



PONTIFICAL JOHN PAUL II INSTITUTE
FOR STUDIES ON MARRIAGE AND FAMILY
AT THE CATHOLIC UNIVERSITY OF AMERICA

Policy Regimen regarding Title IX, Discriminatory, or Harassment Behaviors

I. General Guidelines

A. Obligations of the Institute: As a recipient of Title IV funding, the Pontifical John Paul Institute for Studies on Marriage and Family (hereafter referred to as the “Institute”) has an affirmative obligation to provide such educational services dealing with appropriate professional behaviors to its employees, students, and officers as may be required to comply with Title IX, Federal, and District of Columbia anti-discriminatory or harassment laws and regulations. The following provisions designate standards of conduct prohibiting discrimination and harassment, on the part of faculty, staff, administrators, students, and visitors, in violation of Title IX and other statutory and regulatory laws, and Institute policies. They also set forth required procedures and corrective actions for addressing such behaviors, if they occur.

B. General Provisions: These provisions, in conformity to the 2020 modifications contained in the Title IX Rule, address sexual harassment that occurs in an education program or activity of the Institute within the United States. Elements of this policy may be applied in a variable, yet reasonable, fashion as the Institute is a religious, private, non-governmental institution of higher education. To assist Institute personnel in developing an appropriate understanding of bias, sexual harassment, and Title IX policies and procedures, the Institute will provide appropriate educational services designed to inform specific institutional officers, employees, and enrolled students thereof.

In addressing harassment, alleged Title IX incidents, or complaints, designated Institute personnel will act promptly and appropriately as matters are officially brought to their attention. Only designated personnel (Provost, Dean, Associate Deans, or other specified officers) are authorized to address harassment, discrimination, or Title IX complaints on behalf of the Institute. Designated Institute personnel implementing these procedures will be free of conflicts of interest or bias and will not be involved in any way in the subject allegations or connected to the parties involved except as their status with the Institute shall prescribe.

C. Codes of Conduct and Relevant Policies and Procedures: The Institute does not possess, nor has it published, a special “Code of Conduct.” While the Institute is aware that some post-secondary institutions publish such a document, the Institute believes that its collective publications (catalogue, handbooks, and applicable policy statements) contain and reflect the policies and procedures that govern and stipulate appropriate conduct and behavior by the students, employees, and business invitees, both on the campus premises and at off-campus activities and locations.

D. Nondiscrimination Policy: Except as otherwise required or permitted by Federal and local laws or governmental requirements, the Institute does not deny the extension of applicable benefits of any applicable Federal law, program, or policy to any potential qualified eligible beneficiary, nor discriminate against any person (applicant, student, employee, guest, visitor, or member of the public in appropriate contact with the Institute) on the basis of age, skin color, disability, ethnicity, genetics, governmental regulation, military status, nationality, pregnancy status, race, religion, or sex. In the implementation of this policy, the Institute believes that within its mission, it follows applicable regulations and procedures established by the Office of Civil Rights, Equal Employment Opportunity Commission, Title IX of the Educational Assistance Act of 1972, Title IX Final Rule of 2020, or other applicable governmental agencies, laws, and regulations. The member of the Institute’s staff assigned to receive related inquiries or address alleged violations regarding the application of nondiscriminatory policies is the Title IX Coordinator listed below. All current students, employees, and business invitees shall have access to and

be appropriately informed of the name, campus location, and contact information of the Title IX Coordinator as listed herein.

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E. Professional Behavior Expectation Statement: The Institute is committed to maintaining a positive learning and working environment for all students, faculty, staff, and visitors. Catholic teachings and Institute policies require respect for the dignity of all persons. All education programs or activities of the Institute will be conducted in a professional manner aimed at promoting the Institute’s mission of education, research, and scholarship, free of any unwelcome behavior, treatment, or communication constituting sexual harassment.

