

### 3335-5-04(A)(16)

Complaints of sexual misconduct pursuant to Title IX of the Education Amendments Act of 1972 and implementing regulations that are made against faculty members shall not be subject to the procedures set forth in Sections (B) through (D) of this rule, nor shall they be investigated by a college investigation committee under Section (E). Instead, such complaints shall be investigated pursuant to the procedures set forth in the university Sexual Misconduct policy, and findings shall be made at the preponderance of the evidence standard. All findings of misconduct shall be referred to the applicable college investigation committee for a recommendation for sanctions only in accordance with Section (E)(3)-(4). The sanction recommendation shall be incorporated into the findings in accordance with the university Sexual Misconduct policy, and a written determination containing the combined findings and recommended sanction shall be issued. Complainant and respondent shall have equal rights to appeal the written determination to the executive vice president and provost in accordance with Section (G) of this rule. The appeal shall be on the grounds for appeal permitted by the Sexual Misconduct policy and in accordance with the procedures provided by that policy. No other appeals shall be permitted.