# Oberlin College

## Title IX Sexual Harassment Policy

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### Title IX Sexual Harassment Policy


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## I. INTRODUCTION

Oberlin College and Conservatory ("Oberlin" or "the College") values civility, dignity, diversity, equality, freedom, integrity, and safety and is firmly committed to maintaining a campus environment free from discrimination based on sex, gender identity, gender expression, gender-based harassment, or gender-based violence. This Title IX Sexual Harassment Policy ("Sexual Harassment Policy") specifically addresses the College's prohibition against sexual harassment as defined by federal regulations issued by the United States Department of Education.

Sexual harassment jeopardizes the mental, physical, and emotional welfare of community members, as well as the physical safety of our community. Sexual harassment diminishes an individual's dignity and impedes their access to educational, social, and employment opportunities. It can permanently impact lives and may cause lasting physical and psychological harm. Sexual harassment violates our institutional values and its presence in the community presents a barrier to fulfilling the College's scholarly, research, educational, artistic, and service missions. Sexual harassment, therefore, will not be tolerated at Oberlin College and is expressly prohibited. Anyone who is aware of sexual harassment by a College employee, student, trustee, volunteer, or contractor should promptly report such misconduct to the Title IX Coordinator or a Deputy Title IX & Equity Coordinator. Oberlin will respond promptly in a manner that is not deliberately indifferent when the College has actual knowledge of sexual harassment that violates this policy. Upon receiving a formal complaint to the Title IX Coordinator or Deputy Title IX & Equity Coordinators, the College will promptly respond to individuals who report experiencing prohibited conduct by offering supportive measures; following a fair grievance process to resolve reports of prohibited conduct allegations when a Reporting Party requests an investigation or a Title IX Coordinator decides on the College's behalf that an investigation is necessary; and providing effective remedies..

This policy provides information regarding the College's prevention and education efforts related to sexual harassment, as well as how the College will proceed once it is made aware of reports of policy violations in keeping with our institutional principles and legal obligations under Title IX and other relevant laws. The College has adopted grievance procedures for investigation, complaint resolution, and appeals to provide the prompt and equitable resolution of student and employee complaints. More information on the procedures are provided here.

This policy does not cover statements, written materials, research, or creative works that are determined by the instructor to be appropriate classroom, research, or artistic subject matter. Nothing in this policy will be interpreted to violate individual constitutional rights of expression, to infringe academic freedom or freedom of

academic inquiry, or to compromise the College's educational mission. Offensive speech alone is not legally sufficient to establish a violation of this policy. The expressive conduct must constitute sexual harassment as defined within this policy in order for a violation to occur.

## II. DEFINITIONS

### A. Violations[1]

**SEXUAL MISCONDUCT**: an umbrella term used to encompass unwanted or unwelcome conduct of a sexual nature that is committed without valid consent, including sexual assault, sexual harassment and other forms of gender-based discrimination. People of any gender can engage in sexual misconduct and sexual misconduct can occur between people of the same or different sexes. Sexual misconduct can include both intentional conduct and conduct that result in negative effects, even if the negative effects were unintended. Sexual misconduct can occur in various modes including in person or in electronic or online communication. Sexual misconduct can also include retaliation in connection with a Reporting Party's allegations under this policy.

- **Quid Pro Quo Sex-Based Harassment**: unwelcome sexual advances, requests for sexual favors, or other unwelcome sexual conduct by an employee of the College if the submission to or rejection of such conduct is used as a basis for or a factor in decisions to provide aid, benefit, or service in College programs or activities.
- **Hostile Environment Sex-Based Harassment**: unwelcome sex based conduct that is determined by a reasonable person standard to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to College benefits, services, programs, or activities. Sexual harassment may occur via various communication devices, via social media, or via the Internet. Conduct reported as sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of sexual harassment, a serious incident, even if isolated, may violate this policy.

[1] The policy violations described in this policy are most relevant to this community. Technical definitions proscribed by the Department of Education are included in the training materials here.