Specifically, the Institute prohibits the following types of sexual misconduct within, during, or associated with any programs or activities over which it has control, whether committed on its Washington D.C. campus or elsewhere within the United States, that would jeopardize a person’s equal access to the education that Federal regulations and the law, especially Title IX, are intended to protect:

- Any explicitly or implicitly communicated terms or conditions constituting a quid pro quo relationship or harassment by an employee of the Institute related to employment, advancement, or any type of award of value.
- Any unwelcomed forcible or nonforcible conduct that reasonable persons would define as so objectionable, offensive, pervasive, or severe that it denies a person equal protection access to the educational or professional services offered by the Institute, such behavior to include but not be limited to sexual harassment or solicitations; stalking, touching, or unwanted or offensive physical contact; suggestive conversations or written communication; or distribution of documents, publications, photographs, or pictures.
- Any instance of sexual assault, abuse, or actions covered by the Clery Act; dating-related, interactional, or domestic violence; or behavior prohibited by the Violence Against Women Act (VAWA).
- Any form of sexual discrimination, harassment, or other conduct so severe and pervasive as to create an employment situation that unreasonably interferes with a person’s work performance and results in an intimidating, hostile, or offensive work environment.

In the event that any person (visitor, guest, student, faculty member, or administrator) experiences or has knowledge of an incident of discrimination or harassment potentially covered by these policies, a report of the occurrence may be delivered in person or by mail, phone, e-mail, or other suitable verbal or written means that reasonably informs the Title IX Coordinator. If the report is substantively sufficient to the meet the “formal complaint” requirement, having been notified, the Title IX Coordinator shall facilitate application of supportive measures and a responsive contact with the complainant, explain and follow applicable complaint and/or grievance procedures, confirm the application of all constitutional rights, initiate an appropriate investigation of the matter, and ensure the fair and equitable treatment and respect for the rights of all parties in the subsequent follow-up activities as noted in the Final Rule.

II. Implementation Procedures

A. Informal Reports or Complaints: When sexual harassment is reported, the Title IX Coordinator will initially contact the complainant and offer such supportive measures and responses as are appropriate. These preliminary responses will consist of non-disciplinary, non-punitive services appropriate for the individuals and the attendant circumstances that are available to both parties; are designed to support either party as may be appropriate; and are intended to facilitate the parties' continued access to their educational program without imposing unreasonable or unjustified burdens. These services must be made available irrespective of a party's subsequent decision to file or not file a formal complaint. Complaints or allegations of an informal nature that may or may not be documented and consist of incidental, minor, or lower-level matters may be handled in an appropriate and professional fashion as required by the applicable circumstances to protect the Institute and the interests of the parties. These processes may be used for a wide variety of day-to-day issues and student or academic problems. In such cases, the allegations, investigative requirements, fact-finding procedures, record keeping requirements, document preservation, and decision-making processes may vary considerably, and may resemble traditional collegiate student service or academic affairs procedures. These procedures may be implemented as appropriate and conform to customary Institute policies and procedures.

B. Formal Complaints: Any person who believes that he or she has been subjected to sexual harassment may file a formal complaint with the Title IX Coordinator. Formal complaints shall consist of written documents submitted by a complainant or submitted by the Title IX Coordinator against a respondent on behalf of complainant (student, employee, or person attempting to enter or participate in an Institute program or activity) alleging behavior or conduct that constitutes a violation of an applicable Institute policy or local, state, or federal law. In some situations, the Title IX Coordinator may elect to investigate or process allegations of misconduct without such documentation for safety reasons or to avoid "deliberate indifference" allegations. Title IX complaints will be filed for third persons by the Title IX Coordinator only if such actions are reasonable, take place subsequent to consultation with the complainant, and there is no bias or conflict of interest present.

The Final Rule provides for more prescriptive informal resolution opportunities in discrimination and harassment cases when a formal complaint is filed but the parties voluntarily give written consent to this less formalized and mutually agreed upon process. In such cases, the parties retain the option to withdraw, and do not waive any other resolution rights, including the option to resume a grievance process. In such situations, the issues involved are usually processed through mediation or arbitration-type proceedings aimed at achieving a desired level of restorative justice.

Once a formal complaint is lodged requesting that the Institute investigate the allegation of misconduct, the Title IX Coordinator will (a) offer appropriate support measures to the complainant that are non-punitive, non-disciplinary, and not unreasonably burdensome to the respondent, and (b) provide written notification to the involved parties, including appropriate information but not limited to the following:

- Identify the parties involved in the allegation(s), assuming they are known.
- Identify and describe the alleged discriminatory or harassment activity or offensive behavior.
- Identify the date, place, and particulars constituting the alleged misconduct.
- Identify the respondent as not being presumed to have been responsible for the alleged misconduct; responsibility is the subject of a subsequent investigative process.
- Inform parties that they may have advisors, including, but not requiring, an attorney.
- Inform parties that they may inspect, examine, or review evidence used by either side, if applicable.
- Inform parties that the Institute's policies prohibit a party from knowingly making or using false statements, information, or documents.
- Inform parties that should the investigation need to be enlarged beyond the original parameters of the allegation(s), they will receive written notice.

