate.
- Academic requirements must be modified, on a case-by-case basis, to afford qualified disabled
- individuals an equal educational and/or work opportunity;
- A recipient may not impose upon disabled individuals' rules that have the effect of limiting their participation
- in the recipients' education program or activity; for example, prohibiting tape recorders in classrooms or
- guide dogs in campus buildings.
- Students with impaired sensory, manual or speaking skills must be provided auxiliary aids such as taped texts, interpreters, readers and classroom equipment adapted for persons with manual impairments.

Texas Southern University provides all educational and other university-sponsored programs and activities to persons with disabilities in the most integrated setting appropriate. Students, employees, applicants and other individuals with disabilities served by TSU are not segregated, separated or treated differently. TSU does not require persons with disabilities to take advantage of all adjustments, accommodations or special services.

C. SCOPE

This policy applies to students, staff, faculty, job applicants, visitors, vendors and other beneficiaries of the programs, services, and activities of TSU.

D. DEFINITIONS

- **ADA/Section 504 Coordinator.** The University's Associate Vice President for Human Resources acts as the ADA/Section 504 Coordinator for faculty, staff and students and ensures the University's compliance with relevant federal and state laws regarding the ADA.
- **Disability.** A disability is defined as a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having an impairment.
- **Disability Resource Committee ("DRC").** A university advisory group that offers informal advice and support to the administration in

responding to persons with disabilities, their supervisors, visitors and the university community at large.

- **Essential Function.** A task or responsibility that is central (not marginal) to the purpose of the job, the class, or the activity.
- **Major life activity.** Major life activities include, but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working and major bodily functions, which include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions. An individual's ability to perform a major life activity is compared to most people in the general population.
- **Qualified individual with a disability.** An individual who has a physical or mental impairment as defined above, has a record of such impairment, or is regarded as having such impairment, who possesses the requisite skills, education, experience and training for a position, and who can, with or without a reasonable accommodation, perform the essential functions of the position the individual desires or holds.
- **Reasonable Accommodation.** A modification or adjustment to the job application process or the work or academic environment that enables a qualified person with a disability to be considered for a position, perform the essential functions of a position, or enjoy the same benefits and privileges of employment and academics as are enjoyed by similarly situated employees or students without disabilities. Reasonable accommodations include, but are not limited to modifying written examinations, making facilities accessible, adjusting work schedules, restructuring jobs, providing assistive devices or equipment, providing readers or interpreters, and modifying work sites.
- **Substantial limitation.** An impairment that prevents the performance of a major life activity that the average person in the general population can perform, or a significant restriction as to the condition, manner or duration under which an individual can perform a major life activity as compared to the average person in the general population.
- **Undue hardship.** An action that is unduly costly extensive, substantial, disruptive, or an act that would fundamentally alter the nature or operation of the business. An "undue hardship" is determined in accordance with the Americans with Disabilities Act (ADA), the Texas Commission on Human Rights Act, and relevant case law. Factors to consider in determining whether or not an accommodation would impose an undue hardship include, but are not limited to, the nature and cost of the accommodation, financial considerations, the impact of the accommodation upon the nature and operation of the department and how the request affects the health and safety of other employees or students.

E. INFORMATION

Any communications from the University concerning ADA and Section 504 related information shall be made accessible to all students and employees. This term includes student and employee policies, procedures, emergency evacuation plans, and other related information that shall be published in the student course selection booklet, student catalogs and handbooks, employee handbooks, and the University's Staff Operating Manual..

F. DISABILITY RESOURCE COMMITTEE

The Disability Resource Committee ("DRC") shall be charged by the President with assisting in the University's compliance with ADA laws.

The DRC acts as an advisory group providing informal advice and support to the administration in responding to issues regarding individuals with disabilities. The members of the committee shall be appointed by the President. Representation will include an individual from the following areas: Office of the General Counsel, Student Services, Human Resources, Thurgood Marshall School of Law (TMSL), College of Pharmacy and Health Sciences (COPHS), Facilities and Maintenance Services, Buildings and Grounds, Special Events, Faculty Senate, Staff Council, Risk Management, and one (1) member from the Student Government Association totaling eleven (11) members for the Disability Resources Committee.

G. ADA/SECTION 504 COORDINATOR

The University's ADA/Section 504 Coordinator, in conjunction with the Disability Resource Committee and ADA Hearing Committee, is responsible for assisting the University in compliance with all applicable state and federal laws regarding the ADA.

