

Sterling College

Title IX Sex Discrimination Policy

Effective 08.01.2024
Approved 07.30.2024

I. Policy Statement

Consistent with its Notice of Non-Discrimination and the U.S. Department of Education’s implementing regulations for Title IX of the Education Amendments of 1972 (“Title IX”) (*see* 34 C.F.R. § 106 *et seq.*), Sterling College (the “College”) stands opposed to and prohibits Sex Discrimination that occurs within its “Education Programs and Activities” as required by Title IX and its regulations, including admission and employment.

Administrators, faculty members, staff, students, contractors, guests, and other members of the College community who commit Sex Discrimination are subject to the full range of College discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (i.e., termination or dismissal); physical restriction from College property; cancellation of contracts; and any combination of the same.

The College will provide persons who have experienced Sex Discrimination ongoing remedies as reasonably necessary to restore or preserve access to the College’s education programs and activities.

II. Scope

This Policy applies to Sex Discrimination that occurs within or impacts the College’s Education Programs and Activities and that is committed by an Employee (administrator, faculty member, staff), Student, contractor, guest, or other member of the College community.

Consistent with the U.S. Department of Education’s implementing regulations for Title IX, this policy does not apply to Sex Discrimination that occurs outside the College’s Education Programs or Activities or outside the geographic boundaries of the United States (such as a study abroad program). Nevertheless, the College will address a Sex-Based hostile environment under its Education Programs or Activities even when some conduct alleged to be contributing to the hostile environment occurred outside the Education Programs or Activities or outside of the United States. Sex Discrimination and Sex-Based Harassment that fall outside the scope of this Policy is prohibited by the Student Handbook, Faculty Handbook, Employee Handbook, and other College policies and standards, as applicable.

This Policy does not apply to forms of misconduct other than Sex Discrimination, as defined herein. Other forms of discrimination and harassment based on protected status are prohibited by the College’s Notice of Non-Discrimination. In addition, the College has numerous other conduct expectations set forth in its handbooks, policies, and standards. The College retains full discretion to enforce the various conduct expectations set forth in those handbooks, policies, and standards, irrespective of whether reported misconduct constitutes Sex Discrimination as defined herein. Where a Report made under this Policy implicates potential violations of conduct

expectations set forth in the College's handbooks, policies, and standards, the College has full discretion to immediately investigate potential violations of other conduct expectations and to impose discipline, as appropriate.

III. Definitions

Adverse Treatment Sex Discrimination means material, adverse action taken against a person where the motivating factor for the action is Sex-Based except where such action is permitted by law. The adverse action need not be sexual in nature to constitute Adverse Treatment Sex Discrimination.

Coercion means the use of force, physical restraint, threats of harm, intimidation, misuse of authority, blackmail, or other unreasonable pressure.

Complainant means:

- A Student or Employee who is alleged to have been subjected to conduct that could be prohibited by this Policy; or
- A person other than a Student or Employee who is alleged to have been subjected to conduct that could be prohibited by this Policy and who was participating or attempting to participate in the College's Education Programs or Activities when the alleged conduct occurred.

Complaint means an oral or written request that objectively can be understood as a request for the College to investigate and make a determination about alleged Sex Discrimination pursuant to the procedures in this Policy.

Confidential Employee means an Employee of the College who is not required to report potential Sex Discrimination to the Title IX Coordinator because:

- The Employee's communications are privileged or confidential under federal or state law (e.g., attorneys, doctors and certain other medical providers, psychologists, and counselors). The Employee's status as confidential is limited to information received about Sex Discrimination while the Employee is functioning within the scope of their duties to which the privilege or confidentiality applies.
- The College has designated the Employee as a confidential resource for the purpose of providing services to persons in connection with Sex Discrimination—but if the Employee also has a role or duty not associated with providing these services, the Employee's status as confidential is limited to information received about Sex Discrimination in connection with providing these services.
- The Employee is conducting a College approved human subjects research study designed to gather information about Sex Discrimination—but the Employee's confidential status is limited to information received while conducting the study.

A list of Confidential Employees by position type is available here
<https://www.sterling.edu/title-ix>

Consent refers to clear words or clear actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. Silence, in and of itself, does not constitute consent. A person who is Incapacitated is not capable of giving Consent. Consent must be given voluntarily. It cannot be procured through physical violence, threats, blackmail, or other unreasonable pressure for sexual activity. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous relationships or prior consent do not imply consent to future sexual acts. In order to give effective consent, a person must be of legal age.

Dating Violence meaning violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

Disciplinary Sanctions mean consequences imposed on a Respondent following a determination that the Respondent violated this Policy.

Domestic Violence meaning felony or misdemeanor crimes committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of Kansas, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of Kansas.

Employee means a person who is paid wages to perform services for the College. Volunteers and independent contractors are not Employees.

Education Programs or Activities refers to all the operations of the College in the United States, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the College. It also includes activity occurring in any building owned or controlled by a student organization that

is officially recognized by the College, and any activity that is subject to the College's disciplinary authority.

