



Title IX Policy and Grievance Procedures

Policy Statement

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance. As an educational institution subject to Title IX, Valley College (the "College") has adopted this Title IX Non-Discrimination & Grievance Process Policy (the "Policy").

Under this Policy, Valley College:

- Does not discriminate on the basis of sex in its educational programs, activities, admissions, or employment practices and is committed to providing an educational and work environment free from sex discrimination, sex-based harassment, and retaliation.
- Prohibits sex discrimination in its educational programs and activities, as required by law.
- Promotes fairness, equity, and equal opportunity in all aspects of its operations.
- Values the dignity of all members of the College community and is committed to the fair and equitable resolution of reports and complaints.

This Policy is intended to prevent and address conduct prohibited under Title IX and to provide a prompt, fair, and impartial process for resolving allegations of conduct prohibited by this Policy. The College is committed to protecting the rights of all parties, promoting the safety and well-being of students and employees, and restoring or preserving equal access to its educational programs and activities. The College also supports the ongoing assessment, improvement, and effective implementation of this Policy.

Questions about this Policy or the application of Title IX may be directed to a College Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

Ohio: Title IX Coordinator: Ms. Shannon McManamon Director of Institutional Effectiveness Valley College - Cleveland 8700 Brookpark Rd. Cleveland, Ohio 44129 T: 216-453-8201 Email: smcmanamon@valley.edu	West Virginia: Title IX Coordinator: Ms. Margaret Stafford Director of College Adherence Valley College Administrative Office 287 Aikens Center Martinsburg, WV 25404 T: 304-263-0979 Email : mstafford@valley.edu
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Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue SW

Washington, DC 20202

1-800-421-3481

Email: OCR@ed.gov

Website: <https://ocrcas.ed.gov/contact-ocr>

Individuals may contact the OCR enforcement office serving their state through the OCR website.

Responsibilities of the Title IX Coordinator

The Title IX Coordinator oversees the implementation and enforcement of this Policy and has primary responsibility for coordinating the College's response to reports and formal complaints of conduct prohibited under this Policy. This includes coordinating the intake, investigation, resolution, and implementation of supportive measures designed to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited by this Policy. The Title IX Coordinator's responsibilities also include prevention, education, and training efforts.

The College's Title IX Coordinators may be contacted with questions about this Policy, to submit a report or formal

complaint, or to otherwise assist individuals in ensuring equal access to the College's educational programs and activities in compliance with Title IX. Contact information for the Title IX Coordinators is provided above.

Prohibited Conduct

Sex discrimination, sex-based harassment, sexual misconduct, and retaliation ("Prohibited Conduct") in employment and in access to educational opportunities may violate federal, state, and local laws, including:

- Title IX of the Education Amendments of 1972;
- The Violence Against Women Reauthorization Act of 2013;
- The Campus Sexual Violence Elimination Act (Campus SaVE Act);
- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"); and
- Other applicable federal, state, and local laws.

All forms of such conduct are prohibited under this Policy, as are attempts or threats to engage in prohibited conduct.

The following acts are prohibited under this Policy and will be addressed in accordance with its provisions.

Deliberately false or malicious reports of discrimination, harassment, or retaliation may result in disciplinary action.

Sex Discrimination: Discrimination on the basis of an individual's sex, including sex-based harassment and other conduct prohibited by this Policy.

Sex-Based Harassment: Unwelcome conduct on the basis of sex that is sufficiently serious to limit or deny a person's ability to participate in or benefit from the College's educational programs, activities, or employment opportunities. Sex-based harassment includes: Quid Pro Quo Harassment; Hostile Environment Harassment; and Sexual Assault, Dating Violence, Domestic Violence, or Stalking, as defined in this Policy.

Quid Pro Quo Harassment: An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

Hostile Environment: Unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's educational programs or activities.

Whether a hostile environment exists will be determined by evaluating the totality of the circumstances from both a subjective and objective perspective. A hostile environment may be created by oral, written, graphic, electronic, or physical conduct. Factors that may be considered include:

- The degree to which the conduct interferes with an individual's access to College programs, activities, or employment opportunities.
- The type, frequency, and duration of the conduct.
- The nature and severity of the conduct.
- The relationship, roles, or relative positions of the parties involved.
- Whether the conduct was directed at more than one person.
- Whether the conduct occurred in the context of other discriminatory conduct.
- Whether the conduct implicates concerns related to academic freedom or protected expression.

A single incident may be sufficient to create a hostile environment if the conduct is sufficiently severe to reasonably support such a finding, particularly when the conduct involves physical contact, threats, or other significant harm.

Sexual Assault: An offense classified as a forcible or non-forcible sex offense under the Uniform Crime Reporting (UCR) Program of the Federal Bureau of Investigation (FBI). Sexual Assault includes rape, fondling, incest, and statutory rape.

Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent.

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification without consent, including instances where the person is incapable of giving consent because of age or temporary or permanent mental or physical incapacity.

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent as defined by applicable law.

Dating Violence: Violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the person subjected to the violence; and
- Where the existence of such a relationship is determined based on consideration of: The length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Dating Violence may include physical violence, sexual violence, psychological or emotional abuse, coercive behavior, threats, or other conduct that causes harm to or places another person in fear of harm. Dating Violence may consist of a single act or a pattern of behavior.

Domestic Violence: A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under applicable law; or
- Any other person against an adult or youth victim who is protected from that person's acts under applicable domestic or family violence laws.

