St. Paul's School of Nursing Policy and Procedures on Prohibited Sex Discrimination

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INTRODUCTION

St. Paul's School of Nursing (hereinafter The School) is committed to protecting the safety, health, and well-being of its students, employees, and all people who come into contact with The School community. In support of this commitment, and as required by Title IX of the Education Amendments of 1972 ("Title IX") and other applicable federal and state laws, The School has created this policy that prohibits Sex Discrimination and Retaliation for making a good faith report of Sex Discrimination under this policy.

This policy and its procedures, as they may be amended from time to time, are available on The School's website at https://www.stpaulsschoolofnursing.edu/consumer-information/title-ix.html. Notice of the Policy's availability is distributed to all prospective students and employees prior to enrollment or employment, as applicable. In addition, the policy is distributed annually to all current students and employees and is featured in [The School]'s training and outreach efforts relating to Sex Discrimination. The definitions of key terms used in this policy are included in the final section titled "Glossary of Terms."

St. Paul's School of Nursing/Institute Title IX Coordinator

The School's designated Title IX Coordinator is responsible for administering this policy and coordinating The School's compliance with Title IX. In fulfilling this role, the Title IX Coordinator oversees The School's management of reports and Complaints that involve allegations of Sex Discrimination and Retaliation, monitors outcomes of policy and training efforts, identifies and addresses any patterns, and assesses effects on the campus climate. In addition, the Title IX Coordinator carries out training, assists individuals who have experienced Sex Discrimination or Retaliation, including on an emergency basis, oversees the provision of Supportive Measures, and monitors and addresses barriers to reporting. Contact information for The School's Title IX Coordinator is set out below:

Title IX Coordinator	
Campus	St. Paul's School of Nursing
Name	Suzanne Peters, Esq.
Title	Title IX Coordinator
Street	5026 D Campbell Blvd.
State	Maryland
Zip	21236
Phone	330-805-2819
Email	speters@edaff.com

Individuals may contact the Title IX Coordinator for a number of purposes, including to:

- Ask questions regarding the information or procedures set out in this policy.
- Ask questions about Title IX or the related regulations of the U.S. Department of Education.
- Make a report of alleged Sex Discrimination or Retaliation.
- Seek information or training about students' rights and courses of action available to resolve reports or Complaints that involve potential Sex Discrimination or Retaliation.
- Notify [The School] of an incident or other issue that may raise potential concerns under this policy.

- Obtain information about available resources (including confidential resources) and support services relating to Sex Discrimination.

Questions about Title IX or the related regulations of the U.S. Department of Education also may be referred to the Department of Education's Office for Civil Rights at 400 Maryland Avenue, SW, Washington DC 20202 or (800) 421–3481.

References to the Title IX Coordinator in this policy and procedures shall include the Title IX Coordinator and the designee of the Title IX Coordinator.

Emergency and Medical Assistance for Individuals Who Have Experienced Physical Assault or Injury

In instances of Sex Discrimination or Retaliation involving physical assault or injury, it is important to (1) to locate a place of safety and (2) to obtain any necessary medical treatment. [The School] strongly encourages individuals in these circumstances to obtain a medical examination immediately to determine the extent of any injuries and to ensure the preservation of evidence.[1] It is important to understand that time is a critical factor for evidence collection and preservation, and that preserving evidence may be necessary to prove that a form of Sex Discrimination or Retaliation occurred, or to obtain an order of protection.

The Campus President or the Title IX Coordinator can provide information for additional resources, as well as information regarding rights and options for moving forward.

Reporting Sex Discrimination to Law Enforcement

Subsequent to securing safety and medical care, The School also encourages any individual who believes that he or she has experienced potentially criminal Sex Discrimination or Retaliation to report the incident to law enforcement. Emergencies may be reported to local law enforcement in person or via telephone at 911. Non-emergencies may be reported to local law enforcement in person or via telephone using the contact information below. If any individual requires assistance notifying local law enforcement, the Campus President or Title IX Coordinator will assist.

Reporting Incidents of Sex Discrimination or Retaliation to The School

There is no time limit for reporting Sex Discrimination or Retaliation to The School under this policy. However, individuals are encouraged to make a report as soon as possible in order to maximize The School's ability to obtain evidence and to conduct a timely, thorough, impartial, and reliable investigation. Reports may be made in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's contact information above, or by any other means that results in a Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours.

Legal Confidentiality and Privacy of Reports Made to The School

[1] A hospital, with the individual's permission, will collect physical evidence by conducting a medical examination. Hospitals are required by law to preserve such evidence for a minimum period of time. Consenting to an examination does not obligate the individual to pursue criminal charges.

There is an important distinction between "Legal Confidentiality" and "Privacy." Legal Confidentiality may only be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials (*e.g.*, licensed mental health counselors, medical providers, or pastoral counselors) (hereinafter referred to as "Confidential Employees"). It is important to note, however, that certain Confidential Employees may nonetheless be required by law—such as mandatory child abuse reporting laws—to disclose specific information to external entities.

In contrast, an individual who is required by policy or law to report incidents of Sex Discrimination or Retaliation to institution officials can only offer Privacy, meaning that they will not disclose information learned from a reporting individual or bystander any more than is necessary to comply with legal and policy obligations. Information reported to non-confidential employees will be treated as Private and will be relayed only as necessary for The School to investigate and, if applicable, seek a resolution.

Individuals wishing to speak with a Confidential Employee may speak with the following the Campus President.

Individuals wishing to speak with persons outside of The School who are able to offer Legal Confidentiality may contact the Campus President for a list of organizations for assistance:

Prior to making a report, individuals seeking Legal Confidentiality are encouraged to verify with any individual he or she can indeed offer Legal Confidentiality and the extent of that confidentiality, including any mandatory reporting requirements.

The School's Campus Security

The School does not have Campus Security. Call 911 for any emergency.