Hostile Environment Harassment means 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 College's Education Programs or Activities (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the Complainant's ability to access the College's Education Programs or Activities.
- The type, frequency, and duration of the conduct.
- The parties' ages, roles within the College's Education Programs or Activities, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct.
- The location of the conduct and the context in which the conduct occurred.
- Other Sex-Based Harassment in the College's Education Programs or Activities.

"Incapacitated" refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep. In other words, the person is unable to understand the "who, what, when, where, why, and how" of their sexual interaction and, as a result, cannot give effective consent. Incapacitation is something beyond mere drunkenness or intoxication. No single factor is determinative of incapacitation. Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person.

Party means a Complainant or Respondent.

Policy or Practice Discrimination means a College policy, practice, or condition that has the effect of excluding or limiting a person from participating in the College's Education Programs or Activities on a Sex-Based category or that results in inequitable access to the College's Education Programs or Activities on a Sex-Based category except where such action is permitted by law.

Pregnancy or Related Conditions means:

- Pregnancy, childbirth, termination of pregnancy, or lactation.
- Medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation.

- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or their related medical conditions.

Quid Pro Quo Harassment is an Employee, agent, or other person authorized by the College to provide an aid, benefit, or service under its Education Programs or Activities explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

Relevant means related to the allegations of Sex Discrimination that are subject to investigation and adjudication as set forth in this Policy. 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 College identifies as having had their equal access to its Education Programs or Activities limited or denied by Sex Discrimination. These measures are provided to restore or preserve that person's access to the College's Education Programs or Activities after the College had determined that Sex Discrimination occurred.

Report means an oral or written notification of alleged Sex Discrimination.

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

Retaliation means intimidation, threats, coercion, or discrimination against any person by the College, a Student, or an Employee or other person authorized by the College to provide aid, benefit, or service under its Education Programs or Activities, 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 this Policy. Notwithstanding the foregoing, Retaliation does not include requiring an Employee or person authorized by the College to provide aid, benefit, or service under the College's Education Programs or Activities to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this Policy. Retaliation includes initiating disciplinary process against a person for a violation of another College conduct standard that does not involve Sex Discrimination but arises out of the same facts and circumstances of a Complaint or information about potential Sex Discrimination, if initiating such other disciplinary process is done for the purpose of interfering with the exercise of any right or privilege of Title IX. Retaliation can be committed by a peer. Retaliation does not include any conduct that a party has a right to engage in under the U.S. Constitution.

Sex-Based means on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Sexual means the conduct itself has a sexual nature.

Sex-Based Harassment is a form of Sex Discrimination and means sexual harassment and other Sex-Based harassment that constitutes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking.

“Sexual Assault” consists of one or more of the following:

- Rape: 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, or by a sex-related object. This definition also includes instance in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (include due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- 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 unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Kansas law.
- Sexual intercourse with a person who is under the statutory age of Consent as defined by Kansas law.

Sex Discrimination is an omnibus term that includes Adverse Treatment Sex Discrimination, Policy or Practice Discrimination, and Sex-Based Harassment.

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

- Fear for their safety or the safety of others; or
- Suffer substantial emotional distress.

Student means a person who has gained admission to the College, whether or not they have matriculated.

Student-Employee refers to an individual who is both a Student and Employee of the College. To the extent the distinction between Student or Employee status is material for any standard, obligation, right, or process set forth in this Policy, the Title IX Coordinator will determine the individual’s status for purposes of this Policy. Such determination shall be made after a fact-specific inquiry that includes consideration of relevant circumstances, including whether the individual’s primary relationship to the College is to receive an education or to work, and in what capacity the person was acting (or failing to act) with regard to the events in question.

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:

- Restore or preserve that party's access to the College's Education Programs or Activities, including measures that are designed to protect the safety of the parties or the College's educational environment; or
- Provide support during the College's investigation and adjudication process under this Policy, including any informal resolution process.

IV. Reporting of Sex Discrimination

Any person may report Sex Discrimination to the Title IX Coordinator, who reports directly to the President of the College. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

The name and contact information for the Title IX Coordinator is:

Richard Webb
Title IX Coordinator
Kelsey Hall #304
125 W. Cooper Street
Sterling, KS 67579
620.204.0025
Titleix@sterling.edu

In addition to reporting to the Title IX Coordinator, any person may report Sex Discrimination to any College Employee, including Student-Employees who work in Residence/Student Life, all of whom must promptly forward such Report of Sex Discrimination to the Title IX Coordinator.

V. Mandatory Employee Discrimination Reporting Requirement

All Employees (administrator, faculty, or staff) are mandatory Reporters and required to notify the Title IX Coordinator of any Report of Sex Discrimination as soon as reasonably appropriate. Failure of an Employee to report in a timely manner can constitute a violation of the Employee Handbook and result in disciplinary action.

VI. Mandatory Employee Pregnancy Reporting Requirement

All Employees (administrator, faculty, or staff) are required to notify the Title IX Coordinator of any report of a Student's pregnancy or related conditions. Employees must

immediately provide the Student with the Title IX Coordinator's contact information and inform the Student of Title IX Coordinator's authority to prevent discrimination and ensure equal access to their educational opportunities.