Domestic Violence may include physical violence, sexual violence, psychological or emotional abuse, coercive behavior, threats, intimidation, or other conduct that causes harm to or places another person in fear of harm. Domestic Violence may consist of a single act or a pattern of behavior.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For purposes of this definition:

Course of Conduct means two or more acts, including but not limited to acts in which a Respondent, directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable Person means a reasonable person under similar circumstances and with similar identities to the Complainant.

Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Sexual Misconduct: Sexual Misconduct is a broad term used to describe a range of prohibited sexual conduct, including Sexual Assault, Sex-Based Harassment, Dating Violence, Domestic Violence, and Stalking, as defined by this Policy.

Force, Coercion, Consent, and Incapacitation

As used in the offenses above, the following definitions and meanings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (including implied threats), and coercion intended to overcome an individual's ability to freely and voluntarily consent. Sexual activity that is forced is, by definition, non-consensual. Silence, passivity, or the absence of resistance alone does not constitute consent. While resistance is not required to demonstrate a lack of consent, it may be considered evidence of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from consensual or welcome conduct based on factors such as the type and extent of the pressure used to obtain consent. When a person makes clear that they do not want to engage in certain sexual activity, 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 may constitute coercion.

Consent: Consent is words or actions demonstrating a knowing, voluntary, and unambiguous agreement to engage in mutually agreed-upon sexual activity. Consent is determined based on the totality of the circumstances. Consent to one form of sexual activity does not imply consent to any other form of sexual activity. A current or previous intimate relationship, by itself, is not sufficient to constitute consent. Silence, passivity, or the absence of resistance alone does not constitute consent. Individuals should not make assumptions regarding whether another person has consented to a sexual act.

Withdrawal of Consent: A person may withdraw consent at any time during sexual activity by expressing through words or actions that they no longer wish to continue. Once consent is withdrawn, sexual activity must stop immediately.

Consent Cannot Be Obtained through force, threats, intimidation, duress, coercion, misuse of professional authority or status, by ignoring or acting despite another person's objections, or by taking advantage of another person's incapacitation.

Incapacity to Consent: A person cannot give consent if they are under the age of 16, unable to understand the nature of the activity, or are disoriented, helpless, asleep, or unconscious for any reason, including due to the use of alcohol or other drugs. An individual who engages in sexual activity with a person whom they know, or reasonably should know, is unable to consent due to incapacity may violate this Policy.

Incapacitation: A state in which an individual lacks the physical and/or mental ability to make informed, rational judgments and decisions, including the ability to understand the nature of the sexual activity and to give knowing consent. Incapacity may result from mental disability, involuntary physical restraint, sleep, unconsciousness, or the use of alcohol or other drugs. A person may be intoxicated without being incapacitated. In determining whether this Policy has been violated, the College may consider whether a reasonable person in the same circumstances would have known that another individual was incapacitated.

Retaliation: Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by applicable law or this Policy, or because the individual has made a Report or Complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under applicable law or this Policy.

Retaliation includes intimidation, threats, coercion, or discrimination, including charging an individual with a code of conduct violation that does not involve discrimination or harassment but arises out of the same facts or circumstances as a Report or Complaint of prohibited conduct, when the purpose or effect is to interfere with rights protected by Title IX or this Policy.

Retaliation may be committed by or against any individual, including a Complainant, Respondent, witness, advisor, employee, or student.

Retaliation does not include the exercise of rights protected by the First Amendment, good-faith actions lawfully pursued in response to an allegation under this Policy, or charging an individual with a code of conduct violation for making a materially false statement during a proceeding under this Policy, provided that a determination regarding responsibility, standing alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

How to Make a Report or Formal Complaint of an Alleged Title IX Violation

Any person may report alleged conduct prohibited by this Policy, including sex discrimination, sex-based harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation, to a Title IX Coordinator, regardless of whether the reporting person is the alleged victim of such conduct.

A Report is differentiated from a Formal Complaint ("Complaint"), which is a document filed or signed by the Complainant, or signed by the Title IX Coordinator, alleging conduct prohibited by this Policy and requesting that the

College investigate the allegation(s) and implement the College's grievance process.

A report or Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail at any time (including during non-business hours), using the contact information provided at the beginning of this document.

The College's Mandatory Response Obligations

The College's mandatory response obligations under this Policy arise when the College has Actual Knowledge of conduct that may constitute Prohibited Conduct under this Policy.

Actual Knowledge occurs when a Title IX Coordinator or a College official with authority to institute corrective measures on behalf of the College becomes aware of alleged Prohibited Conduct.

If an individual discloses Prohibited Conduct to a College official with authority to institute corrective measures, that official must promptly report all relevant details of the alleged conduct to the Title IX Coordinator. Additionally, to the extent that either the Complainant or Respondent is a College employee, the official must also notify the College's Human Resources Department.

In addition to the Title IX Coordinators, the following employees have been designated as officials authorized to receive reports of conduct prohibited by this Policy:

- Chief Officers
- Campus Directors
- Directors of Academic Affairs
- ADN Program Administrators

Anonymous Reports or Complaints

If an individual submits an anonymous report, the College will investigate the matter to the extent reasonably possible to assess the underlying allegations and determine whether supportive measures or remedies may be appropriate.