Anonymous Reporting of Sex Discrimination or Retaliation

The School recognizes that under certain circumstances individuals who believe that they have experienced or witnessed Sex Discrimination may wish to make an anonymous report. An individual can make an anonymous report by at: https://www.edaff.com/title-ix-contact-us.php. However, due to the nature of the anonymous reports, The School's ability to take responsive action may be limited.

Amnesty for Individuals Reporting Sex Discrimination or Retaliation Involving Violations of Alcohol or Drug Policies

The health and safety of every student at The School is of utmost importance. The School recognizes that students who have been drinking or using drugs (whether such use is voluntary or involuntary) at the time that an incident occurs may be hesitant to report such incidents or participate in an investigation or adjudication of Sex Discrimination or Retaliation due to fear of potential consequences for their own conduct. The School strongly encourages students to report Sex Discrimination or Retaliation to The School officials, regardless of these surrounding circumstances. An individual acting in good faith who discloses any incident of Sex Discrimination or Retaliation to The School's officials or law enforcement or participates in any investigation or adjudication of Sex Discrimination or Retaliation will not be subject to action for violations of The School's alcohol or drug use policies occurring at or near the time of the commission of the Sex Discrimination or Retaliation.

Employee Reporting Obligations

When an employee, who is not a Confidential Employee, has information about conduct that reasonably may constitute Sex Discrimination or Retaliation in an Education Program or Activity, the employee must notify the Title IX Coordinator promptly.

Confidential Employees: When a person informs a Confidential Employee of conduct that reasonably may constitute Sex Discrimination or Retaliation in an Education Program or Activity, the Confidential Employee must explain the following:

i. The Confidential Employee's status as confidential, including the circumstances in which the Confidential Employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination;

ii. How to contact the Title IX Coordinator and how to make a Complaint of Sex Discrimination; and

iii. That the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an informal resolution process or an investigation.

When a student, or a person who has a legal right to act on behalf of the student, informs any employee (including a Confidential Employee) of the student's pregnancy or related conditions the Employee must promptly provide that person with the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to prevent Sex Discrimination and ensure the student's equal access to The School's Education Program or Activity.

Employee Training Requirements

The School will ensure that the persons described below receive training related to their duties under this policy promptly upon hiring or change of position that alters their duties under this policy and annually thereafter. The training provided will not rely on sex stereotypes.

All Employees

All employees will be trained on the The School's obligation to address Sex Discrimination or Retaliation in its education program or activity, the scope of conduct that constitutes Sex Discrimination or Retaliation under this policy, including the definition of Sex-Based Harassment, and all applicable notice requirements related to a student's current, potential, or past pregnancy or related conditions and The School's general response to Sex Discrimination or Retaliation.

Investigators, Decisionmakers, and Other Persons

In addition to the training provided to all employee, all investigators, decisionmakers, and other persons who are responsible for implementing The School's Title IX grievance procedures or who have the authority to modify or terminate Supportive Measures will be trained on the following topics to the extent related to their responsibilities:

1. The School's obligation to respond to Sex Discrimination or Retaliation;
2. The School's Title IX grievance procedures;
3. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and

4. The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

Facilitators of Informal Resolution Process

In addition to the training provided to all employees, all facilitators of an Informal Resolution process will be trained on the rules and practices associated with The School's Informal Resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

Title IX Coordinator and Designees

In addition to the training provided to all employees and other Title IX team members, as listed above, the Title IX Coordinator and any designees will be trained on their specific responsibilities, The School's recordkeeping system and requirements, and any other training necessary to coordinate The School's compliance with Title IX and this policy.

PART ONE: POLICIES AND PROCEDURES RELATING TO ALL SEX DISCRIMINATION

Prohibition against Sex Discrimination and Retaliation

As required by Title IX and other applicable federal and state laws, The School does not discriminate on the basis of sex and prohibits Sex Discrimination in any of its Education Programs or Activities, including in admission and employment.

The School also strictly and expressly prohibits Retaliation. Reports of Retaliation will be investigated, and such conduct may result in disciplinary action independent of the sanction(s) or interim Remedies imposed in response to allegations of Sex Discrimination.

Scope and Jurisdiction

This policy and related procedures applies to all students, employees, and third parties The School with respect to alleged Sex Discrimination that occurred on or after August 1, 2024. Conduct that occurred prior to August 1, 2024, shall be addressed in accordance with Title IX Policy enforce before August 1, 2024.

The School has also adopted grievance procedures, set forth in Parts Two and Three, that provide for the prompt and equitable resolution of Complaints made by students, employees, or other individuals who are participating or attempting to participate in The School's Education Program or Activity, or by the Title IX Coordinator, alleging Sex Discrimination or Retaliation.

Unless addressed via Informal Resolution (discussed in more detail below), Complaints of Sex-Based Harassment involving a student Complainant or Respondent will be addressed pursuant to the policies and procedures set forth in Part Three; and all other Complaints of Sex Discrimination will be addressed pursuant to the policies and procedures set forth below in Part Two. If a Complaint includes both Sex-Based Harassment involving a student Complainant or Respondent and other Complaints of Sex Discrimination, The School may follow the policies and procedures set forth in Part Three for purposes of investigating and resolving the entire Complaint.

When a Party is both a student and an employee, the Title IX Coordinator will make a fact-specific inquiry to determine whether the requirements Part Three should apply. In making this determination, the Title IX Coordinator will consider whether the Party's primary relationship with The School is to receive an education and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

If an allegation does not meet the definition of Sex Discrimination or Retaliation, The School reserves the right to address such allegations under other, applicable institutional policies.