To provide documentation of such reports, Employees must email the Title IX Coordinator, sharing the Student's name and circumstances of what was reported regarding Pregnancy or Related Conditions, The Title IX Coordinator will then contact the Student and inform them of their legal rights, including access to reasonable modifications. Failure of an Employee to report in a timely manner can constitute a violation of the Employee Handbook.

VII. Confidential Reporting Resources

Notwithstanding the mandatory Reporting obligation for all Employees, the College recognizes that there is a need for Complainants and other interested persons to have confidential conversations that do not result in a mandatory report being made to the Title IX Coordinator. Therefore, the College has designated certain on-campus resources as confidential options, meaning that Employees within those offices (Confidential Employees) are not required to report Sex Discrimination to the Title IX Coordinator unless explicitly required by state law (such as when they are notified a child has been abused) or in an extreme case where there is an immediate threat or danger. Confidential Resources include:

- On-campus licensed professional counselors and staff.
- On-campus health service providers and staff.
- On-campus chaplain working within the scope of their licensure or ordination.

There are various off-campus resources not affiliated with the College that can also provide confidential support to a Complainant or Reporting party without a Report being made to the Title IX Coordinator. Contact information for various community-based or on-campus support and advocacy groups is available from the Title IX Coordinator upon request.

A person may also file a Complaint of Sex Discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/Complaintintro.html or by calling 1-800-421-3481.

VIII. Special Advice for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence, or Stalking

If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. For those who believe that they are victims of Sexual Assault, Domestic Violence, or Dating Violence, the College recommends the following:

- Get to a safe place as soon as possible.

- Try to preserve all physical evidence of the crime—avoid bathing, using the toilet, rinsing one’s mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding where the assault occurred- preserve for law enforcement.
- Preserve all forms of electronic communication that occurred before, during, or after the assault.
- Contact law enforcement by calling 911.
- Get medical attention - all medical injuries are not immediately apparent. This is also necessary to collect evidence in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional counselor or health care provider who can help explain options, give information, and provide emotional support.
- Make a Report to the Title IX Coordinator.
- Explore this Policy and avenues for resolution under this Policy.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sex-Based Harassment investigations.

Once a Report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:

- Obtaining Supportive Measures
- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling (always recommended)
- Pursuing legal action against the perpetrator
- Filing a Complaint
- Requesting that no further action be taken

IX. Preliminary Assessment of Initial Report

Upon receipt of a Report the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of the Policy and
- Whether the conduct, as reported, constitutes or could constitute Sex Discrimination.

If the Title IX Coordinator determines that the conduct reported does not and could fall within the scope of the Policy, and/or does not/and could not constitute Sex Discrimination even if investigated, the Title IX Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act (“FERPA”). The Title IX Coordinator may refer the Report to other College offices, as appropriate, for resolution under other applicable policies and standards.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sex Discrimination, if investigated, the Title IX Coordinator will proceed to contact the Complainant identified from the assessment.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the Report.

Assessments of all Reports should be completed within five (5) working days, pending reasonable delays or exigent circumstances.

X. Contacting The Complainant

If a Report is not closed as a result of the preliminary assessment and the Complainant’s identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures; to discuss and consider the Complainant’s wishes with respect to Supportive Measures; to inform the Complainant of the availability of such Supportive Measures with or without filing a Complaint; and to explain the process for filing and pursuing a Complaint. The Complainant will also be provided with options for filing complaints with local laws enforcement and information about resources that are available on campus and in the community.

XI. Supportive Measures

The College will offer and coordinate Supportive Measures as appropriate for the Complainant and/or Respondent to restore or preserve that person’s access to the College’s Education Programs or Activities or provide support during the procedures set forth in this Policy, including during any informal resolution process.

Supportive Measures are not punitive or disciplinary in nature but may include counseling, academic accommodations, housing accommodations, security escorts or monitoring, modified work schedules or mutual No Contact Orders.

Contemporaneously with the Respondent being notified of a Complaint the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the College will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The College will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Complaint, if the Respondent requests such measures.

Supportive Measures that burden a Respondent will only be imposed after a Complaint is made and will be terminated at the conclusion of the investigation and adjudication process. For

all other Supportive Measures, the College may, as appropriate, modify or terminate such Supportive Measures at the conclusion of the investigation and adjudication process or at the conclusion of any informal resolution process, or the College may continue them beyond that point. Either party may request that the Title IX Coordinator modify, augment, or terminate Supportive Measures, after their imposition, if circumstances have changed materially

The College will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the College's ability to provide the Supportive Measures in question. The College may inform a party of Supportive Measures provided to or imposed on the other party only if necessary to restore or preserve that party's access to the College's Education Programs or Activities

XII. Right to Appeal Supportive Measures

The College will provide either party a timely opportunity to seek modification or reversal of Supportive Measures by allowing the party to submit an appeal to the Title IX Coordinator within two (2) business days of a Supportive Measure decision. All written requests must contain a description of the Supportive Measure being appealed, the reason why the Supportive Measure should be reconsidered, and the party's recommendation of what new measures may be considered in lieu of the Supportive Measure in question.