Anonymous reports may limit the College's ability to investigate and respond, depending on the information provided. In some circumstances, the Title IX Coordinator may initiate a Complaint or proceed with an investigation even when a report has been submitted anonymously.

Time Limits on Reporting

There is no time limitation on making a report or Complaint under this Policy. However, the College's ability to investigate, respond to, and resolve reports or Complaints may be affected by the passage of time and other circumstances. Depending on the circumstances, the Title IX Coordinator may document allegations for future reference, offer supportive measures and/or remedies, and/or pursue informal or formal resolution, as appropriate. Additionally, if the Respondent is no longer subject to the College's jurisdiction, or if significant time has passed since the alleged conduct occurred, the College's ability to investigate, respond, and provide remedies may be limited.

Privacy and Confidentiality

The College will undertake reasonable efforts to preserve the privacy of Reports and Complaints except as provided herein and as necessary to effectuate this Policy, as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as otherwise required by applicable law to carry out the purposes of any investigation, hearing, or judicial proceeding. Privacy generally means that information related to a Report of Prohibited Conduct will be shared only with individuals who have a legitimate need to know. Such individuals will be instructed to be discreet and to respect the privacy of all persons involved. The College does not restrict the ability of either party to discuss allegations, an investigation, or related proceedings with others.

An individual reporting conduct prohibited by this Policy may request that the Title IX Coordinator not disclose their identity to the Respondent or that no action be taken in response to a Report. The Title IX Coordinator is responsible for evaluating such requests. If such a request is made, the Title IX Coordinator will balance the request against the College's obligation to provide a safe and non-discriminatory environment for all members of the College community and its obligation to provide fair process to all parties, including providing the Respondent with notice of the allegations and an opportunity to respond.

In making this determination, the Title IX Coordinator may consider factors including: The seriousness of the alleged conduct; The respective ages and roles of the Complainant and Respondent; Whether there have been other reports or Complaints involving the Respondent; and The Respondent's right to receive notice of the allegations and relevant information before disciplinary action is sought.

Consolidated Complaints

The College may consolidate Complaints involving multiple Complainants, multiple Respondents, or allegations arising from the same facts or circumstances when doing so would promote a fair, equitable, and efficient resolution process.

Preservation of Evidence

Because sexual misconduct may involve physical trauma and may constitute a crime, individuals who have experienced sexual violence may choose to seek medical attention as soon as possible. Medical professionals can provide treatment for injuries, discuss options for preventing sexually transmitted infections or pregnancy, and collect forensic evidence if the individual chooses.

Individuals may also choose to preserve physical and digital evidence related to the incident. Preserving evidence may assist a criminal investigation, a request for a protective order, or a College investigation and resolution process.

Examples of evidence preservation include:

- Keeping clothing worn during the incident in separate paper bags.
- Avoiding cleaning or altering the physical area where the incident occurred.
- Saving text messages, emails, call logs, photographs, social media communications, or other electronic evidence.

A medical forensic examination may be completed even if an individual has bathed, showered, changed clothes, eaten, or slept. Evidence may still be available, and individuals are encouraged to seek medical care whenever they feel ready.

Conflicts of Interest or Bias

Both parties have the right to an investigation and resolution process that is free from conflicts of interest or bias by any College employee or official involved in the process, including the Title IX Coordinator, Investigator, Decision-Maker, or any person designated by the College to facilitate an informal resolution process. Any College employee or official involved in the process must not participate in a matter in which their impartiality might reasonably be questioned. Such individuals must promptly disqualify themselves and notify the Title IX Coordinator of any actual or potential conflict of interest or bias, including, but not limited to, situations where:

- The individual has a personal bias or conflict of interest concerning a participant in the process, or has personal knowledge of disputed facts relevant to the matter.
- The individual has a bias or prejudice against Complainants or Respondents generally.
- The individual was directly involved in the underlying matter, previously supervised a participant involved in the matter, or was a witness to the events at issue.
- The individual or a member of their immediate family has a close personal, professional, or familial relationship with a participant in the process.

Failure to disclose a known conflict of interest or bias, or to recuse oneself when appropriate, may constitute a violation of this Policy.

Complaint Dismissal

Mandatory Dismissal

The College must dismiss a Formal Complaint of sexual harassment under Title IX if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the Complaint would not constitute Title IX sexual harassment even if proven;
- The conduct did not occur in a College education program or activity (including buildings or property controlled by recognized student organizations);
- The College does not have Title IX jurisdiction over the Respondent;
- The conduct did not occur against a person in the United States; or
- At the time of filing the Formal Complaint, the Complainant was not participating in or attempting to participate in a College education program or activity.

A mandatory dismissal under Title IX does not preclude the College from addressing the conduct under other applicable College policies or procedures.

Discretionary Dismissal

The College may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- The Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Complaint or any allegation;
- The Respondent is no longer enrolled in or employed by the College; or
- Specific circumstances prevent the College from gathering sufficient evidence to reach a determination regarding the Complaint or allegations.

Upon any dismissal, the College shall promptly provide written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. A dismissal decision may be appealed by either party in accordance with the appeal procedures set forth in this Policy.

After Making a Report or Formal Complaint

Upon receipt of a Report or Formal Complaint, the Title IX Coordinator will conduct an initial assessment to determine the appropriate next steps under this Policy. This assessment may include evaluating whether there is an immediate threat to the physical health or safety of any individual or the campus community and, if so, taking appropriate action, including emergency removal of a Respondent, as described below.

The Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes regarding supportive measures, and explain that supportive measures are available with or without the filing of a Formal Complaint. The Title IX Coordinator will also notify the Complainant of the right to have an advisor of their choice.

If a Report is made without a Formal Complaint, the Title IX Coordinator will review the available information and discuss available options with the Complainant, including the option to file a Formal Complaint. If the Complainant chooses not to file a Formal Complaint, the Title IX Coordinator may sign and initiate a Formal Complaint when necessary to address a potential threat to the campus community, to prevent recurrence of the alleged conduct, or to ensure equal access to the College's education programs or activities.

If the Complainant files a Formal Complaint, or if the Title IX Coordinator signs and initiates a Formal Complaint, the matter will proceed under the College's grievance process. A Complainant may request withdrawal of a Formal Complaint at any time by providing written notice to the Title IX Coordinator. Any request for withdrawal will be handled in accordance with the Complaint Dismissal provisions of this Policy.

After a Formal Complaint is submitted and the Respondent has been notified of the allegations, both parties will be informed of the availability of informal resolution when applicable. Informal resolution requires the voluntary, informed, written consent of all parties. Any party may withdraw from the informal resolution process at any time before its conclusion and resume the formal grievance process.

The College may consolidate Formal Complaints when allegations involve more than one Complainant or Respondent, or when cross-complaints arise, provided that the allegations arise out of the same facts or circumstances.

At all stages of the process, whether or not a grievance process is underway, the College may implement reasonably available supportive measures designed to restore or preserve equal access to the College's education programs or activities without unreasonably burdening either party.

Supportive Measures

Upon receipt of a Report or Complaint under this Policy, the College will offer supportive measures, as appropriate and reasonably available, to the Complainant and/or Respondent. Supportive measures are non-disciplinary, non-punitive, individualized services offered without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint, or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education programs and activities without unreasonably burdening another party,

including measures designed to protect the safety of all parties, preserve the educational environment, or deter discrimination, harassment, and retaliation.

Supportive measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or academic locations, leaves of absence, restrictions on access to campus or specific campus areas or activities, limitations on extracurricular activities, and other measures tailored to the individuals involved to achieve the objectives of this Policy.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Upon receipt of a Report or Complaint, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes regarding supportive measures, and explain the process for filing a Formal Complaint. The Title IX Coordinator will contact the Respondent regarding supportive measures no later than the issuance of a notice of investigation, as appropriate.

The College will maintain the confidentiality of supportive measures provided to either party to the extent that maintaining confidentiality does not impair the College's ability to provide or implement such measures. The College will promptly address any alleged violation of supportive measures and will take appropriate action to enforce any restrictions or protective measures that have been implemented.

Emergency Removal of Respondent and Administrative Leave of Employee Respondent

The College reserves the right to remove a Respondent from its education programs or activities on an emergency basis when, following an individualized safety and risk analysis, the College determines that the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct. The College will implement the least restrictive emergency measures reasonably available under the circumstances.

If an emergency removal is imposed, the Respondent will be provided with notice of the removal and an opportunity to challenge the decision immediately following the removal. Emergency removal decisions are not subject to the appeal procedures set forth in this Policy.

Respondents who are College employees may be placed on administrative leave during the pendency of a grievance process, as determined by the College.

Informal Resolution

At any time after a Formal Complaint has been filed and prior to reaching a determination regarding responsibility, the College may offer and facilitate an informal resolution process, such as mediation or other structured resolution methods, that does not involve a full investigation and adjudication. Informal Resolution is a voluntary process designed to resolve a Report or Formal Complaint in a manner that is acceptable to the parties and consistent with the College's obligations under this Policy.

Informal Resolution may include a written agreement between the parties, targeted educational, training, or awareness programs, voluntary participation in counseling or other supportive measures, facilitated conversations or restorative practices where appropriate, and follow-up measures designed to ensure that the resolution has been implemented effectively.

Informal Resolution is not appropriate in all cases. The Title IX Coordinator retains discretion to determine whether Informal Resolution is appropriate based on the willingness of the parties to participate voluntarily, the nature and severity of the alleged conduct, and whether the allegations are reasonably suited to informal resolution.

Participation in Informal Resolution is voluntary. The College will not require either party to participate in Informal Resolution as a condition of enrollment, employment, continued participation in any College program or activity, or receipt of any right or benefit. Either party may withdraw from the Informal Resolution process and resume the formal grievance process at any time before a final resolution is reached.

The College must obtain the parties' voluntary, informed, written consent before initiating an Informal Resolution process. Before obtaining such consent, the College will provide written notice that includes:

- The allegations;
- The requirements of the Informal Resolution process;
- The circumstances under which participation in Informal Resolution may preclude the parties from resuming a formal grievance process arising from the same allegations;
- The right of either party to withdraw from the Informal Resolution process and resume the formal grievance process before a resolution is reached; and
- Any consequences of participating in the Informal Resolution process, including the records that will be maintained or may be shared.

Each party may be accompanied by an Advisor during meetings related to the Informal Resolution process. Information shared or obtained during Informal Resolution will be treated as private and shared only as necessary to implement the resolution, comply with applicable law, or fulfill the College's obligations under this Policy.

The Title IX Coordinator will oversee the Informal Resolution process unless another qualified individual is designated for good cause. The College will endeavor to complete the Informal Resolution process promptly, typically within thirty (30) to sixty (60) business days after notifying the parties that the process has begun. The Title IX Coordinator may extend this timeframe for good cause and will provide written notice of any extension and the reason for it.