Receipt of Report of Sex Discrimination

Upon receiving a report of conduct that may reasonably constitute Sex Discrimination[2] or Retaliation, the Title IX Coordinator shall assess the information and take the following actions:

[2] The School will not investigate Sex-Based Harassment disclosed during a public awareness event, unless it indicates an imminent and serious threat to the health or safety of a Complainant, any students, employees, or other persons. However, The School will use the information provided at such an event to inform its efforts to prevent Sex-Based Harassment.

a. Treat the Complainant and Respondent equitably;

b. Offer appropriate Supportive Measures (discussed in more detail below) and coordinate same;

c. Notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the applicable grievance procedures and the Informal Resolution process, if available and appropriate;

d. If a Complaint is made, notify the Respondent of the applicable grievance procedures and the Informal Resolution process, if available and appropriate.

e. In response to a Complaint, initiate the applicable grievance procedures or the Informal Resolution process, if available and appropriate and requested by all Parties;

f. In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, must make a fact-specific determination regarding whether to initiate a Complaint of Sex Discrimination or Retaliation. The Title IX Coordinator must considering, at minimum, the following eight factors:

1. The Complainant's request not to proceed with initiation of a Complaint;

2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;

3. The risk that additional acts of Sex Discrimination or Retaliation would occur if a Complaint is not initiated;

4. The severity of the alleged Sex Discrimination or Retaliation, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

5. The age and relationship of the Parties, including whether the Respondent is an employee of The School;

6. The scope of the alleged Sex Discrimination or Retaliation, including information suggesting a pattern, ongoing Sex Discrimination or Retaliation, or Sex Discrimination or Retaliation alleged to have impacted multiple individuals;

7. The availability of evidence to assist a decisionmaker in determining whether Sex Discrimination or Retaliation occurred; and

8. Whether The School could end the alleged Sex Discrimination or Retaliation and prevent its recurrence without initiating its grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as

alleged prevents The School from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator initiates a Complaint, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others.

g. Regardless of whether a Complaint is initiated, take other appropriate and prompt and effective steps, in addition to steps necessary to effectuate the Remedies provided to an individual Complainant, if any, to ensure that Sex Discrimination or Retaliation does not continue or recur within The School's Education Program or Activity.

Supportive Measures

The Title IX Coordinator will offer and coordinate Supportive Measures, as appropriate, for the Complainant and/or Respondent to restore or preserve that person's access to The School's Education Program or Activity or provide support during The School's grievance procedures or during the Informal Resolution process. Supportive Measures cannot be unreasonably burdensome to a Party, cannot be imposed for punitive or disciplinary reasons, and may vary depending on what The School deems to be reasonably available. Supportive Measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Sex-Based Harassment. Supportive Measures may be modified or terminated at the conclusion of The School's grievance procedures or Informal Resolution process.

Challenge to Supportive Measures

A Party may seek the modification or reversal of the decision to provide, deny, modify, or terminate Supportive Measure(s) that are applicable to that Party where the decision to provide, deny, modify, or terminate Supportive Measures was inconsistent with the definition of Supportive Measures found in Part Four of this policy.

To challenge such a decision, the relevant Party must contact the Title IX Coordinator within five (5) calendar days of the decision or within a reasonable time should circumstances change materially. The challenge must be made in writing and state the ground on which the challenge is made. The Title IX Coordinator shall designate an appropriate and impartial individual, who had no input or previous knowledge of the challenged decision, to review the challenge, who will examine the information presented and issue a written determination within ten (10) calendar days of receipt or the challenged that: (1) upholds the decision, (2) modifies the decision, or (3) reverses the decision. This determination shall be final and cannot be further appealed.

Informal Resolution

In lieu of resolving a Complaint through The School's grievance procedures, as outlined in Parts Two and Three of this policy, the Parties may instead elect, with approval of the Title IX Coordinator, to participate in an Informal Resolution process. A Party may request that the matter be resolved through Informal Resolution at any time prior to reaching a determination regarding responsibility.

Informal Resolution is a completely voluntary process and requires the written consent of the Complainant and Respondent and the approval of the Title IX Coordinator or designee to proceed. The School will not offer Informal Resolution when such a process would conflict with Federal, State, or local law.

Before the initiation of an Informal Resolution process, The School will explain in writing to the Parties:

- The allegations;
- The requirements of the Informal Resolution process;
- That any Party has the right to withdraw from the Informal Resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the Parties agree to a resolution at the end of the Informal Resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information The School will maintain and whether and how The School could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

The terms of an Informal Resolution, if successful, may include Supportive Measures, as well as other arrangements agreed to by the Parties. If an agreement acceptable to The School, the Complainant, and the Respondent is reached through Informal Resolution, the matter is considered to be resolved and the terms are implemented.

Administrative Leave and Emergency Removal

The School may place an employee Respondent on administrative leave during the pendency of the grievance process.

The School also may remove a Respondent from The School's Education Program or Activity on an emergency basis if The School undertakes an individualized safety and risk analysis and determines, as a result of the analysis, that an immediate threat to the physical health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Sex Discrimination justifies removal. In such circumstances, the Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

Recordkeeping

For each Complaint of Sex Discrimination, The School will maintain records for seven (7) years documenting the Informal Resolution process or grievance process, as applicable, and the resulting outcome.

For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute Sex Discrimination or Retaliation, The School will maintain records for seven (7) years documenting the actions it took to meet its obligations under 34 CFR §106.44.

For a period of seven (7) years, [he School also will maintain all materials used to train: (1) its employees, (2) investigators, decisionmakers, and other persons who are responsible for

implementing The School's grievance procedures or have the authority to modify or terminate Supportive Measures, (3) facilitators of Informal Resolution processes, and (4) Title IX Coordinators and designees.

PART TWO: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX DISCRIMINATION

Complaints of Sex Discrimination or Retaliation other than Complaints of Sex-Based Harassment involving a student Complainant or Respondent will proceed in accordance with the following parameters:

Complaints

The following individuals have a right to make a Complaint of Sex Discrimination or Retaliation, including Complaints of Sex-Based Harassment, requesting that The School investigate and make a determination about alleged discrimination:

- A Complainant;
- An authorized legal representative with the legal right to act on behalf of a Complainant; or
- The Title IX Coordinator.

Note that a person is entitled to make a Complaint of Sex-Based Harassment only if they themselves are alleged to have been subjected to the Sex-Based Harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint.