The Title IX Coordinator will designate an appeals officer and provide the request for appeal to the designated appeals officer within one (1) business day of its receipt. In addition, the Title IX Coordinator may share additional relevant details of the circumstances, upon request by the designated appeals officer. The designated appeals officer will have two (2) business days in which to consider the matter, meeting with any relevant witnesses or individuals impacted by the disputed Supportive Measures and provide in writing a decision to the appealing party, the Title IX Coordinator, and any other relevant party impacted by the Supportive Measures. The decision of the designated appeals officer is final and not subject to further review.

If a Supportive Measure burdens the Respondent, the Respondent will be given an opportunity to appeal the imposition of the Supportive Measure prior to the Supportive Measure taking effect unless such pre-imposition appeal is impractical, in which case the Respondent will be given an opportunity to appeal through the process outlined above.

The Title IX Coordinator will oversee and facilitate any modifications or changes in Supportive Measures instituted through the appeals process.

XIII. Interim Emergency Removal

At any time after receiving a Report of Sex Discrimination, the Title IX Coordinator may remove a Student Respondent from the College's Education Programs or Activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the health or safety of any Student or other individual arising from the allegations of Sex Discrimination justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the

Respondent an opportunity to appeal the interim removal. The interim removal is subject to the appeal procedures specified in “Right to Appeal Supportive Measures.”

In the case of a Respondent who is a non-Student Employee (administrator, faculty, or staff), and in its discretion, the College may place the Respondent on full or partial administrative leave at any time after receiving a Report of Sex Discrimination, including during the pendency of the investigation and adjudication process. An Employee’s right to appeal will be governed by the Employee or Faculty Handbook addressing appeal processes for conduct matter.

For all other Respondents, including independent contractors and guests, the College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a Report of Sex Discrimination or otherwise.

Where the conduct referenced in a Report of Sex Discrimination could constitute a violation of some other applicable conduct standard or state law, irrespective of whether it constitutes Sex Discrimination, this Section shall in no way constrain the College’s ability to take interim measures under other applicable handbooks, policies, laws, and standards

XIV. Filing of a Complaint

A person may make a Complaint with the Title IX Coordinator requesting that the College investigate and adjudicate Sex Discrimination in accordance with the procedures in this Policy. Provided, however, that the person must (1) meet the definition of Complainant; (2) be a person who has the legal right to act on a Complainant’s behalf; (3) be the Title IX Coordinator; or (4) with respect to Complaints of Sex Discrimination other than Sex-Based Harassment, be a Student or Employee or a third-party who is participating or attempting to participate in the College’s Education Programs or Activities when the alleged Sex Discrimination occurred.

Complaints may be made to the Title IX Coordinator in person, by regular mail, or by email using the contact information specified above in this Policy.

In deference to the agency of alleged victims of Sex Discrimination, the Title IX Coordinator will exercise the authority to make a Complaint only after careful consideration of multiple factors suggests there is an immediate and serious threat to the health or safety of the Complainant or other person or where not making a Complaint would prevent the College from maintaining a non-discriminatory environment. Such factors to be considered include: (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 of additional Sex Discrimination; (4) the severity of the alleged Sex Discrimination, including whether the discrimination, if established, would require the removal of the 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 involved; (6) whether the alleged perpetrator is an Employee; (7) the scope of the alleged Sex Discrimination, including information suggesting a pattern, ongoing Sex Discrimination, or Sex Discrimination alleged to have impacted multiple individuals; (8) the availability of evidence; and (9) whether the College could end the alleged Sex

Discrimination and prevent its recurrence without initiating the investigation and adjudication procedures.

If the Title IX Coordinator makes a Complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures.

If the Complainant or the Title IX Coordinator makes a Complaint, the College will commence an investigation and proceed to adjudicate the matter as specified in this Policy. In all cases where a Complaint is made, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator makes a Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

If the Title IX Coordinator elects not to make a Complaint, and no other person makes a Complaint, the Title IX Coordinator will still evaluate the need for and, if appropriate, implement other prompt and effective steps to ensure that Sex Discrimination does not continue or recur in the College's Education Programs or Activities and to remedy its effects, if any.

XV. Consolidation of Complaints

The College may consolidate Complaints of Sex Discrimination against more than one Respondent, or by more than one Complainants against one or more Respondents, or by one party against another party, when the allegations of Sex Discrimination arise out of the same facts or circumstances. 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.

XVI. Basic Requirements of Sex Discrimination Complaint Resolution Procedures

The College's process set forth in this Policy for investigating and adjudicating Complaints of Sex Discrimination:

- Treats Complainants and Respondents equitably.
- 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. Notwithstanding the foregoing, a decisionmaker may be the same person as the Title IX Coordinator or investigator.
- Presumes that the Respondent is not responsible for the alleged Sex Discrimination until a determination is made at the conclusion of the adjudication process.
- 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.

- Takes reasonable steps to protect the privacy of the parties and witnesses during the investigation and adjudication 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.
- Objectively evaluates 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.

XVII. Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except 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 College obtains that party's or witness's voluntary, written consent for use in its investigation and adjudication process.
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless Such questions or evidence is offered to prove that someone other than the Respondent committed the alleged conduct or is or is offered to prove consent with evidence concerning specific incidents of the Complainant's prior sexual conduct with the Respondent. 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 Discrimination or preclude determination that Sex Discrimination occurred.