Once the parties have agreed in writing to the terms of an Informal Resolution, the matter will be considered resolved and the College will not conduct a formal investigation regarding the same allegations unless the Title IX Coordinator determines that the terms of the Informal Resolution have not been satisfied or that additional action is required to fulfill the College's legal obligations.

The College will maintain records of Informal Resolutions reached under this Policy. Failure to comply with the terms of an Informal Resolution may result in additional responsive or disciplinary action, as appropriate.

Notice of Investigation to the Parties

The College will provide written notice to the Complainant and Respondent, simultaneously, of its decision to investigate alleged violations of this Policy. The notice will include a copy of the Formal Complaint, if applicable.

The written notice will include the following information, to the extent known at the time:

- A copy of this Policy, including any available Informal Resolution processes.
- A description of the allegations potentially constituting a violation of this Policy, including sufficient details known at the time. Sufficient details may include the identities of the parties involved, if known; the conduct allegedly constituting a violation of this Policy; and the date, time, and location of the alleged incident, if known.
- Notice that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.
- Notice of the parties' right to have an Advisor of their choice, who may be, but is not required to be, an attorney.
- Notice of any provision in the College's student or employee code of conduct that prohibits knowingly making false statements or knowingly submitting false information during proceedings under this Policy.
- Notice that the parties will be provided an equal opportunity to inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint.
- Notice of the College's prohibition against retaliation.
- Information regarding the privacy of the process.
- An instruction to preserve information or evidence that may be relevant to the allegations.

The College will provide each party with written notice of the date, time, location, participants, and purpose of any investigative interview, hearing, or other meeting for which the party is invited or expected to participate, with sufficient time to prepare.

The College will provide the Respondent with sufficient time to review the notice and prepare a response before the initial interview.

If, during the course of the investigation, the College decides to investigate allegations that were not included in the original notice, the College will provide written notice of the additional allegations to the parties whose identities are known.

Right to an Advisor

The parties have the right to select an Advisor of their choice to accompany them to any meeting, interview, or proceeding under this Policy. An Advisor may be a friend, mentor, family member, attorney, or any other person chosen by the party to provide support, guidance, or consultation throughout the resolution process.

Under Title IX, cross-examination is required during a live hearing and must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine one another or any witness. If a party's chosen Advisor conducts cross-examination, the Advisor must comply with the rules and procedures established by the College for the hearing process.

If a party does not have an Advisor present at the hearing, the College will provide an Advisor, without fee or charge, for the limited purpose of conducting cross-examination on behalf of that party.

An Advisor who is also a witness in the matter may create potential concerns regarding bias or conflicts of interest. A party who chooses an Advisor who is also a witness should expect that such circumstances may be considered by the Decision-Maker when evaluating the evidence and credibility of participants, where relevant.

The College cannot guarantee equal Advisor resources for the parties. Accordingly, if one party selects an Advisor who is an attorney and the other party does not retain an attorney or cannot afford one, the College is not obligated to provide the other party with an attorney. However, if a party does not have an Advisor present at the hearing, the College will provide an Advisor for the limited purpose of conducting cross-examination.

Timeframe for Investigations

The College will strive to complete investigations and hearings in a reasonably prompt manner. The College's goal is to complete investigations and hearings within ninety (90) Business Days and to complete the appeal process within thirty (30) Business Days following receipt of an appeal. The time required to complete a matter will vary depending on the complexity of the allegations, the number of witnesses, the availability of the parties and witnesses, and other relevant circumstances.

The College may temporarily delay or extend the investigation, hearing, or appeal process for good cause. Good cause may include, but is not limited to, the absence of a party, Advisor, or witness; concurrent law enforcement activity; the need for language assistance or disability accommodations; the complexity of the allegations; or other circumstances that warrant a temporary delay or extension. The Title IX Coordinator will provide written notice to the parties of any delay or extension, including the reason for the delay or extension and the anticipated revised timeframe.

The Investigation Procedures

Investigators shall be free from conflicts of interest and bias and shall conduct investigations objectively, impartially, and fairly. Investigations will be thorough, reliable, and conducted within reasonably prompt timeframes. The investigation process will generally include interviews with relevant parties and witnesses, as well as the collection and review of available, relevant evidence.

The College, and not the parties, bears the burden of gathering evidence and the burden of proof. The parties will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence; to identify witnesses; and to provide relevant information for consideration during the investigation.

The investigation will be conducted within a reasonably prompt timeframe, allowing for the thorough collection and evaluation of relevant evidence. The Investigator will keep the parties reasonably informed regarding the status of the investigation, anticipated timelines, and any delays.

No unauthorized audio or video recording of any interview, meeting, or proceeding conducted under this Policy is permitted. If the Investigator elects to make an audio or video recording of an interview, all participants will be informed in advance.

Witnesses who are College employees are expected to cooperate with and participate in the College's investigation and resolution process. Failure to do so may constitute a violation of College policy and may result in disciplinary action. Interviews may be conducted in person or through remote means.

The parties may suggest witnesses, documents, and questions for the Investigator to consider. The Investigator will determine whether proposed evidence, witnesses, and questions are relevant to the investigation. The College may request that the parties respect the privacy of the investigation but will not restrict either party's ability to discuss the allegations or gather and present evidence.