C. Dismissal of the Matter: Following the filing of a report or submission of a formal complaint document, said allegation may be dismissed for any of the following reasons or characteristics, if the Title IX Coordinator so determines:

- The allegation, proved or disproved, did not take place in the United States.
- The event did not constitute sexual harassment as defined by the Final Rule or a violation of any statutory law, agency regulation, or institutional policy or rule.
- The complainant desires to withdraw the allegation and voluntarily so notifies the Title IX Coordinator in writing.
- The respondent (student or employee) is no longer enrolled in or employed by the Institute.
- The respondent has permanently left the country.
- The existing circumstances prevent the parties from obtaining or presenting evidence essential for the resolution of the matter.

In all dismissal cases, the Title IX Coordinator shall notify the parties of this action through a written notification to the addresses of record.

Should a dissatisfied party to an informal resolution process so desire, a written appeal request may be submitted to the Dean of the Institute within fifteen (15) days of the date of the receipt of the notification setting forth the rationale for the requested appeal; such appeals will be investigated and addressed within a reasonable time and the parties notified of the decision.

D. Filing a Formal Complaint: A formal written complaint alleging violation of Title IX stipulations, harassment, or discriminatory behavior may only be filed by a complainant or the Title IX Coordinator on behalf of another person; such complaints will allege discriminatory behavior, sexual harassment, Title IX violations, or other qualifying misconduct and request the Institute to investigate the matter. Without the filing of a complaint, no investigation is required. The complainant must deliver the complaint electronically, in person, or by US mail to an officer of the Institute. If the receiving officer is not the Title IX Coordinator, that person should deliver the complaint to said Coordinator within a reasonable time. The complainant must be an enrolled or on-leave student, an employee, or a person engaged in or attempting to participate in a program or activity of the Institute. The Title IX Coordinator may dismiss the complaint, accept the complaint and proceed to process the matter, or, subsequent to appropriate consultations with parties and for reasonable causes, file a complaint on behalf of a potential complainant to protect the institution, specific persons, or counter potential “deliberate indifference” allegations.

No specific forms are required to file a Title IX, harassment, or discrimination complaint; however, formal complaints should contain as much relevant information as possible to demonstrate the efficacy of the document and its allegations and to support the investigation request. The complaint should be addressed to the Title IX Coordinator or other Institute officer. Upon receipt of the complaint, the personnel of the Institute will take such of the following actions as are appropriate:

- Forward appropriate written notifications to the involved parties.
- Conduct a reasonable and equitable grievance review of the complaint.
- Facilitate and not restrict communications with or inquiries from the involved parties.
- Conduct, as warranted, a timely, objective, and responsive formal or informal investigation that complies with this grievance process, including interviews with appropriate parties.
- Treat all parties in a fair and equitable fashion.
- File a preliminary report within 45 business days of the complaint’s submission or as otherwise required by the Final Rule.
- Allow the parties involved in the complaint 15 days following the issuance of the initial and all subsequent reports for review, consultation, and responsive comment.
- Take such facilitating actions as may be warranted by the report and any subsequent procedures.

E. Informal Resolution of a Formal Complaint: As an initial activity, it may be possible to resolve the complaint or allegation(s) of misconduct through informal procedures to address the issue expeditiously, hasten investigatory procedures, and facilitate adjudication processes. Often, counseling, mutual agreements, or admission and acceptance of responsibility, with or without disciplinary consequences, can more easily resolve situations and address misconduct allegations at the early stages of the process. In these situations, a case facilitator should be appointed by Institute administrators who is trained, possesses appropriate credentials, and is experienced in such conflict resolution proceedings. This process cannot be used to resolve a matter involving sexual harassment allegations of a student against an institutional employee. Parties to an informal procedure may withdraw any time prior to the executing of a resolution agreement.