XVIII. Investigation, Adjudication, and Appeal Timeframes and Deadlines

Business days will be considered the standard reasonable and prompt timeframe for consideration of the major stages, including investigation, determination/adjudication, and appeal.

- Investigations will be concluded by the investigator within 20 business days from receipt of Complaint from the Title IX Coordinator.
- The determination/adjudication process will be concluded by the Decisionmaker within 20 business days from receipt of the final investigative report.

- The appeal process will be concluded by the Appeals Officer within 5 business days of receipt of the written request for appeal from the Title IX Coordinator.

These timeframes are subject to change and extension based on circumstances or reasonable delays when authorized by request to the Title IX Coordinator.

XIX. Written Notice of Complaint

Within five business days of receiving a complaint, the Title IX Coordinator will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- A copy of this Policy, whether in physical or electronic form.
- 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, and the date(s) and location(s) of the alleged incident(s).
- A statement that Retaliation is prohibited.
- A statement that the Respondent is presumed not responsible for the alleged Sex Discrimination until a determination of responsibility is made final and that the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision-maker prior to such determination being made.
- A statement that the parties may have an advisor of their choice who may be, but is not required to be, an attorney.
- A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or any investigative Report; and
- Notification that the College's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the investigation and adjudication procedures.

If there are legitimate concerns for the safety of any person because of providing the written notice of Complaint, providing such written notice may be reasonably delayed to address the safety concern appropriately. Safety concerns that would justify delay of providing the written notice must be based on an individualized safety and risk analysis and not mere speculation or stereotypes. In any event, the written notice of Complaint will be provided to a party sufficiently in advance of their initial investigative interview such that the party has sufficient time to prepare.

If, in the course of an investigation, the Title IX Coordinator decides to investigate additional allegations of Sex Discrimination 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.

XX. Dismissal of a Complaint:

The Title IX Coordinator may dismiss a Complaint if:

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

Upon dismissal, the Title IX Coordinator will promptly notify the Complainant in writing of the dismissal and its basis. If the dismissal occurs after the Respondent has been notified of the allegations, then the Title IX Coordinator will notify the parties simultaneously in writing.

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

When a Complaint is dismissed, the Title IX Coordinator 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 does not continue or recur within the College's Education Program or Activity.

XXI. Presumption of Non-Responsibility

From the time a Report or Complaint is made, as the case may be, the College will adopt a presumption that the Respondent is not responsible for the alleged misconduct until a determination regarding responsibility is made final.

XXII. Investigation of Complaints

A. General Provisions

The College will provide for adequate, reliable, and impartial investigation of Complaints. The burden is on the College—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination occurred.

The investigator 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.

B. Advisors

The investigator will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The College will not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding, within reason or practicality. The College may establish restrictions regarding the extent to which the advisor may participate in these procedures, as long as the restrictions apply equally to the parties. The advisor must play a passive role and is not permitted to communicate on behalf of a party. In the event a party's advisor of choice engages in material violation of the parameters specified in this Policy, the College may preclude the advisor from further participation, in which case the party may select a new advisor of their choice. The College is not required to provide a party with an advisor in any circumstance. The College 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.

C. Evidence Collection

The College 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. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own. The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Complaint. A party who is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

The College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

D. Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

E. Access to the Evidence

The investigator 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 Discrimination. At the conclusion of the evidence-gathering phase of the investigation, the investigator will provide both parties and their advisor an equal opportunity to inspect and review any evidence obtained up to that point that is relevant to the allegations raised in the Complaint, whether obtained from a party or some other source. Thereafter, the parties will have five (5) business days in which to submit to the investigator any written response, which the investigator will include in the final investigative documentation submitted to the Title IX Coordinator and for the adjudication process.

The investigator will take reasonable steps to prevent, and will notify the parties and their advisors that, unauthorized disclosure of information and evidence obtained solely through these procedures will not be allowed.

F. Investigation Report

After the period for the parties to review and respond to the relevant evidence, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, identifies the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. The report will also contain a credibility analysis of the relevant parties' testimony and the investigator's recommended findings of fact.

The investigator will submit the investigation report to the Title IX Coordinator. This submission of documentation and evidence will include any recorded interviews, written statements from parties or witnesses, and written responses from parties regarding the evidence. The investigator will also simultaneously transmit the report to each party and their advisor, in either electronic or hard copy form.

XXIII. Adjudication Process

The Title IX Coordinator will appoint an appropriate Title IX staff member to serve as the decisionmaker and adjudicate the Complaint. The investigation report and relevant evidence will be provided to the Decisionmaker for the adjudication process.

A. Appointment of the Decisionmaker and Notification to the Parties

The decisionmaker will promptly send written notice to the parties notifying the parties of the decisionmaker's appointment; setting a deadline for the parties to submit a written response to the investigation report and its appended evidence; and setting a date and time for each party to meet with the decisionmaker separately. The decisionmaker's meetings with the parties will not be held any earlier than ten (10) business days from the date the investigator transmitted the investigation report to the parties.