With respect to Complaints of Sex Discrimination or Retaliation other than Sex-Based Harassment, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any student or employee of [The School]; or
- Any person other than a student or employee who was participating or attempting to participate in The School's Education Program or Activity at the time of the alleged Sex Discrimination.

The School may consolidate Complaints of Sex Discrimination or Retaliation against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of Sex Discrimination or Retaliation arise out of the same facts or circumstances. Consolidation is not permitted if it would violate the Family Educational Right and Privacy Act ("FERPA"). When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

Notice of Allegations

Upon initiation of The School's grievance procedures under this Part Two, The School will notify the Parties of the following:

- The School's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex Discrimination or Retaliation, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and

- The Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If The School provides a description of the evidence, the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any Party.

If, in the course of an investigation, The School decides to investigate additional allegations of Sex Discrimination by the Respondent toward the Complainant that are not included in the notice provided or that are included in a Complaint that is consolidated, The School will notify the Parties of the additional allegations.

Dismissal of Complaint

The School may dismiss a Complaint of Sex Discrimination or Retaliation under this Part Two if:

- If The School is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in The School's Education Program or Activity and is not employed by The School;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and The School determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex Discrimination even if proven; or
- The School determines the conduct alleged in the Complaint, even if proven, would not constitute Sex Discrimination under Title IX. Before dismissing the Complaint, The School will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, The School will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then The School will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Complainant, or simultaneously if notification is in writing.

The School will notify the Complainant that a dismissal may be appealed on the bases outlined in the *Appeals* section. If the dismissal occurs after the Respondent has been notified of the allegations, then [The School] will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, The School will follow the procedures outlined in the *Appeals* section.

When a Complaint is dismissed, The School will, at a minimum:

- Offer Supportive Measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that Sex Discrimination or Retaliation does not continue or recur within The School's Education Program or Activity.

If a Complaint is dismissed, The School may still address the allegations under other institutional policies.

Grievance Procedure Requirements

Complaints of Sex Discrimination or Retaliation under Part Two of this policy will proceed in accordance with the following requirements:

- The School will treat Complainants and Respondents equitably.
- The School requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- The School presumes that the Respondent is not responsible for the alleged Sex Discrimination or Retaliation until a determination is made at the conclusion of its grievance procedures.
- The School has established the following timeframes for the major stages of the grievance procedures:
    - Evaluation: 20 calendar days
    - Investigation: 40 calendar days
    - Determination: 20 calendar days
    - Appeal, if any: 20 calendar days
  - The above timeframes are good-faith approximations and also may be extended for good cause.
- The School has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay:

  The Title IX Coordinator may reasonably extend timeframes for good cause. Good cause includes the availability of the Parties; the availability of witnesses; the timing of breaks; efforts to utilize Informal Resolution; to comply with a request by external law enforcement; to account for complexities of a case including the number of witnesses and volume of information provided by the Parties; or, to address other legitimate reasons.

  The Parties may request extensions that will be granted, if reasonable, at the discretion of the Title IX Coordinator. Extensions granted to one Party will be granted to the other Party. Requests for an extension for the purpose to simply prolong the process will not be permitted. Deadlines will be enforced, and a failure to meet deadlines may result in forfeiture of a Party's ability to participate in that aspect of the investigation.
- The School will take reasonable steps to protect the privacy of the Parties and the witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the grievance procedures. The Parties cannot engage in Retaliation, including against witnesses.
- The School will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

- The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by The School to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
  - Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
  - A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless The School obtains that Party's or witness's voluntary, written consent for use in its grievance procedures; and
  - Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.
- Formal rules of process, procedure, and technical rules of evidence, such as applied in criminal or civil court, are not used in these proceedings.

Investigation

The Title IX Coordinator will conduct a prompt, thorough, and impartial investigation of the reported Sex Discrimination. During the Investigation:

- The School will provide for adequate, reliable, and impartial investigation of Complaints.
- The burden is on The School—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination occurred.
- The School will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. Expert witnesses may not be presented by the Parties.
- The School may include another employee in the interviews to act as a notetaker or witness.
- The School will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- The School will provide each Party with an equal opportunity to access the evidence that is relevant to the allegations of Sex Discrimination and not otherwise impermissible, in the following manner:
  - The School will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. [If [The School] provides a description of the evidence, The School will provide the Parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any Party.];

  - The School will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
  - The School will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Sex Discrimination or Retaliation are authorized.

- The Title IX Coordinator will interview the Parties, review any documentary evidence, and interview witnesses deemed to have relevant and material information pertaining to the Complaint.

The Complainant and Respondent both have the right to be accompanied and counseled by an Advisor of his or her choice (at the Party's own expense if the Advisor is a paid Advisor) at any meeting or proceeding related to the investigation and resolution of a Complaint.[3] The role of a Party's advisor shall be limited to support and consultation. The Title IX Coordinator must be advised in writing that an Advisor will be present at least 24 hours before any scheduled meeting or proceeding.[4] The School reserves the right to have its own legal counsel present. If any advisor's conduct is not consistent with The School's guidelines or any other applicable rules of order and decorum, he or she may be excluded from the process.

Coordination with Local Law Enforcement. The standards for finding a violation of this policy are different from the standards used by local law enforcement to determine whether criminal conduct may have occurred. Conduct that constitutes Sex Discrimination under this policy may not constitute sufficient evidence of a crime, and law enforcement may choose to decline investigating or prosecuting it as a crime. In the event local law enforcement does investigate allegations of Sex Discrimination, any such investigation is independent of any investigation by The School. The School typically will not wait for the conclusion of any criminal investigation or proceeding to commence its own investigation (or to institute any Supportive Measures), and will make its determinations in accordance with this policy.[5] However, The School may elect to temporarily delay its investigation to enable law enforcement to gather evidence and engage in a preliminary investigation if, for example, The School believes such delay would benefit The School's own investigation. When applicable and appropriate, The School may contact and coordinate with law enforcement.