- **Sexual Assault**: any sexual act directed against another person without actual consent including instances where the victim is incapable of giving consent because of the victim's age or the victim's temporary or permanent mental incapacity. For example:
    - **Non-consensual sexual intercourse:** 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 the consent of the victim.
    - **Non-consensual sexual contact:** the intentional touching of the clothed or unclothed body parts of another person or sex-related object for the purpose of sexual gratification, sexual degradation, or sexual humiliation without the consent of the victim, or the forced touching by the reporting party of the responding party's clothed or unclothed body parts without consent for the same purposes discussed above.
    - **Statutory Rape**: sexual intercourse with a person who is under the statutory age of consent where the assault took place. The statutory age of consent in Ohio is sixteen (16).

- **Dating Violence:** physical or sexual violence committed by a person who is or has been in a romantic or intimate relationship with the victim that may include sexual or physical abuse or threats of such abuse. The existence of such a relationship is determined based on the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship. Dating violence can be a single act or a pattern of behavior in a relationship.
- **Domestic Violence**: physical or sexual violence committed by (a) a person against a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner; (d) a person similarly situated to a spouse of the victim under the domestic family or family violence laws of the jurisdiction where the violence occurred; or (e) by a person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction where the violence occurred. Domestic violence can be a single act or a pattern of behavior in a relationship.
- **Stalking on the basis of sex, gender identity or gender expression**: any unwanted course of conduct directed at a specific person that would cause a reasonable person to either fear for their safety or the safety of others; or suffer substantial emotional distress. A course of conduct means two or more acts, including, but not limited to, acts in which the stalker 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.

**RETALIATION**: any attempt to intimidate, threaten, coerce, or take adverse action against a Reporting Party, Responding Party, witness, or any other person participating in or conducting an investigation or resolution of a complaint that negatively alters the terms, conditions or benefits of that individual's equitable access to College programs or activities. Retaliation includes actions that are committed by any member of the Oberlin community, including peers.

### B. General

**ACTUAL KNOWLEDGE:** notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator, or any Deputy Title IX/Equity Coordinator.

**BUSINESS DAYS:** days in which Oberlin College is open for business as recognized by the Department of Human Resources.

**COLLEGE PROGRAM OR ACTIVITY:** a program or activity (including employment and enrollment) that is managed by or supervised by Oberlin College and for which Oberlin College has substantial control to direct the participants or operations.

**CONSENT:** Consent must be actively and freely given, informed and mutually understandable to engage in a particular activity. Consent is also specific to a given situation and may be withdrawn at any time. Consent cannot be procured by the use of physical force, compelling threats, intimidating behavior or coercion. A person who is incapacitated or unable to give consent due to age or an intellectual and/or other disability cannot validly give consent. For the purposes of this policy, the issue is whether the accused student *knew or should have known* that the activity in question was not consensual based on a reasonable person standard.

- **Coercion**: unreasonable pressure for sexual activity. Continued pressure beyond the point when someone has made it clear that they do not want to engage in sexual behavior.
- **Force**: use of physical violence on someone to gain sexual access.
- **Incapacitation:** lacking the physical and/or mental ability to make informed, rational judgments.

**FORMAL COMPLAINT:** a document signed and dated by the Reporting Party or the Title IX Coordinator alleging a violation of this policy and requesting a resolution process to be used.

**ADAPTIVE RESOLUTION PROCESS ("ARP"):** a series of inclusive conflict resolution practices that yield participant-authored, effective, and just outcomes through examination of attitudes and behaviors that contributed to the conflict or harm; and that result in clear accountability measures that repair harm and discourage

future harm. Adaptive resolution practices—including conflict coaching, facilitated dialogue, mediation, and restorative practices—are available to participants on a voluntary basis. ARP is an alternative to the formal resolution process. Generally, advisors of choice are permitted to be present during an ARP session for the sole purposes of providing support, guidance, or advice to the party. Advisors in ARP sessions do not have speaking privileges during the session. An ARP meeting will not be canceled or postponed in the event a scheduled advisor does not attend. Disruptive or uncooperative advisors can be removed from the meeting by the staff person leading the ARP.

**REPORTING PARTY:** an individual who reported that they experienced or witnessed sexual misconduct, regardless of whether that individual participates in the disclosure or review of that report by the College any point. A Reporting Party must be participating in or attempting to participate in a program or activity of the College. The College may sign a formal complaint on behalf of the Reporting Party.

**RESPONDING PARTY:** a College faculty, staff, or student; or participant in a College program who is reported to have violated this policy. A Responding Party must be participating in or attempting to participate in a program or activity of the College.