H. ADA HEARING COMMITTEE

The ADA Hearing Committee is responsible for hearing all ADA complaints submitted by students, visitors or employees. The Committee is composed of one (1) faculty member, one (1) administrator or staff member, and one (1) representative from the Student Health Center. The Committee shall be appointed by the President. Either the faculty member or the administrator or staff member shall serve as Chair of the Committee.

I. ADA BUILDING REPRESENTATIVE

A designated representative in each building serves as the point-of-contact for all ADA and Section 504 accessibility issues. That individual is responsible for assisting building occupants with being properly notified regarding ADA and Section 504 requirements, updates and emergency evacuation plans. The representative will report any ADA concerns to the Disability Resource Committee.

PROCEDURES FOR REQUESTING ACCOMMODATIONS

A. INTRODUCTION

All offices and individuals responsible for reviewing and analyzing the request shall maintain the confidentiality of all medical and ADA information. Records and information obtained about employees as part of a request for accommodations shall be maintained in a secure location in the ADA/Section 504 Coordinator's office. Student records and information obtained on students as part of an accommodations request shall be kept in a secure location in the Student Accessibility Service Office (SASO). All information shall be kept confidential, to the extent allowed by law, and shall be shared on a limited need-to-know basis to implement the accommodation request.

The University may, at the University's expense, request an independent medical opinion concerning the impairment for which an employee or student seeks an accommodation. This decision is based on several factors, and each case is assessed individually. Failure of an employee or student to cooperate in obtaining such an opinion will result in the cancellation of the request for accommodation.

B. STUDENT REQUESTS

Students requesting eligibility for accommodations and services may initiate this request for accommodation(s) by contacting the Student Accessibility Services Office (SASO) located in the Student Health

Center. Students will be required to provide a recent medical statement that contains a diagnosis, prognosis, and a description of the specific impairment(s) and the major life functions and activities affected by the impairment. Records and information obtained about our students as part of an accommodations request shall be kept in a secure location in the Student Accessibility Services Office (SASO). Students may be asked to submit additional medical information if the information previously provided is incomplete, outdated, unclear, or inconsistent according to the guidelines set forth by the SASO.

All documentation and information submitted with a request for accommodations shall be reviewed and considered by the University. The University may consult with an outside expert, who will assess the request and make recommendations for modifications. If a student is dissatisfied with the determination on accommodations, he or she may initiate a request for reconsideration with the SASO and may be required to submit additional information. The SASO and/or its consultant will review the determination and consider any additional information. The SASO will then issue a written notice regarding the outcome of reconsideration of the student's request. If a student remains dissatisfied with the determination, he or she may file an ADA complaint under the procedures outlined in the University's ADA policy.

SASO is in the Student Health Center. Office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. Call SASO at (713) 313-4210, either to make an appointment or to obtain additional information. More detailed information regarding the process may be found in the ADA/504 Policy (MAPP 02.05.15).

C. STAFF/FACULTY EMPLOYEE REQUESTS

Staff/faculty employees of TSU may request an accommodation by notifying the ADA/Section 504 Coordinator in writing stating the nature of their disability and the accommodation requested. Employees may be required to provide a recent medical statement by an appropriately licensed professional that contains a diagnosis, prognosis, and a description of the specific impairment(s) and the major life functions and activities affected by the impairment. Employees may be asked to submit additional medical information if the information previously provided is incomplete, unclear, outdated or inconsistent. If the employee does not provide the required documentation and information within fifteen (15) days, the request for accommodations may be cancelled for lack of necessary information.

In the event that a supervisor receives a request for accommodation, the supervisor shall immediately notify the ADA/Section 504 Coordinator so that the request may be processed in a timely manner. Any supervisor who, during job performance counseling, is informed by an employee that a physical or mental condition may be affecting the employee's work performance shall refer the employee to the ADA/Section 504 Coordinator.

The ADA/Section 504 Coordinator will analyze the request and confer with the employee and the supervisor to ascertain the employee's requirements and input on a reasonable accommodation and make a determination regarding which accommodations are necessary. If the employee is unable to demonstrate a disability or does not request a reasonable accommodation under the guidelines set forth in this policy, the request may be denied.

More detailed information regarding the process may be found in the ADA/504 Policy (MAPP 02.05.15).

D. JOB APPLICANTS

Applicants for employment may request accommodations by contacting the Office of Human Resources in Hannah Hall 126, the department in which they will be interviewing, or the chair of the search committee, when applicable. Upon receipt of a request, the chair of the department or search committee shall immediately notify the Office of Human Resources or the ADA/Section 504 Coordinator regarding the request. If the Office of Human Resources receives a request, the request should be forwarded to the ADA/Section 504 Coordinator, who will work with the appropriate individuals to determine what reasonable accommodations may be offered to a potential job applicant.