B. Response to the Investigation Report

A party's written response to the investigation report must include:

- To the extent the party wishes to respond to any aspect of the investigation report or evidence, any such response.
- A statement as to whether the party contends the credibility of the other party or any witness is in dispute; if so, how such credibility dispute is relevant in evaluating any of the allegations in the Complaint.
- A list of questions the party contends should be posed to the other party and any witnesses.
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration based on any one or more of the standards specified in this Policy.
- Argument regarding whether any of the allegations in the Complaint are supported by a preponderance of the evidence.
- Argument regarding whether any of the allegations in the Complaint constitute Sex Discrimination
- While the party may receive assistance in preparing the written response, the written response must be submitted and signed by the party themselves or someone with legal authority to act on their behalf.

C. Meetings with Parties and Witnesses

After reviewing the parties' written responses to the investigation report, the decisionmaker will meet separately with each party to ask questions, including questions posed by the other party, concerning the party's written response, the investigation report, and/or the evidence collected during the investigation, including questions that may bear on credibility. The decisionmaker may also meet with specific witnesses whose credibility is in dispute, and whose testimony is potentially relevant in evaluating any allegations in the Complaint, to pose questions that may bear on credibility.

When a Complaint includes Sex-Based Harassment allegations involving a Student Complainant or Student Respondent, the individual meetings will be video and/or audio recorded. The decisionmaker will provide copies of the recordings, or transcripts of the recordings, to the parties. Each party will have ten (10) business days to review the recordings or transcripts and propose follow-up questions to be posed to the other party and/or witnesses. The decisionmaker will then meet promptly with parties and/or witnesses to pose follow-up questions, as deemed appropriate by the decisionmaker.

The decisionmaker will screen questions submitted by the parties to ensure they are clear, relevant, and not harassing, and will exclude questions and evidence that are inadmissible under this Policy. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker has determined is unclear or harassing and, if the advisor sufficiently clarifies or revises the question, the question will be posed.

D. Subjection to Questioning

In the event a party or witness who was interviewed during the investigation declines to meet with the decisionmaker or respond to questions that have been deemed relevant and not impermissible, the decisionmaker may consider the individual's statements, although the decisionmaker must consider whether the individual's failure to meet and/or respond to questions about their credibility should affect the weight to be given to such statement. The decisionmaker may choose to place less or no weight upon the individual's prior statements, provided that the Decisionmaker may not draw an inference about whether Sex-Discrimination occurred based solely on a party's or witness' refusal to respond to questions.

E. Deliberation and Determination

After meeting with each party and any witnesses whose credibility is in dispute, the decisionmaker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The decisionmaker will take care to exclude from consideration any evidence that the Decisionmaker determines is inadmissible. The decisionmaker will resolve disputed facts using a preponderance of the evidence (that is, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Complaint.

In the event the decisionmaker determines that the Respondent is responsible for violating this Policy, the decisionmaker will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The decisionmaker will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant and other persons, as appropriate. The decisionmaker may seek legal advice from the College's in-house or outside counsel.

F. Written Decision

After reaching a determination and consulting with the appropriate College official and Title IX Coordinator, as necessary, the decisionmaker will prepare a written decision within three (3) business days that will include:

- A description of the alleged Sex Discrimination.
- Information about the policies and procedures the College used to evaluate the allegations.
- The decisionmaker's evaluation of all relevant evidence and determination of whether Sex Discrimination occurred.
- When the decisionmaker finds that Sex Discrimination occurred, discipline determined by the appropriate College official.
- Whether the Complainant, Respondent, or, to the extent appropriate, other persons, will receive any ongoing Supportive Measures or other remedies as determined by the Title IX Coordinator.
- A description of the College's process and grounds for appeal.

The decisionmaker will transmit the written decision to the Title IX Coordinator and the parties. Transmittal of the written decision to the parties concludes the adjudication process, subject to any right of appeal. Any discipline imposed will be stayed pending the completion of any appeal.

Although the length of each adjudication by a Decisionmaker will vary depending on the totality of the circumstances, the College strives to complete the adjudication process within twenty (20) business days from the date the Decisionmaker is appointed and receives the Investigation report.

These timeframes are subject to change and extension based on circumstances or reasonable delays when authorized by request to the Title IX Coordinator.

XXIV. Appeals:

Either party may appeal the written decision of an adjudication, or a dismissal of a Complaint, on one or more of the following grounds:

- 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.

No other grounds for appeal are permitted.

Parties will have three (3) business days in which to submit a written request for appeal to the Title IX Coordinator. Appeal request should provide sufficient details explaining under what grounds or reasoning the appeal may be relevant.

Upon receipt of a written appeal, the Title IX Coordinator will designate an appeals officer who 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.
- Communicate to the parties in writing that College will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and

Notify the parties in writing of the result of the appeal and the rationale for the result

XXV. Informal Resolution:

In lieu of resolving a complaint through the investigation and/or adjudication process outlined in this Policy, the parties may instead elect to participate in an informal resolution process. The Title IX Coordinator will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. The Title IX Coordinator will not offer informal resolution to resolve a Complaint when such a process would conflict with Federal, State, or local law.