Questioning the Parties and Witnesses

The Title IX Coordinator will provide, to a Party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all interviews or other meetings, with sufficient time for the Party to prepare to participate. Such notice also will include any applicable rules of order and decorum.

When a Party or witness meets with the Title IX Coordinator, the Title IX Coordinator will ask the Party or witness questions related to the allegations, and may ask if the witness has any information

[3] The School may require advisors to agree to a non-disclosure agreement.
[4] This notification should include the full name and title of the advisor of choice, as well as contact information (phone, email and address.)
[5] At the request of law enforcement, The School may agree to defer its investigation until after the initial stages of a criminal investigation. In such instances, The School will promptly resume its investigation as soon as it is notified by law enforcement that there is no longer a need to delay, or The School otherwise determines that it must proceed.

to submit (e.g. documents, texts, emails, images, etc.) for the Title IX Coordinator to review and consider. In some cases, the Title IX Coordinator may ask to interview a witness more than once if additional information becomes available since the previous interview with the witness and/or to follow up with a witness to clarify information or previous statements.

Determination Whether Sex Discrimination Occurred

Following the investigation and evaluation of all relevant and not otherwise impermissible evidence, the Title IX Coordinator will use the preponderance of the evidence standard of proof to determine whether Sex Discrimination occurred by issuing a cause or no cause finding. The preponderance of the evidence standard means that it is more likely than not that a policy violation occurred and requires the evaluation of relevant and not otherwise impermissible evidence for its persuasiveness. If the Title IX Coordinator is not persuaded under the preponderance of the evidence standard that Sex Discrimination occurred, whatever the quantity of the evidence is, the Title IX Coordinator will not determine that Sex Discrimination occurred.

The Title IX Coordinator will further:

- Notify the Parties in writing of the determination whether Sex Discrimination or Retaliation occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal, and the designated Appeal Officer;
- Not impose discipline on a Respondent for Sex Discrimination or Retaliation prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited Sex Discrimination or Retaliation.
- If there is a determination that Sex Discrimination or Retaliation occurred, the Title IX Coordinator will, as appropriate:
    - Coordinate the provision and implementation of Remedies to a Complainant and other people The School identifies as having had equal access to The School's Education Program or Activity limited or denied by Sex Discrimination or Retaliation;
    - Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
    - Take other appropriate prompt and effective steps to ensure that Sex Discrimination or Retaliation does not continue or recur within The School's Education Program or Activity;
- Comply with the grievance procedures before the imposition of any Disciplinary Sanctions against a Respondent; and
- Not discipline a Party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether Sex Discrimination or Retaliation occurred.

Disciplinary Sanctions and Remedies:

Following a determination that Sex Discrimination occurred, The School may impose disciplinary sanctions, which may include but are not limited to:

For a student Respondent:

> Disciplinary warning; Disciplinary probation; Residential probation; Residential suspension; Suspension; Expulsion; Fines; Behavioral agreements; No-contact orders; Letter of apology; Reflection/research papers; Community restitution; Mandatory training and education; Mandatory meeting(s) with the Title IX coordinator or designee; Mandatory counseling; or Withholding or delaying the conferral of degree.

For a staff or faculty Respondent:

> No-contact orders; Mandated counseling, education, and/or training; Verbal warning; Written warning; Final written warning; Suspension; Involuntary termination.

The School may also provide remedies, which may include, but are not limited to:

> A mutual campus directive of no contact; Limiting and/or scheduling access of individual buildings; Making an escort available to assist a Complainant or Respondent to move safely between classes and campus activities; Adjusting class or work schedules or methods of participating in activities to minimize campus contact between a Complainant and a Respondent; Moving a Complainant or Respondent to a different residence hall and/or dining hall; Counseling services; Medical services; Academic support, such as extensions of deadlines or other course-related adjustments; Changes in work locations; Leaves of absence; Increased security and monitoring of certain areas of campus; or Adjusting reporting lines.

Appeal

The School will offer an appeal from a dismissal or determination whether Sex Discrimination occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

If the dismissal or determination is appealed, The School will:

- Notify the Parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent. The notification will include the name of the designated Appeal Officer and procedures for submission;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint; and
- Ensure that the Decision-maker for the appeal has been trained consistent with the Title IX regulations.

An appeal by either Party must be made in writing to the Appeal Officer assigned to the appeal within seven (7) calendar days after such Party has received the decision in writing. An appeal must state the ground on which the appeal is made.

Upon receipt of an appeal, the Appeal Officer shall forward the appeal to the other Party. The non-appealing Party will have five (5) calendar days to submit a written statement in support of or against the appeal to the Appeal Officer.

The Appeal Officer will examine the information presented and issue a written decision regarding the appeal and the rationale for appeal decision within ten (10) business days from the end of the five (5) calendar day period for the non-appealing party's statement deadline. This decision will be provided to both Parties simultaneously and will be a final determination and cannot be further appealed.

Disclosure of Outcome

The School will not share information obtained during the course of a proceeding with Parties external to [The School] unless compelled to do so, such as by receipt of a lawfully issued subpoena. The School may also share information about the proceeding and outcome consistent with FERPA or other legal requirements.

Special Procedure Concerning Complaints against a Title IX Coordinator

If a report alleges Sex Discrimination on the part of the Title IX Coordinator, the General Counsel, or his or her designee, will designate the investigator and decisionmaker and oversee the Supportive Measures, investigation, adjudication, and resolution process under this policy.

PART THREE: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX-BASED HARASSMENT INVOLVING A STUDENT COMPLAINANT OR RESPONDENT

Complaints of Sex-Based Harassment involving a student Complainant or Respondent will proceed in accordance with the following parameters:

Complaints

The following people have a right to make a Complaint of Sex-Based Harassment, requesting that The School investigate and make a determination about alleged Sex-Based Harassment:

- A Complainant;
- An authorized legal representative with the legal right to act on behalf of a Complainant; or
- The Title IX Coordinator.