Applicants may be required to provide a recent medical statement by an appropriately licensed professional that contains a diagnosis, prognosis, and a description of the specific impairment(s) and the major life functions and activities affected by the impairment. Applicants may be asked to submit additional medical information if the information previously provided is incomplete, unclear, outdated or inconsistent. If the applicant does not provide the required documentation and information within fifteen (15) days, the request for accommodations may be cancelled for lack of necessary information.

E. BENEFICIARIES OF PROGRAMS, SERVICES AND ACTIVITIES

Beneficiaries of programs, services and activities may request accommodations by contacting the department or organization hosting the event, program, or activity. A designee of the event, service, or activity shall immediately notify the ADA/Section 504 Coordinator regarding the request. The ADA/Section 504 Coordinator shall determine, on a case-by-case basis, what reasonable accommodations may be offered.

Individuals may be required to provide a recent medical statement by an appropriately licensed professional that contains a diagnosis, prognosis, and a description of the specific impairment(s) and the major life functions and activities affected by the impairment. Individuals may be asked to submit additional medical information if the information previously provided is incomplete, unclear, outdated or inconsistent. If the individual does not provide the required documentation and information within a reasonable time prior to the event, service, or activity, the request for accommodations may be cancelled for lack of necessary information.

COMPLAINT AND HEARING PROCEDURE

A. PURPOSE

The purpose of this procedure is to provide the primary process for addressing student and employee complaints based on disabilities under the ADA and Section 504 of the Rehabilitation Act of 1973. Texas Southern University has adopted an internal complaint procedure providing prompt and equitable resolution of complaints alleging any action prohibited by Title II of the ADA and/or Section 504 of the Rehabilitation Act. Any individual who believes he or she was denied a reasonable accommodation or received insufficient accommodations in violation of this policy or disability laws may file an ADA complaint with the appropriate University official.

B. COMPLAINTS

All student ADA complaints should be addressed to the Student Accessibility Services Office (SASO):

Texas Southern University Student Accessibility Services Office

Student Health Center, Room 140

3100 Cleburne Street, Houston, Texas 77004

Or contact (713) 313-4210 or Email: disabilityservices@tsu.edu

C. COMPLAINT AND HEARING PROCEDURE

A complaint should be filed in writing, contain the name, address and telephone number of the Complainant, and briefly describe the alleged violation of the regulations. The complaint should be filed within thirty (30) days after the Complainant becomes aware of the alleged violation.

After receiving an ADA complaint, the University's ADA/Section 504 Coordinator shall schedule a hearing before the ADA Hearing Committee and submit a copy of the complaint and any other relevant documents to the committee. The hearing shall be scheduled within twenty-one (21) days from the date the ADA/Section 504 Coordinator receives the complaint.

The hearing shall consist of opening statements, if desired, by the Complainant, the institution or their representatives, and testimony by any witnesses called by the Complainant or the institution. During the hearing, both parties and the members of the ADA Hearing Committee shall have the right to question witnesses and introduce any relevant exhibits to the committee. The Complainant shall have the responsibility of presenting relevant facts and circumstances to establish the validity of the complaint. Formal rules of evidence will not apply during the hearing. The proceeding shall be non-adversarial in nature.

The chairperson shall control the hearing and take appropriate action to ensure an equitable, orderly, and expeditious hearing. As presiding officer, the chairperson may remove anyone not complying with the rules and/or disrupting the hearing. Witnesses will be heard one at a time and may be excused from the hearing by the chairperson after testifying.

At least ten (10) working days prior to the hearing, either party may request in writing that the proceedings be tape-recorded. At the conclusion of the testimony, both parties will be permitted to make a closing statement. Following the hearing, the Hearing Committee will retire to deliberate and will submit a written report of its recommendations to the ADA/Section 504 Coordinator within seven (7) days after hearing the complaint.

The complainant may request an appeal of the case in instances where he or she is dissatisfied with the resolution. The request for an appeal should be made within five (5) business days of receiving the decision of the Hearing Committee to:

ADA Coordinator:

Cynthia Buckley

Office of Title IX

Hannah Hall 127B

Texas Southern University

Houston, TX 77004 (713) 313-7037

cynthia.buckley@tsu.edu

D. APPEALS

Final determination of a reasonable accommodation rests with the University. Any request for an appeal that is submitted to the ADA/504

Coordinator shall be reviewed by the Associate Vice President/Chief Human Resources Officer for final review and resolution.