Informal complaints should be analyzed and reviewed, and upon resolution may be reflected in an “informal resolution agreement” in which both parties agree to its contents or to a written determination of responsibility that contains sufficient specificity to address the issues to the satisfaction of both parties, evidenced by their signatures. Upon conclusion, the Title IX Coordinator shall distribute copies and information through written notification to the addresses of record indicating the conditions, consequences, and party statuses as reflected in the agreement. Once agreed upon and signed by the parties, no further action is permitted unless the agreement is negated through noncompliance or the discovery of significant new allegations or evidence. Whether dismissed or processed, the Title IX Coordinator shall maintain the confidential record of the matter, including the original complaint and allegations, mutual requests and consent for the proceedings, report by the case facilitator reflecting the basis for the decision or other action, the “resolution agreement”, and copies of all correspondence and notifications. Such informal resolution proceedings may be elevated to a formal status by the Title IX Coordinator if circumstances warrant or by a subsequent decision by the appropriate party.

F. Formal Complaint Investigations: In the event that a formal complaint is filed or deemed appropriate and desirable, the investigation of the complaint’s allegations shall be supervised by qualified and trained person (investigator) who may or may not be a member of Institute staff; however, the investigator cannot be the Title IX Coordinator. The Institute will insist that the investigation is conducted in accordance with the appropriate procedural stipulations as noted herein and addressed in the Final Rule. In conducting the investigation, the Institute will ensure that both parties are notified of the allegations and informed that the Institute will investigate the same as part of the subsequent grievance process. The Institute must treat all parties fairly and equitably by providing open and unrestricted equal opportunities to present and appropriately respond in the initial phases of the investigation, which may precede any formal hearing.

During the investigative phase of the process, the Institute is responsible for collecting relevant and appropriate evidence to assist in the evaluation of whether the burden of proof has been satisfied. No “gag” order shall be issued, and all parties may be assisted by an advisor of the party’s choice. The Institute shall protect the privacy of all parties, refrain from using records of the parties without prior consent, and distribute written notices of all proceedings and copies of relevant evidence to the parties. Should a party be deemed to pose an immediate threat to the health and safety of a student or others, the institution may remove the student from the facilities or an employee from assigned responsibilities. In such situations the student or employee must be notified in writing of the intended action and provided an opportunity to respond. If there are multiple allegations, formal complaints may be consolidated. If necessary, an accused employee may be placed on administrative leave. At the conclusion of the investigation, which may or may not include a formal hearing, the Institute must send the parties a summarized investigative report and provide ten (10) days for a response. The Institute must dismiss any allegation that satisfies the standards for a dismissal as otherwise stated herein. In the event of a dismissal, the Institute must notify the parties in writing indicating its rationale for the decision.

G. Formal Hearings: In the event that the investigation demonstrates that a formal “live” hearing is warranted, or the parties are not voluntarily amenable to a non-hearing resolution, a formal hearing on the allegation(s) may take place. The primary purpose of the hearing is to (1) ascertain the facts of the

matter, (2) identify elements that are in dispute or not agreed to by the parties, and (3) facilitate the making of a responsible decision by the Institute. All post-secondary institution grievance-policy cases involving Title IX issues must provide for a live hearing. Should the respondent accept responsibility for the alleged misconduct in writing prior to the hearing and agree to the proposed disciplinary actions, the matter will be considered addressed and consequently closed. If a hearing or formal grievance procedure is scheduled, it shall take place within thirty (30) days subsequent to the issuance of the investigatory report. A formal hearing is not a trial; as a private institution, all of the elements of due process are not necessarily applicable; rather, the “principles of fairness” are incorporated herein by reference and should be present as applicable to the circumstances.