Note that a person is entitled to make a complaint of Sex-Based Harassment only if they themselves are alleged to have been subjected to the Sex-Based Harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint.

The School may consolidate Complaints of Sex-Based Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of Sex-Based Harassment arise out of the same facts or circumstances. Consolidation is not permitted if it would violate the Family Educational Right and

Privacy Act ("FERPA"). When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

Written Notice of Allegations

Upon initiation of The School's grievance procedures under this Part Three, The School will notify the Parties in writing of the following with sufficient time for the Parties to prepare a response before any initial interview:

- The School's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment, and the date(s) and location(s)of the alleged incident(s);
- Retaliation is prohibited;
- The Respondent is presumed not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision-maker;
- The Parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence. [If The School provides access to an investigative report, the Parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any Party]; and

If, in the course of an investigation, The School decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated Complaint, it will provide written notice of the additional allegations to the Parties.

Dismissal of a Complaint

The School may dismiss a Complaint if:

- The School is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in The School's Education Program or Activity and is not employed by The School;
- The School obtains the Complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a Complaint, and The School determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex-Based Harassment under Title IX even if proven; or
- The School determines the conduct alleged in the Complaint, even if proven, would not constitute Sex-Based Harassment under Title IX. Before dismissing the Complaint, The School will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, The School will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then The School will notify the Parties simultaneously in writing.

The School will notify the Complainant that a dismissal may be appealed on the bases outlined in the *Appeals* section. If dismissal occurs after the Respondent has been notified of the allegations, then [The School] will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, The School will follow the procedures outlined in the *Appeals* section.

When a Complaint is dismissed, The School will, at a minimum:

- Offer Supportive Measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that Sex-Based Harassment does not continue or recur within The School's Education Program or Activity.

Grievance Procedure Standards

Complaints of Sex Discrimination under Part Three of this policy will proceed in accordance with the following procedures:

- The School will treat Complainants and Respondents equitably.
- The School requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- The School presumes that the Respondent is not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of its grievance procedures.
- The School has established the following timeframes for the major stages of the grievance procedures:
    - Evaluation: 10 calendar days
    - Investigation: 30 calendar days
    - Hearing and Determination or Determination, as applicable: 10 calendar days
    - Appeal, if any: 10 calendar days
  - The above timeframes are good-faith approximations and also may be extended for good cause.
- The School has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice of any extension to the Parties that includes the reason for the delay:
  - The Title IX Coordinator may reasonably extend timeframes for good cause. Good cause includes the availability of the Parties; the availability of witnesses; the timing of breaks; efforts to utilize Informal Resolution; to comply with a request by external law enforcement; to account for complexities of a case including the number of witnesses and volume of information provided by the Parties; or, to address other legitimate reasons.
  - The Parties may request extensions that will be granted, if reasonable, at the discretion of the Title IX Coordinator. Extensions granted to one Party will be granted to the other Party. Requests for an extension for the purpose to simply prolong the process will not be permitted. Deadlines will be enforced, and a failure to meet deadlines may result in forfeiture of a Party's ability to participate in that aspect of the investigation.

- The School will take reasonable steps to protect the privacy of the Parties and witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The Parties cannot engage in Retaliation, including against witnesses.
- The School will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
- The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by The School to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
    - Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
    - A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless The School obtains that Party's or witness's voluntary, written consent for use in its grievance procedures; and
    - Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.
- Formal rules of process, procedure, and technical rules of evidence, such as applied in criminal or civil court, are not used in these proceedings.

Investigations

The Title IX Coordinator will conduct a prompt, thorough, and impartial investigation of the reported Sex-Based Harassment. During the Investigation:

- The School will provide for adequate, reliable, and impartial investigation of Complaints.
- The burden is on The School—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred.
- The School will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate. Such notice also will include any applicable rules of order and decorum.

- The School will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice[6], who may be, but is not required to be, an attorney.
    - The School will not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding.
    - The School may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the Parties. In particular, the Title IX Coordinator must be advised in writing that an advisor will be present at least 24 hours before any scheduled meeting or proceeding.[7] [The School] reserves the right to have its own legal counsel present. If any advisor's conduct is not consistent with [The School]'s guidelines or any other applicable rules of order and decorum, he or she may be excluded from the process.
- The School will provide the Parties with the same opportunities, if any, to have people other than the advisor of the Parties' choice present during any meeting or proceeding.
- The School may include another employee in the interviews to act as a notetaker or witness.
- The School will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The Parties are not permitted to present an Expert Witness.
- The School will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- The School will provide each Party and the Party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of Sex-Based Harassment and not otherwise impermissible, in the following manner:
    - The School will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. [If [The School] provides access to an investigative report, The School will further provide the Parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any Party.];
    - The School will provide a reasonable opportunity to review and respond to the evidence or the investigative report. If The School conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing; and
    - The School will take reasonable steps to prevent and address the Parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the Sex-Based Harassment grievance procedures.

Coordination with Local Law Enforcement. The standards for finding a violation of this policy are different from the standards used by local law enforcement to determine whether criminal conduct may have occurred. Conduct that constitutes Sex-Based Harassment under this policy may not constitute sufficient evidence of a crime, and law enforcement may choose to decline investigating or prosecuting it as a crime. In the event local law enforcement does investigate allegations of Sex-Based Harassment, any such

[6] The School may require advisors to agree to a non-disclosure agreement.
[7] This notification should include the full name and title of the Advisor of choice, as well as contact information (phone, email and address.)

investigation is independent of any investigation by The School. The School typically will not wait for the conclusion of any criminal investigation or proceeding to commence its own investigation (or to implement any Supportive Measures), and will make its determinations in accordance with this policy.[8] However, The School may elect to temporarily delay its investigation to enable law enforcement to gather evidence and engage in a preliminary investigation if, for example, The School believes such delay would benefit The School's own investigation. When applicable and appropriate, The School may contact and coordinate with law enforcement.