Prior to the completion of the investigation, the parties and their Advisors will be provided with an electronic or hard copy of all evidence directly related to the allegations in the Formal Complaint, regardless of whether the College intends to rely upon that evidence in reaching a determination. The parties will have ten (10) Business Days to inspect, review, and submit a written response to the evidence.

After considering any responses submitted by the parties, the Investigator will prepare a final investigative report that fairly summarizes the relevant evidence. The final investigative report will be provided to the parties and their Advisors in electronic or hard-copy format at least ten (10) Business Days before a hearing for their review and preparation.

Evidentiary Considerations in the Investigation

The investigation will include the collection of all non-privileged evidence that is directly related to the allegations in the Formal Complaint. The Investigator will review all such evidence and determine what evidence is relevant to the allegations.

Only relevant evidence will be summarized in the investigative report and considered by the Decision-Maker in reaching a determination regarding responsibility. However, the parties and their Advisors will be provided an opportunity to inspect and review all non-privileged evidence gathered during the investigation that is directly related to the allegations, whether or not the College intends to rely upon that evidence in reaching a determination.

The parties and their Advisors will also receive a copy of the investigative report, which will fairly summarize the relevant evidence.

Evidence concerning a Complainant's sexual predisposition or prior sexual behavior is not relevant unless such evidence is offered to prove that a person other than the Respondent committed the alleged conduct, or the evidence concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is offered to prove consent.

Privileged information will not be considered, disclosed, or otherwise used in the investigation, investigative report, hearing, or determination process unless the person holding the privilege provides prior written consent to disclose such information.

Investigative Report

Upon conclusion of the investigation, the Investigator will prepare an investigative report that fairly summarizes the relevant evidence. At least ten (10) Business Days prior to the hearing, the Investigator will provide the investigative report to each party and the party's Advisor, if any, in electronic format or hard-copy form for review and written response.

The Hearing

Upon conclusion of the investigation and distribution of the investigative report to the parties, the matter will proceed to a live hearing.

A Decision-Maker will be appointed to preside over the hearing, evaluate the evidence, determine the relevance of questions and evidence, and issue a determination regarding responsibility for each allegation. The Investigator, Title IX Coordinator, and any Advisor may not serve as the Decision-Maker. The Decision-Maker may be an employee of the College or an external contractor designated by the College. All Decision-Makers will receive appropriate training

on the requirements of Title IX, issues of relevance, impartial decision-making, and conducting proceedings that are fair to all parties.

The Title IX Coordinator will notify the parties of the identity of the Decision-Maker. Within five (5) Business Days of receiving that notice, either party may submit a written request for disqualification based on an alleged conflict of interest or bias. The Title IX Coordinator will determine whether disqualification is warranted. Employment by or affiliation with the College, standing alone, does not constitute a conflict of interest. Likewise, a Decision-Maker's sex, gender identity, race, ethnicity, religion, sexual orientation, or other personal characteristic, standing alone, does not constitute bias or a conflict of interest.

The College may establish reasonable hearing procedures and protocols to ensure fairness, order, efficiency, and decorum. Any such procedures will be provided to the parties in advance of the hearing.

The College may conduct the hearing with all participants physically present in the same location or, at the College's discretion or upon request of either party, with participants appearing remotely through technology that enables all participants to simultaneously see and hear one another.

Requests for remote participation should be submitted to the Title IX Coordinator at least five (5) Business Days prior to the hearing, when practicable.

The Decision-Maker may question the parties and witnesses during the hearing.

Only relevant questions and evidence will be permitted. Before a party, witness, or Advisor answers a cross-examination question, the Decision-Maker must determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The following generally will not be considered relevant:

- Allegations or conduct not directly related to the matters under investigation, unless offered to establish a pattern or otherwise determined relevant by the Decision-Maker;
- Evidence concerning a Complainant's sexual predisposition; or
- Evidence concerning a Complainant's prior sexual behavior, unless offered to prove that someone other than the Respondent committed the alleged conduct or unless it concerns specific incidents of the Complainant's prior sexual behavior with the Respondent and is offered to prove consent.

Privileged information may not be used, considered, disclosed, or relied upon unless the person holding the privilege has provided prior written consent to its disclosure.

The parties may not personally conduct cross-examination. Cross-examination must be conducted by the party's Advisor. If a party does not have an Advisor present at the hearing, the College will provide an Advisor, without fee or charge, for the limited purpose of conducting cross-examination on that party's behalf.

If a party or witness does not submit to cross-examination at the hearing, the Decision-Maker may not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, the Decision-Maker may not draw an inference regarding responsibility solely from a party's or witness's absence from the hearing or refusal to answer questions.

All participants are expected to conduct themselves respectfully throughout the hearing. Disruptive, intimidating, harassing, or abusive behavior will not be tolerated, and the Decision-Maker may take appropriate steps to maintain order and decorum.

The College will create and maintain an audio recording, audiovisual recording, or transcript of the hearing and will make it available to the parties for inspection and review. No other recording of the hearing is permitted unless expressly authorized by the College.

False Allegations and Evidence

Making a deliberately false or malicious accusation, knowingly providing false information or evidence, tampering with or destroying evidence, or intentionally misleading an individual involved in the investigation or resolution

process constitutes a violation of this Policy and may result in disciplinary action.

