# United Theological Seminary

As a matter of ethical, moral and legal responsibility, United Theological Seminary recognizes its obligations under Title IX, the Campus Sexual Violence Elimination Act, Campus SaVE Act, and the Clery Act. These acts prohibit a verity of discrimination and descriptions of these regulations can be found at the U.S. Department of Education website: https://www.ed.gov/about/ed-offices/ocr/regulations-enforced-by-the-office-for-civil-rights

This policy addresses the requirements of and the seminaries handling of these responsibilities as a private institution receiving Federal financial assistance.

In accordance with U.S. Department of Education guidelines, United Theological Seminary has created its Title IX policy and procedures as found in the United's Nondiscrimination and Anti-Harassment Policy, Model Confidentiality, Privacy and Reporting Policy for resolving complaints of harassment, sexual misconduct and other forms of discrimination, as well as the Reporting Form to report an incident.

# UNITED'S NONDISCRIMINATION AND ANTI-HARASSMENT Policies

### GENDER-BASED MISCONDUCT POLICY

Members of the Seminary community, guests and visitors have the right to be free from all forms of gender and sex-based discrimination, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner in accordance with our Christian faith and highest of moral character which does not infringe upon the rights of others.

The Seminary believes in a policy of strong action against gender and sex based misconduct. When an allegation of misconduct is brought to an appropriate administration's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when responding party is found to have violated this policy. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and model procedures establish a mechanism for determining when those expectations have been violated.

United's sex/gender harassment, discrimination and misconduct policies are not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that includes controversial or sensitive subject matters protected by

academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern. (faculty should see handbook for more details)
The seminary uses the preponderance of the evidence (also known as “more likely than not”) as a standard for proof of whether a violation occurred. In campus resolution proceedings, legal terms like “guilt, “innocence” and “burdens of proof” are not applicable, but the seminary never assumes a responding party is in violation of seminary policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

## TITLE IX COORDINATOR

The seminary Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination and misconduct policy. The Coordinator reports directly to the President of the seminary. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the seminary Title IX Coordinator:

**Contact information:**

**Title IX CoordinatorS**

**Marcia Byrd**
**Steven Swallow**
United Theological Seminary
4501 Denlinger RD.
Dayton, Ohio 45426
Email: titleix@united.edu

Additionally, anonymous reports can be made by victims and/or third parties using the Complaint Form provided to the Title IX Coordinator listed above. Note that these anonymous reports may prompt a need for the institution to investigate.
Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Office for Civil Rights, Cleveland Office
U.S. Department of Education
600 Superior Avenue East
Bank One Center, Room 750
Cleveland, OH 44114-2611
(216) 522-4970; FAX (216) 522-2573; TDD (216) 522-4944
OCR_Cleveland@ed.gov

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the President, Dr. Kent Millard.

## OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO PHYSICAL SEXUAL MISCONDUCT

The expectations of our community regarding sexual misconduct can be summarized as follows:

- In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity.
- Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't.
- Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission-- cannot be assumed to show consent.
- Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "no."

## OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the faculty/staff handbooks.

The seminary does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the seminary. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes TA's and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

## SEXUAL VIOLENCE – RISK REDUCTION TIPS

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless, help you to reduce your risk experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.

• DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent.

• Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.

• Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.

• Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.

• Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
• Silence and passivity cannot be interpreted as an indication of consent.

Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

In campus hearings, legal terms like "guilt, "innocence" and "burdens of proof" are not applicable, but the seminary never assumes a student is in violation of seminary policy. Campus hearings are conducted to take into account the totality of all evidence available, from all relevant sources.
The seminary reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the seminary reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The seminary will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

**SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO**:

**1. Sexual Harassment**
**2. Non-Consensual Sexual Contact (or attempts to commit same)**

**3. Non-Consensual Sexual Intercourse (or attempts to commit same)**
**4. Sexual Exploitation**

1. SEXUAL HARASSMENT

Sexual harassment is:

• unwelcome,
• sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any Seminary program is encouraged to report it immediately to the Title IX Coordinator. Remedies, education and/or training will be provided in response.
Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:
• sufficiently severe, or
• persistent or pervasive, and
• objectively offensive that it:

o unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the seminary's educational [and/or employment], social and/or residential program.

Quid Pro Quo Harassment is:
• Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
• By a person having power or authority over another constitutes sexual harassment when
• Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational [or employment] progress, development, or performance.
• This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] Program.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

Some examples of possible Sexual Harassment include:
• A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
• A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
• Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door
• Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
• A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
• An ex-girlfriend widely spreads false stories about her sex life with her former

boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus
• Male students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, "sexual relations" and Weight Watchers.
• A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

2. NON-CONSENSUAL SEXUAL CONTACT
Non-Consensual Sexual Contact is:
• any intentional sexual touching,
• however slight,
• with any object,
• by a person upon another person,
• that is without consent and/or by force.
Sexual Contact includes:
o Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
o Any other intentional bodily contact in a sexual manner.
Ohio Definitions: https://codes.ohio.gov/ohio-revised-code/section-2907.01

3. NON-CONSENSUAL SEXUAL INTERCOURSE
Non-Consensual Sexual Intercourse is:
• any sexual intercourse

• however slight,
• with any object,
• by a person upon another person,
• that is without consent and/or by force.
Intercourse includes:
o vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

4. SEXUAL EXPLOITATION
Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

• Invasion of sexual privacy;
• Prostituting another student;
• Non-consensual video or audio-taping of sexual activity;
• Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
• Engaging in voyeurism;
• Knowingly transmitting an STI or HIV to another student;
• Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
• Sexually-based stalking and/or bullying may also be forms of sexual exploitation

<u>ADDITIONAL APPLICABLE DEFINITIONS:</u>
• Consent:
o Consent is
• clear, and
• knowing and
• voluntary.
• words of actions,
• that give permission for specific sexual activity.
o Consent is active, not passive.
o Silence, in and of itself, cannot be interpreted as consent.
o Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.
o Consent to any one form of sexual activity cannot

automatically imply consent to any other forms of sexual activity.
o Previous relationships or prior consent cannot imply consent to future sexual acts.
o In order to give consent, one must be of legal age.
o Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
• Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
• The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.

• Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).
• This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of rape drugs. [Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at: http://www.911rape.org/].

• Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want.").
o Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

o NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance.

Sexual activity that is forced is by definition non-consensual, but non- consensual sexual activity is not by definition forced.

• Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.
• The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.
• For reference to the pertinent state statutes on sex offenses, please see

EXAMPLES
1. Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00pm until 3:00am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being “a prude.” Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a "hand job" (hand to genital contact). Amanda would never had done it but for Bill's incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have left. **Bill is responsible for violating the seminary Non-Consensual or Forced Sexual Contact policy. It is likely that a seminary hearing board would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not effective when forced. Sex without effective consent is sexual misconduct.**

2. Jiang is a junior at the seminary. Beth is a sophomore. Jiang comes to Beth’s dorm room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, and are soon becoming

more intimate. They start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a baby-sitter when she was five, and has not had any sexual relations since, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop, but cannot. Beth is stiff and unresponsive during the intercourse. Is this a policy violation? **Jiang would be held responsible in this scenario for Non Consensual Sexual Intercourse. It is the duty of the sexual initiator, Jiang, to make sure that he has mutually understandable consent to engage in sex.**
**Though consent need not be verbal, it is the clearest form of consent. Here, Jiang had no verbal or non-verbal mutually understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, students should attempt to be as clear as possible as to whether or not sexual contact is desired, but students must be aware that for psychological reasons, or because of alcohol or drug use, one's partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.**

3. Kevin and Amy are at a party. Kevin is not sure how much Amy has been drinking, but he is pretty sure it's a lot. After the party, he walks Amy to her room, and Amy comes on to Kevin, initiating sexual activity. Kevin asks her if she is really up to this, and Amy says yes. Clothes go flying, and they end up in Amy's bed. Suddenly, Amy runs for the bathroom. When she returns, her face is pale, and Kevin thinks she may have thrown up. Amy gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that Amy seems pretty groggy and passive, and he thinks Amy may have even passed out briefly during the sex, but he does not let that stop him. When Kevin runs into Amy the next day, he thanks her for the wild night. Amy remembers nothing, and decides to make a complaint to the Dean. **This is a violation of the Non-Consensual Sexual Intercourse Policy. Kevin should have known that Amy was incapable of making a rational, reasonable decision about sex. Even if Amy seemed to consent, Kevin was well aware that Amy had consumed a large amount of alcohol, and Kevin thought Amy was physically ill, and that she passed out during sex. Kevin should be held accountable for**

**taking advantage of Amy in her condition. This is not the level of respectful conduct expected of students.**

**<u>OTHER MISCONDUCT OFFENSES (WILL FALL UNDER TITLE IX WHEN SEX OR GENDER-BASED)</u>**

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the seminary community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
5. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).
6. Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other;
a. A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
b. An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
c. A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
d. Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

7. Stalking
a. Stalking 1:

    i. A course of conduct
    ii. Directed at a specific person
    iii. On the basis of actual or perceived membership in a protected

Class
iv. That is unwelcome, AND
v. Would cause a reasonable person to feel fear

b. Stalking 2:

i. Repetitive and Menacing
ii. Pursuit, following, harassing and/or interfering with the peace and/or safety of another]

c. Examples of Stalking:

i. A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together. Stalking 1.
ii. A graduate student working as a on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate the gift deliveries to stop. The student then started leaving notes of love and gratitude on the graduate assistant's car, both on-campus and at home. Asked again to stop, the student stated by email: “You can ask me to stop, but I’m not giving up. We are meant to be together, and I’ll do anything necessary to make you have the feelings for me that I have for you.” When the tutor did not respond, the student emailed again,

“You cannot escape me. I will track you to the ends of the earth. We are meant to be together.” Stalking 2.

8. Any other Seminary policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party’s sex or gender.

**RETALIATION**

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity [subject to limitations imposed by the 1st Amendment and/or Academic Freedom]. Retaliation

against an individual for an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of seminary policy.

## SANCTIONS

The following sanctions may be imposed upon any member of the community found to have violated the Sex/Gender Harassment, Discrimination and Misconduct Policy. Factors considered in sanctioning are defined in [reference or link to Student Handbook, Faculty Handbook, Staff Handbook]. The following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

**Student Sanctions (listed below and defined in [Student Handbook])**

- Warning
- Probation
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Transcript Notation
- Organizational Sanctions
- Other Actions

**Employee Sanctions (listed below and defined in Employee [Faculty or Staff Handbook])**

- Warning – Written or Verbal
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Demotion
- Loss of Annual Pay Increase
- Suspension without Pay
- Suspension with Pay
- Revocation of Tenure
- Termination

**Sanctioning for Sexual Misconduct**

- Any person found responsible for violating the Non-Consensual Sexual Contact policy (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.*

• Any person found responsible for violating the Non-Consensual Sexual Intercourse policy will likely face a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).*

• Any person found responsible for violating the Sexual Exploitation or Sexual Harassment policies will likely receive a recommended sanction ranging from warning to expulsion or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.*

*The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

Approval of Policy
Date: July 1, 2022_