Questioning the Parties and Witnesses

The Title IX Coordinator will provide, to a Party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all interviews or other meetings, with sufficient time for the Party to prepare to participate. Such notice also will include any applicable rules of order and decorum.

The School's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of Parties and witnesses, including questions challenging credibility, will:

- Allow the Title IX Coordinator to ask such questions during individual meetings with a Party or witness;
- Allow each Party to propose such questions that the Party wants asked of any Party or witness and have those questions asked by the Title IX Coordinator, subject to the limitation below, during one or more individual meetings, including follow-up meetings, with a Party or witness, subject to the procedures for evaluating and limiting questions discussed below.
    - Prior to such a question being asked, the Title IX Coordinator will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the Party or witness being questioned will not be permitted. The Title IX Coordinator will give a Party an opportunity to clarify or revise a question that the Title IX Coordinator determines is unclear or harassing. If the Party sufficiently clarifies or revises the question, the question will be asked.
- Provide each Party with an audio or audiovisual recording or transcript with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

When a Party or witness meets with the Title IX Coordinator, the Title IX Coordinator will ask the Party and witness questions related to the allegations, and may ask if the witness has any information to submit (e.g. documents, texts, emails, images, etc.) for the Title IX Coordinator to review and consider. In some cases, they may ask to interview a Party or witness more than once if additional information becomes available since the previous interview with the witness and/or to follow up with a witness to clarify information or previous statements.

Determination Whether Sex-Based Harassment Occurred

Following an investigation, the Title IX Coordinator:

[8] At the request of law enforcement, The School may agree to defer its investigation until after the initial stages of a criminal investigation. In such instances, The School will promptly resume its investigation as soon as it is notified by law enforcement that there is no longer a need to delay, or The School otherwise determines that it must proceed.

- Will objectively evaluate all relevant and not otherwise impermissible evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
- May choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Title IX Coordinator will not draw an inference about whether Sex-Based Harassment occurred based solely on a Party's or witness's refusal to respond to such questions.
- Will use the preponderance of the evidence standard of proof to determine whether Sex-Based Harassment occurred. The preponderance of the evidence standard means that it is more likely than not that a policy violation occurred and requires the evaluation of relevant and not otherwise impermissible evidence for its persuasiveness. If the Title IX Coordinator is not persuaded under the applicable standard by the evidence that Sex-Based Harassment occurred, whatever the quantity of the evidence is, the Title IX Coordinator will not determine that Sex-Based Harassment occurred.
- Will notify the Parties simultaneously in writing of the determination whether Sex-Based Harassment occurred under Title IX including:
    - A description of the alleged Sex-Based Harassment; Information about the policies and procedures that The School used to evaluate the allegations;
    - The Title IX Coordinator's evaluation of the relevant and not otherwise impermissible evidence and determination whether Sex-Based Harassment occurred;
    - When it is found that Sex-Based Harassment occurred, any Disciplinary Sanctions The School will impose on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided by The School to the Complainant, and, to the extent appropriate, other students identified by The School to be experiencing the effects of the Sex-Based Harassment; and
    - The School's procedures and permissible bases for the Complainant and Respondent to appeal.
- Will not impose discipline on a Respondent for Sex-Based Harassment prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in Sex-Based Harassment.
- Will comply with the Title IX grievance procedures before the imposition of any Disciplinary Sanctions against a Respondent; and
- Will not discipline a Party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether Sex-Based Harassment occurred.

If there is a determination that Sex-Based Harassment occurred, as appropriate, the Title IX Coordinator will:

- Coordinate the provision and implementation of Remedies to a Complainant and other people The School identifies as having had equal access to The School's Education Program or Activity limited or denied by Sex-Based Harassment;
- Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and

- Take other appropriate prompt and effective steps to ensure that Sex-Based Harassment does not continue or recur within The School's Education Program or Activity.

The determination regarding responsibility becomes final either on the date that the Parties are provided with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

Appeals

The School will offer an appeal from a dismissal or determination whether Sex-Based Harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

If a Party appeals a dismissal or determination whether Sex-Based Harassment occurred, The School will:

- Notify the Parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the Parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint; and
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations.

An appeal by either Party must be made in writing to the Appeal Officer assigned to the appeal within seven (7) calendar days after such Party has received the decision in writing. An appeal must state the ground on which the appeal is made.

Upon receipt of an appeal, the Appeal Officer shall forward the appeal to the other Party. The non-appealing Party will have five (5) calendar days to submit a written statement in support of or against the appeal to the Appeal Officer.

The Appeal Officer will examine the information presented and issue a written decision regarding the appeal and the rationale for appeal decision within ten (10) business days from the end of the five (5) calendar day period for the non-appealing Party's statement deadline. This decision will be provided to both Parties simultaneously and will be a final determination and cannot be further appealed.

Any additional procedures or bases for appeal [The School] offers will be equally available to all Parties.

Disciplinary Sanctions and Remedies:

Following a determination that Sex-Based Harassment occurred, the School may impose Disciplinary Sanctions and Remedies, which may include but are not limited to:

For a student Respondent:

Disciplinary warning; Disciplinary probation; Residential probation; Residential suspension; Suspension; Expulsion; Fines; Behavioral agreements; No-contact orders; Letter of apology; Reflection/research papers; Community restitution; Mandatory training and education; Mandatory meeting(s) with the Title IX coordinator or designee; Mandatory counseling; or Withholding or delaying the conferral of degree.

For a Staff or faculty Respondent: **[NTD: Confirm with HR/CBA]**

No-contact orders; Mandated counseling, education, and/or training; Verbal warning; Written warning; Final written warning; Suspension; Involuntary termination.