A determination that a Respondent is not responsible for the alleged conduct, standing alone, is not sufficient to conclude that any party made a false allegation or knowingly provided false information.

Final Determination as to Responsibility and Standard of Proof

Upon completion of the hearing, the Decision-Maker will deliberate privately and determine whether the Respondent is responsible for each alleged violation of this Policy. The Decision-Maker will apply the preponderance of the evidence standard, meaning that responsibility will be established only if the evidence demonstrates that it is more likely than not that the alleged conduct occurred.

The Decision-Maker's determination will be provided simultaneously to the parties in a written determination delivered in person, by mail to the parties' addresses of record, by email, or through another College-approved communication method. Notice will be deemed received when delivered in person, transmitted electronically, or mailed to the address maintained in the College's records.

The written determination will identify the allegations potentially constituting sexual harassment under this Policy and summarize the procedural steps taken from receipt of the Formal Complaint through the final determination, including notifications to the parties, interviews conducted, evidence reviewed, and the hearing. The determination will include findings of fact supporting the decision, conclusions regarding the application of this Policy to the facts, and a statement of the result for each allegation, including the rationale supporting the determination. Where applicable, the determination will identify any disciplinary sanctions imposed upon the Respondent and any remedies that will be provided to the Complainant to restore or preserve equal access to the College's educational programs or activities. The determination will also notify the parties of their rights to appeal and the permissible grounds for appeal.

The determination regarding responsibility becomes final on the date the College provides the parties with the written decision resolving an appeal, if an appeal is filed. If no appeal is filed, the determination becomes final upon expiration of the appeal period.

Sanctions, Disciplinary Actions, and Remedies

When determining appropriate sanctions or disciplinary action, the College may consider the nature and severity of the conduct, the circumstances surrounding the violation, any prior disciplinary history, prior allegations involving similar conduct, whether the Respondent has previously completed educational or corrective measures related to this Policy, and the need to stop, prevent, and remedy the effects of discrimination, harassment, retaliation, or other prohibited conduct.

Individuals found responsible for violating this Policy may be subject to one or more sanctions, including a warning, disciplinary probation, required training, mandatory counseling or coaching, a written reprimand, restrictions on participation in activities, suspension, expulsion, termination of employment, revocation of admission, or other corrective action determined appropriate under the circumstances.

In addition to sanctions imposed upon a Respondent, the College may provide remedies to a Complainant. Remedies are intended to restore or preserve the Complainant's equal access to the College's educational programs and activities. Remedies may include, but are not limited to, the same types of individualized services described elsewhere in this Policy as supportive measures.

Individuals found responsible for violating this Policy may be subject to one or more sanctions. Sanctions may be imposed individually or in combination, and repeated violations may result in more severe disciplinary action. Possible sanctions include, but are not limited to:

- Warning;
- Disciplinary probation;
- Required training;
- Mandatory counseling or coaching;
- Written reprimand (censure) placed in the Respondent's file;

- Restriction from participation in specified activities;
- Suspension;
- Expulsion (students) or termination of employment (employees);
- Revocation of admission; and
- Other corrective action deemed appropriate under the circumstances.

The Decision-Maker may also provide remedies to the Complainant. Remedies must be designed to restore or preserve equal access to the College's education programs and activities. Remedies may include the same individualized services described in this Policy as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Appeals

The Complainant and Respondent may appeal the dismissal of a Formal Complaint or any allegations therein, as well as the Decision-Maker's determination regarding responsibility and any resulting sanctions. The College will apply appeal procedures equally to both parties.

Appeals must be submitted in writing to the Title IX Coordinator within five (5) Business Days of receipt of the decision being appealed. The Title IX Coordinator will review the appeal to determine whether it is timely and based on a permissible ground for appeal. If the appeal is not eligible for review, the Title IX Coordinator will provide written notice to the appealing party. If the appeal is accepted, the Title IX Coordinator will appoint an Appeal Officer and notify the parties in writing.

Upon receipt of a timely appeal, the College will provide written notice to both parties. Each party will be given an equal opportunity to submit a written statement supporting or challenging the appeal.

An appeal must be based on one or more of the following grounds:

- **Procedural Error:** A procedural error occurred that affected the outcome of the matter. The appeal must identify the alleged error and explain how it affected the outcome.
- **New Evidence:** New evidence exists that was not reasonably available at the time the determination was made and that could affect the outcome of the matter. Information known to a party during the investigation but intentionally withheld is not considered new evidence. The appeal must describe the new evidence and explain its potential impact on the outcome.
- **Conflict of Interest or Bias:** The Title IX Coordinator, Investigator, Decision-Maker, or other Title IX official involved in the process had a conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or against the individual Complainant or Respondent, that affected the outcome of the matter.

No other grounds for appeal will be considered.

Appeals are not intended to be a rehearing of the allegations and will be conducted through a review of the written record. No hearing will be held. The Appeal Officer will review the appeal, any supporting statements submitted by the parties, and the relevant portions of the record. Individuals who previously participated in the investigation, hearing, or determination may not serve as the Appeal Officer.

After review, the Appeal Officer may deny the appeal, grant the appeal and remand the matter for further proceedings, direct that a new hearing be conducted, or return the matter to the Decision-Maker with instructions for further consideration. Where appropriate, the Appeal Officer may also direct the Title IX Coordinator to reopen a dismissed Formal Complaint.