The “live” hearing will be conducted by a trained and qualified hearing officer appointed by the Institute. The hearing officer will not be the Title IX Coordinator, investigator, or the Institute’s decision maker(s). The hearing officer shall develop and establish the hearing’s procedural order and rules and shall preside during and oversee the conduct of the hearing, including the interactions with and between the parties. In the course of the conduct of a formal hearing, the following expected elements would be customarily present. The parties should:

- Have equal access to all parties, said parties being present and participatory;
- Have access to all evidence and witnesses; may provide submitted questions and answers with follow-up permitted from the parties;
- Be treated fairly and equitably;
- Pose relevant initial, cross examination, and follow-up questions;
- Discuss the allegations, if they so desire;
- Be allowed accompaniment by advisors of choice, who may participate in the proceedings and who may be attorneys (although an attorney is not necessary);
- Receive all relevant notices in a timely fashion;
- Be granted adequate preparation time for all proceedings;
- Receive copies of reports and have access to appropriate records and proceeding transcripts;
- Benefit from transparent procedures conducted by appropriate and trained personnel;
- Be governed by the “clear and convincing evidence” standard;
- Respect legal privacy, where applicable, and avoid conflicts of interest;
- Be subject to the imposition of reasonable actions, remedies, or sanctions;
- Be subject to receiving an explanation of the appeals process;
- Be subject to physical separation if deemed advisable by the hearing official;
- Benefit by the Institute’s efforts to follow the Final Rule;
- Benefit from a decision being rendered within a reasonable time following the conclusion of the hearing; and
- Benefit from the maintenance of an appropriate and mandatory record of the proceedings (audio, audiovisual, or written).

Any modifications of the above, imposed or agreed upon, will not prejudice the complaint or the process.

At the conclusion of the hearing, the officer shall provide (1) the relevant information contained in the findings of fact and (2) the procedural and testimonial record of the hearing to the institutional decision maker. The Institute’s decision maker, who cannot be the Title IX Coordinator, investigator, or hearing officer, shall review the findings of fact governing the matter, the investigative report, and the record of the proceedings as a basis for rendering a decision in the matter. The decision maker shall dismiss any allegation that qualifies or satisfies the standards for a dismissal as otherwise stated herein. In the event of a dismissal, the Institute must notify the parties in writing indicating its rationale for the decision. If not dismissed, the decision maker shall render a decision concerning the event or misconduct responsibility, utilizing the findings of fact and the information contained in the hearing record. The decision maker will apply the clear and convincing evidence standard to the entire matter, thereby determining whether

the allegation(s) or misconduct is confirmed. In the event the allegations are confirmed, and the respondent is deemed responsible for the misconduct, the decision maker may impose disciplinary sanctions on the respondent and remedies may be extended to the complainant. The decision maker shall prepare a written decision, copies of which shall be delivered simultaneously to all parties to the addresses of record, including the hearing officer's report, or record of the facts, proceedings, and appropriate procedural decisions. This communication shall be accompanied by information concerning the appeal process. It is noted that these proceedings are institutional in nature and have no necessary application to any further civil or criminal action that might be generated by the allegations in the matter; if such actions take place, they are the result of decisions made by the aggrieved party or the governmental entity with appropriate legal jurisdiction.

H. Appeal Procedure: The Institute must provide the parties with instructions for the filing of an appeal, should that be desired. Thus, subsequent to the hearing and the rendering of a decision, a party may file an appeal of the decision, including separated allegations if they constituted cumulative misconduct, on any of the following grounds: (1) decision-impacting procedural irregularity, (2) newly discovered evidence affecting the outcome; or (3) conflicts of interest or bias on the part of the Title IX Coordinator or other officials that affected the final decision. The aggrieved party shall have fifteen (15) days following receipt of the hearing record and the determination of responsibility within which to file the appeal, complying with the appeal instructions provided by the Institute. As previously noted, the Institute may allow and facilitate an informal resolution or other supplemental informal procedures if both parties are in agreement, are informed, and provide written consent. These timeframes are target periods and may be extended by the Institute for reasonable and valid causes; however, no attempt will be made to unreasonably delay or postpone appropriate activities. All timeframe adjustments by the Institute shall be communicated to all parties in writing and stating the justification within reasonable timeframes.

I. Retaliation is Prohibited: The Institute and the Final Rule expressly prohibit retaliation against any party to the grievance procedure. The Institute must maintain confidentiality concerning the identity of the parties and the witnesses, unless permitted by FERPA or required by law if the misconduct may qualify as alleged criminal behavior. The exercise of constitutional rights, such as free speech, shall not be construed as retaliation. Charging a party with misconduct or making untrue statements in the course of the hearing does not constitute retaliation if the accusations are verifiable. Hearing misconduct includes any attempted discriminatory activity, such as harmful reactionary behaviors, false accusations, inaccurate grievance reports, retaliatory statements, or other "bad faith" actions.