If the Title IX Coordinator determines that informal resolution process is appropriate, the Title IX Coordinator will appoint an Informal Resolution Facilitator. The Informal Resolution Facilitator 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
- Information maintained through mediation process related to Title IX grievance actions is considered confidential and not subject to disclosure of such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Informal Resolution Facilitator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Informal Resolution Facilitator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or where required to avoid a manifest injustice to either party or to the College. Resolutions through informal resolution are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent time extension by the Title IX Coordinator, any informal resolution process must be completed within twenty (20) business days. If an informal resolution process does not result in a resolution within twenty (20) business days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to informal resolution.

XXVI. Disciplinary Sanctions and Remedies:

Following a determination that Sex Discrimination occurred, the College may impose disciplinary sanctions, which may found within the Student Standard of Conduct or Employee Handbook. The College may also provide remedies, which may be included within the Student Standard of Conduct or Employee Handbook.

The Title IX Coordinator will oversee the implementation of any sanctions or remedies imposed as a result of this process under authority of the appropriate College's Policy.

XXVII. Pregnancy and related conditions

The College has a duty to provide certain accommodations to Students with Pregnancy and Related Conditions. Reasonable modifications based on individualized Student needs, determined after consultation with the Title IX Coordinator or designated accommodation staff, and Student may be allowed.

The College will provide access to lactation space, other than a bathroom. The Title IX Coordinator, V.P. of Student Affairs, V.P. of Academic Affairs, or Human Resource Director may provide information on the location of lactation space on campus.

XXVIII. Mandatory Employee Pregnancy Reporting Requirement

All Employees (administrator, faculty, or staff) are required to notify the Title IX Coordinator of any report of a Student's Pregnancy or Related Condition. Employees must immediately provide the Student with the Title IX Coordinator's contact information and inform the Student of the Title IX Coordinator's authority to prevent discrimination and ensure equal access to their education. opportunities. To confirm documentation of such reports, Employees will email the Title IX Coordinator, sharing the Student's name, contact information, and circumstances of what was reported to the Employee. The Title IX Coordinator will then contact the Student and inform them of their legal rights, including the process for obtaining reasonable modifications. Failure of an Employee to report in a timely manner may constitute a violation of the Employee Handbook.

XXIX. General Provisions

A. Conflicts of Interest, Bias, and Procedural Complaints

The Title IX Coordinator, investigator, decision-maker, administrative officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these College officials has a material conflict of interest or material bias must raise the concern promptly so that the College may evaluate the concern and find a substitute, if appropriate. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal or otherwise.

B. Complaints Against Administrative Employees

If a Complaint alleges that an administrative official of the College has engaged in Sex Discrimination, the Title IX Coordinator will complete the initial assessment as described within this Policy. If the Complaint falls within the scope of this Policy, the Title IX Coordinator will appoint an external investigator and decisionmaker to investigate and adjudicate the allegations. Administrative positions falling under this conflict include but are not limited to: *President of the College, all Vice Presidents, all Board or Cabinet members, Chief Financial Officer, Athletic Director, Human Resource Director, and any administrative Employee determined to have a reasonable conflict of interest with the Title IX Coordinator or staff routinely responsible for the investigation and adjudication of a Complaints.*

C. Objections Generally

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the College may evaluate the matter and address it, if appropriate. The failure of a party to timely raise an objection, concern, or Complaint may result in a waiver of the issue for purposes of any appeal or otherwise.

D. Relationship With Criminal Process

This Policy sets forth the College's processes for responding to reports and Complaints of Sex Discrimination. The College's processes are separate, distinct, and independent of any criminal processes. While the College may temporarily delay its processes under this Policy to avoid interfering with law enforcement efforts if requested by law enforcement, the College will otherwise apply this Policy and its processes without regard to the status or outcome of any criminal process.

E. Recordings

Wherever this Policy specifies that an audio or video recording will be made, the recording will be made only by the College and is considered property of the College, subject to any right of access that a party may have under this Policy, FERPA, and other applicable federal, state, or local laws. Only the College is permitted to make audio or video recordings under this Policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this Policy is strictly prohibited. Any party who wishes to transcribe a recorded event by use of a transcriptionist must seek pre-approval from the Title IX Coordinator.

F. Vendors, Contractors and Third Parties

The College does business with various vendors, contractors, and other third parties who are not Students or Employees of the College. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the College retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And the College retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this Policy.

G. Bad Faith Complaints and False Information

It is a violation of this Policy for any person to submit a Report or Complaint that the person knows, at the time the Report or Complaint is submitted, to be false or frivolous. It is also a violation of this Policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this Policy. Violations of this Policy will be addressed under the Student Standard of Conduct, the Faculty Handbook, and Employee Handbook policies and standards, as applicable.

H. Retaliation

It is a violation of this Policy to engage in Retaliation. Reports and Complaints of Retaliation may be made to the Title IX Coordinator. Any Report or Complaint of Retaliation will be processed under this Policy in the same manner as a Report or Complaint of Sex Discrimination, as the case may be. The College retains discretion to consolidate a Complaint of Retaliation with a Complaint of Sex Discrimination for investigation and/or adjudication purposes if the two Complaints share a common nexus.