The Appeal Officer will issue a written decision describing the outcome of the appeal, the rationale for the decision, and any instructions for further action. The College will endeavor to issue appeal decisions within seven (7) Business Days, although additional time may be required for good cause.

The appeal decision will be provided simultaneously to both parties in writing. The decision becomes final upon issuance and concludes the College's grievance process.

Records

The Title IX Coordinator will maintain records of Reports, Formal Complaints, investigations, supportive measures, Informal Resolutions, hearings, appeals, and outcomes under this Policy. Such records may include documentation received, evidence reviewed, interviews conducted, decisions made, and the rationale for those decisions. Records and information gathered during the grievance process will be maintained in accordance with applicable law and College policy.

For allegations of Title IX Sexual Harassment, the College will maintain the following records for a period of seven (7) years:

- Reports and Formal Complaints alleging sex discrimination, including sexual harassment;
- Records relating to the dismissal of a Formal Complaint or any allegations therein;
- Records of each investigation, including determinations regarding responsibility and any audio recording, audiovisual recording, or transcript of a hearing;
- Any disciplinary sanctions imposed upon a Respondent;
- Any remedies provided to a Complainant that were designed to restore or preserve equal access to the College's education programs or activities;
- Any appeal and the result thereof;
- Any Informal Resolution and the result thereof;
- All materials used to train Title IX Coordinators, Investigators, Decision-Makers, Appeal Officers, and individuals who facilitate Informal Resolution processes; and
- All actions taken in response to a Report or Formal Complaint, including supportive measures, together with:
 - The basis for the College's conclusion that its response was not deliberately indifferent;
 - Any measures taken to restore or preserve equal access to the College's education programs or activities; and
 - If supportive measures were not provided, the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Training

The College will ensure that all individuals serving as Title IX Coordinators, Investigators, Decision-Makers, Appeal Officers, and individuals designated to facilitate an Informal Resolution process receive training appropriate to their roles and responsibilities under this Policy and applicable law.

Training will not rely on sex stereotypes and will promote fair, impartial, and objective investigations, hearings, appeals, and informal resolution processes. Individuals involved in implementing this Policy will receive training on issues relevant to their assigned responsibilities, including the scope of the College's education programs and activities, the conduct of investigations and hearings, issues of relevance, and how to serve impartially by avoiding prejudgment of the facts, conflicts of interest, and bias.

The College will make training materials publicly available to the extent required by law.

Revision of this Policy

This Policy supersedes all prior College policies and procedures addressing Title IX, sex discrimination, sexual harassment, sexual misconduct, and retaliation. The College will review this Policy periodically and may revise it to reflect changes in applicable law, regulatory requirements, guidance, or institutional needs.

The College reserves the right to modify this Policy at any time. Revisions will become effective upon publication unless otherwise specified.

Definitions

In addition to those terms defined above, the following terms also apply to this Policy:

Actual Notice: Notice of violations of this Policy or allegations of violations to this Policy to a College's Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the College with actual knowledge is the Respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual

harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. “Notice” as used in this paragraph includes, but is not limited to, a Report to the Title IX Coordinator.

Advisor: A person selected by a party to accompany and assist them during meetings, interviews, hearings, or other proceedings under this Policy. An Advisor may be, but is not required to be, an attorney.

Complainant: A person who is alleged to be the victim of conduct that could constitute a violation of this Policy.

Complaint or Formal Complaint: A document filed by a Complainant, or signed by the Title IX Coordinator, alleging conduct that could constitute a violation of this Policy and requesting that the College investigate the allegations. A Complaint may be submitted in writing or electronically and must contain the Complainant's physical or electronic signature or otherwise indicate that the Complainant is the person submitting the Complaint. At the time of filing, the Complainant must be participating in, or attempting to participate in, a College education program or activity.

Decision-maker(s): A trained individual responsible for conducting a hearing, evaluating evidence, determining relevance where required, and issuing a determination regarding responsibility under this Policy. A Decision-Maker must be impartial and may not serve as the Title IX Coordinator or Investigator in the same matter.

Education Program or Activity: Any location, event, or circumstance over which the College exercises substantial control over both the Respondent and the context in which the alleged violation of this Policy occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.

Final Determination: A written decision issued following completion of the College's grievance process that determines whether the Respondent is responsible for violating this Policy.

Finding: A conclusion within the Final Determination as evaluated under the burden of proof that a specific allegation within a Formal Complaint did or did not occur.

Formal Grievance Process. The method of formal resolution designated by the College to address conduct falls within the scope of this Policy, and which complies with the requirements of 34 CFR Part 106.45.

Investigator: A trained individual responsible for fulfilling the College's burden of gathering and evaluating all evidence related to allegations within a Formal Complaint as required under this Policy.

Official with Authority: An employee of the College explicitly vested with the responsibility to implement corrective measures for sexual harassment and/or retaliation.

Preponderance of the Evidence Standard: Evidence is such that it would persuade a reasonable person that a proposition is more probably true than not true. A finding that is “more likely than not” to be true would satisfy this standard.

Remedies. Individualized measures provided to a Complainant following a determination of responsibility that are designed to restore or preserve equal access to the College's education programs or activities.

Report: Any information communicated to the Title IX Coordinator or another College official authorized to receive reports of conduct prohibited by this Policy that may constitute a violation of this Policy. The term Report includes a Formal Complaint.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.

Sanction. A disciplinary consequence imposed by the College on a Respondent who is found to have violated this policy.