The School may also provide Remedies, which may include, but are not limited to:

A mutual campus directive of no contact; Limiting and/or scheduling access of individual buildings; Making an escort available to assist a Complainant or Respondent to move safely between classes and campus activities; Adjusting class or work schedules or methods of participating in activities to minimize campus contact between a Complainant and a Respondent; Moving a Complainant or Respondent to a different residence hall and/or dining hall; Counseling Complainant services; Medical services; Academic support, such as extensions of deadlines or other course-related adjustments; Changes in work locations; Leaves of absence; Increased security and monitoring of certain areas of campus; or Adjusting reporting lines.

Disclosure of Outcome

The School will not share information obtained during the course of a proceeding with Parties external to The School unless compelled to do so, such as by receipt of a lawfully issued subpoena. The School my also share information about the proceeding and outcome consistent with FERPA or other legal requirements.

Special Procedure Concerning Complaints against a Title IX Coordinator

If a report alleges Sex Discrimination on the part of the Title IX Coordinator, the General Counsel, or his or her designee, will designate the Investigator and oversee the Supportive Measures, investigation, adjudication, and resolution process under this policy.

PART FOUR: GLOSSARY OF TERMS

Consent is informed, freely given, mutually understandable words or actions that indicate a willingness to participate in sexual activity.

Effective Consent may never be obtained when there is a threat of force or violence, or any other form of coercion, intimidation, force or threat of harm. Silence or lack of resistance, in and of itself, does not demonstrate consent. A current or previous dating or sexual relationship is not sufficient to constitute Consent, and Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be revoked at any time by expressing in words or actions that they no longer want the sexual activity to continue. When Consent is withdrawn or can no longer be given, sexual activity must stop. Consent cannot be obtained from someone legally prevented from giving Consent by their age, from someone who is unable to understand or who cannot communicate a lack of Consent, or someone who is Incapacitated. Voluntary intoxication, recklessness, Incapacitation or the failure to take reasonable steps, in the circumstance known at the time, to ascertain consent, are not excuses for failure to obtain Consent.

The definition of Consent does not vary based upon an individual's sex, sexual orientation, gender identity or gender expression.

Complainant means**:**

(1) A student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination or Retaliation under Title IX or its regulations; or

(2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination or Retaliation under Title IX or its regulations and who was participating or attempting to participate in the [The School]'s Education Program or Activity at the time of the alleged Sex Discrimination.

Complaint means an oral or written request to [The School] that objectively can be understood as a request for [The School] to investigate and make a determination about alleged Sex Discrimination or Retaliation under Title IX or its regulations.

Disciplinary Sanctions means consequences imposed on a Respondent following a determination under Title IX that the Respondent violated the The School's prohibition on Sex Discrimination or Retaliation.

Educational Program or Activity means all of the operations of The School in the United States. This includes, but is not limited to:

- Conduct that occurs in any building owned or controlled by a student organization that is officially recognized by The School; and
- Conduct that is subject to The School's disciplinary authority.

The School will address a sex-based hostile environment under The School's Education Program or Activity in the United States, even when some conduct alleged to be contributing to the hostile environment occurred outside The School's Education Program or Activity or outside the United States.

Incapacitation/Incapacity means the inability, temporarily or permanently, to give Consent, because an individual is mentally and/or physically helpless, asleep, involuntarily restrained, unconscious, or unaware that sexual activity is occurring. Depending on the degree of intoxication, someone under the influence of alcohol, drugs, or other intoxicants may be Incapacitated and therefore unable to Consent. Warning signs

that a person may be approaching Incapacitation may include, but are not limited to, vomiting, incoherent speech, and difficulty walking or standing up. The perspective of a sober, reasonable person in the position of the Respondent will be the basis for determining whether a Respondent should have been aware that the Complainant was Incapacitated and therefore unable to Consent.

No Contact Order means a directive prohibiting contact between or among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by means of a third Party.

Party means a Complainant or Respondent. Parties means the Complainant and the Respondent.

Relevant means related to the allegations of Sex Discrimination under investigation as part of these grievance procedures. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex Discrimination occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Sex Discrimination occurred.

Remedies means measures provided, as appropriate, to a Complainant or any other person the [The School] identifies as having had their equal access to The School's Education Program or Activity limited or denied by Sex Discrimination. These measures are provided to restore or preserve that person's access to The School's Education Program or Activity after The School determines that Sex Discrimination occurred. Respondent means a person who is alleged to have violated The School's prohibition on Sex Discrimination.

Respondent means a person who is alleged to have violated The School's prohibition on Sex Discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by The School, a student, or an employee or other person authorized by The School to provide aid, benefit, or service under The School's Education Program or Activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex Discrimination means discrimination based on sex under The School's Education Program or Activity. This includes Sex-Based Harassment and discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Sex-Based Harassment is a form of Sex Discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

(1) Quid pro quo harassment. An employee, agent, or other person authorized by The School] to provide an aid, benefit, or service under The School's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from The School's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

    (i) The degree to which the conduct affected the Complainant's ability to access The School's Education Program or Activity;

(ii) The type, frequency, and duration of the conduct;

(iii) The Parties' ages, roles within The School's Education Program or Activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;

(iv) The location of the conduct and the context in which the conduct occurred; and

(v) Other Sex-Based Harassment in The School's Education Program or Activity; or

(3) Specific offenses.

(i) Sexual assault meaning any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent; also unlawful sexual intercourse. Sexual Assault includes the following:

(A) Rape—(Except Statutory 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 his/her age or because of his/her temporary or permanent mental or physical Incapacity

(B) 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 his/her age or because of his/her temporary or permanent mental or physical Incapacity

(C) 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 his/her age or because of his/her temporary or permanent mental or physical incapacity

(D) 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 his/her age or because of his/her temporary or permanent mental or physical incapacity

(E) Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

(F) Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of The School, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress.

Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

(1) Restore or preserve that Party's access to The School's Education Program or Activity, including measures that are designed to protect the safety of the Parties or The School's educational environment; or

(2) Provide support during [The School]'s grievance procedures or during an Informal Resolution process.