I. Confidentiality

The College will keep confidential the identity of any individual who has made a Report or Complaint of Sex Discrimination or Retaliation including any Complainant, the identity of any individual who has been Reported to be a perpetrator of Sex Discrimination or Retaliation including any Respondent, and the identity of any witness. The College will also maintain the confidentiality of its various records generated in response to Reports and Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, the College may reveal the identity of any person or the contents of any record when the individual has provided prior written consent to disclose their identity; if permitted by FERPA; if necessary to carry out the College's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this Policy or any subsequent judicial proceeding; as required by Federal regulations or the terms and conditions of a Federal award, including a grant award or other funding agreement or as otherwise required by law. Further, notwithstanding the College's general obligation to maintain confidentiality as specified herein, the parties to a Complaint will be given access to investigation and adjudication materials in the circumstances specified in this Policy.

While the College will maintain confidentiality, the College will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sex Discrimination or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this Policy.

Certain types of Sex Discrimination are considered crimes for which the College must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

J. Other Violations of this Policy

Alleged violations of this policy, other than violations of the prohibitions on Sex Discrimination or Sex-based Harassment and Retaliation, will be subject to review under the Student Handbook, Faculty Handbook, Employee Handbook and/or other College policies and standards, as applicable.

K. Signatures and Form of Consent

For purposes of this Policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this Policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, as the case may be, will suffice.

L. Deadlines, Time, Notices, and Method of Transmittal

Where this Policy specifies a period of days by which some act must be performed, the following method of calculation applies:

- Exclude the day of the event that triggers the period;
- Count every business day, excluding Saturdays, Sundays, and legal holidays recognized by the federal government.
- Include the last business day of the period until 5:00 p.m. central time.
- During periods of official school breaks in which Students are away from campus and academic classes are no longer in session, or the campus is closed, all such days will not be considered business days.

All deadlines and other time periods specified in this Policy are subject to modification by the College where, in the College's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, decisionmaker, or the parties; the need to consult with the College's legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with Title IX Coordinator,. Such request must state the extension sought and explain what good cause exists for the requested extension. The Title IX Coordinator may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of the College.

The parties will be provided written notice of the modification of any deadline or time period specified in this Policy, along with the reasons for the modification.

Where this Policy refers to notice being given to parties "simultaneously," notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.

Unless otherwise specified in this Policy, the default method of transmission for all notices, Reports, responses, and other forms of communication specified in this Policy will be email using College email addresses.

A party is deemed to have received notice upon transmittal of an email to their College email address. In the event notice is provided by mail, a party will be deemed to have received notice three (3) days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this Policy, the sufficient time to be provided will be determined in the sole discretion of the College, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant College officials; approaching holidays or closures; and the number and length of extensions already granted.

M. Other Forms of Discrimination

This Policy applies only to Sex Discrimination and Sex-Based Harassment. Complaints of other forms of protected-status discrimination and/or harassment are governed by the College's Non-Discrimination Notice.

N. Outside Appointments, Dual Appointments, and Delegations

The College retains discretion to retain and appoint suitably qualified persons who are not College Employees to fulfill any function of the College under this Policy, including, but not limited to investigator, decision maker, administrative officer, informal resolution officer, and appeals officer.

The College also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, decision maker, administrative officer, and/or appeals officer.

The functions assigned to a given College official under this Policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision maker, administrative officer, informal resolution officer, and appeals officer, may, in the College's discretion, be delegated by such College official to any suitably qualified individual and such delegation may be recalled by the College at any time.

O. Training

The College will ensure that Title IX officials acting under this Policy, including but not limited to the Title IX Coordinator, investigators, decision makers, administrative officers, informal resolution facilitators, and appeals officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law.

P. Recordkeeping

The College will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in the College's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made

available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.

Q. Definitions

Words used in this Policy will have those meanings defined herein and if not defined herein will be construed according to their plain and ordinary meaning.

R. Limited Amnesty for Students

The College recognizes that an individual who has been drinking alcohol or using drugs may be hesitant to report Sex Discrimination arising from the same setting where the alcohol or drugs were consumed. To encourage reporting, the College will not take disciplinary action for drug or alcohol use against a Student who makes a good faith Report or Complaint of Sex Discrimination, or who participates in an investigation and/or adjudication of the same, provided that the conduct violations did not and do not place the health or safety or any other person at risk. The College may, however, require such individuals to participate in non-punitive measures intended to prevent the recurrence of such conduct in the future, such as counseling, training, or a behavior plan. The College's commitment to amnesty in these situations does not prevent action by local police or other legal authorities against an individual who has illegally consumed alcohol or drugs.

S. Discretion in Application

The College retains discretion to interpret and apply this Policy in a manner that is not clearly unreasonable, even if the College's interpretation or application differs from the interpretation of the parties.

Despite the College's reasonable efforts to anticipate all eventualities in drafting this Policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express Policy language, in which case the College retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this Policy and the Hearing Procedures referenced are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the College retains the discretion to revise this Policy and the Hearing Procedures at any time, and for any reason. The College may apply Policy revisions to an active case provided that doing so is not clearly unreasonable.

T. Religious Liberty

The College qualifies as an educational institution controlled by a religious organization as specified in 34 C.F.R. § 106.12. No provision of this Policy, or of Title IX of the Education Amendments of 1972 or its implementing regulations, shall be applied in such a way as to conflict with the College's Christian beliefs.