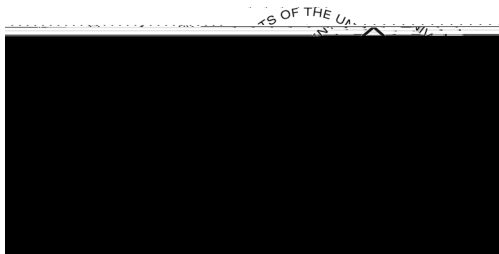


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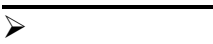


Exhibit
BOARD OF REGENTS POLICY MANUAL
Revised Policies with Markup
Meeting of September 9 2021

Revision to BOR Policy Manual: Section 4.6.5 Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings

REVISED POLICY LANGUAGE

4.6.5 Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings

4.6.5.4 Process for Investigating and Resolving Sexual Misconduct Reports

A. Title IX Hearings

1. Where a party or a witness is unavailable, unable, or otherwise unwilling to participate in the hearing, including being subject to ~~cross~~ examination, the hearing panel shall not rely on ~~statements from that party or witness in reaching its determination regarding responsibility~~. The hearing panel shall not draw an adverse inference against the party or witness based solely on their absence from the hearing or refusal to subject to ~~cross~~ examination.
2. The parties shall have the right to present witnesses and evidence at the hearing.

raised questions and must document the reason for not permitting any particular questions to be raised.

4. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, shall be deemed irrelevant, unless such questions and evidence are offered ~~to prove~~ to prove one other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.
5. The hearing panel shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, ~~ps~~ psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
6. Formal judicial rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.
7. Following a hearing, the parties shall be simultaneously provided a written decision via institution email of the hearing outcome ~~and~~ any resulting sanctions or administrative actions. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the evidence relied upon and rationale for any sanction or other administrative action. The institution shall also notify the parties of their right to appeal as outlined below.

4.6.5.6 Appeals

Appeals may be made ~~in any case~~ ^{where} sanctions are issued, even when such sanctions are held "in abeyance," such as probationary or expulsion. Where the sanction imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures must be provided:

The Respondent (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, the Complainant) shall have the right to appeal the outcome on any of the following grounds: [REDACTED] in the original hearing (or appeal), because such information was not known or knowable to the person appealing during the time of the hearing (or appeal); (2) to alleusel sea 0(e)0.9 (a8))5 (c0.9 (g)2 ((; (2)-2 (