**TITLE IX:** Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106) is a federal law that prohibits sex-based discrimination in education programs that receive federal financial assistance.

**TITLE IX COORDINATOR:** A College official designated and authorized to ensure the College's overall compliance with Title IX and related College policy. Oberlin College's Title IX Coordinator is Dr. Rebecca Mosely. Inquiries or complaints should be addressed to the Title IX/ADA Coordinator, Office for Institutional Equity (OIE):

Carnegie Hall, Room 204
52 West Lorain St
Oberlin, OH 44074
440-775-8555
Email: oie@oberlin.edu or Rebecca.Mosely@oberlin.edu

**DEPUTY TITLE IX & EQUITY COORDINATOR(S):** a College official who is authorized to intake complaints of violations of this policy and who coordinates Title IX Compliance efforts, under the direction of the Title IX Coordinator, for their divisional unit. For the most current information on the Deputy Title IX Coordinators please visit www.oberlin.edu/institutional-equity.

The Title IX Coordinator and the Deputy Title IX & Equity Coordinators are designated to receive actual notice of alleged violations of this policy on behalf of the College. Any person may file a complaint under this policy to the Title IX Coordinator or any Deputy Title IX & Equity Coordinator. Information on current Deputy Title IX & Equity Coordinators can be found here.

**THE TITLE IX TEAM:** The Title IX Team consists of the Title IX Coordinator, Title IX Deputy & Equity Coordinators, and the Director of Campus Safety (or designee). The appropriate divisional dean (i.e., Dean of Students, Dean of the College or Dean of the Conservatory) or Department of Human Resources representative may join the team to ensure effective and prompt response to reports as well as reviewing and implementing plans for education, prevention, and training for their respective areas.

**SUPPORTIVE MEASURES:** non-disciplinary and non-punitive *individualized* appropriate services offered to both reporting and responding parties that are designed to restore or preserve equitable access the College's programs and activities; ensure the safety of the reporting and responding parties or the campus community; or deter sexual misconduct. Supportive measures are not appropriate if they create an unreasonable burden on the College or other community members. Supportive measures are provided by the College without charge. Supportive measures may be provided by the college in circumstances where the reported misconduct is not able to be adjudicated under this policy, or when a reporting party chooses not to pursue a formal complaint. Possible supportive measures include but are not limited to:

- Facilitating access to counseling or medical services including transportation services
- No contact orders
- No trespass orders
- Security escorts
- Academic accommodations (e.g., rescheduling exams or assignments)
- Academic support services (e.g., tutoring)
- Housing reassignment or accommodations
- On-campus employment accommodations
- Voluntary leave of absence

## III. SCOPE

This policy applies only to sexual misconduct that is committed by a participant in connection with a College Program or Activity; or on property or premises owned or controlled by a College recognized student organization.

This policy does not cover:

- Sexual misconduct committed by a third party that is not a participant in a College Program or Activity; or
- Sexual misconduct occurring outside of the United States.

If the conduct giving rise to an allegation of a violation of this policy also violates the Nondiscrimination and Anti-Harassment Policy, the Investigator will conduct one investigation following the procedures outlined in the respective policies. One Hearing Panel/Officer will resolve the entire matter.

## IV. REPORTING

**Reports of sexual misconduct must be reported to the appropriate College officials.** The College strongly encourages the reporting of sexual misconduct to College officials.

Accordingly, any employee whose role includes responsibility for the safety and security of any part of the College community must timely forward all reports to the Title IX or Deputy Title IX & Equity Coordinators by email to oie@oberlin.edu, in person, by mail, or by telephone, using the contact information listed for the Title IX Coordinator or here, in addition to other reporting obligations, such as direct reporting to law enforcement.

**Anonymous Reports.** Anonymous reports of violations of this Policy may be made to the **Campus Conduct Hotline 866-943-5787**. The hotline is staffed by a third-party service and is available 24 hours/day and seven days a week. Please note that the College may not be able to resolve complaints received from anonymous sources unless sufficient information is furnished to enable the College to conduct a meaningful and fair investigation. The College will, however, take whatever steps it deems appropriate in the best interests of the overall College community, consistent with the information that is available.

**Confidentiality Concerns.** The Office for Institutional Equity is mandated to investigate all reports of policy violations and implement prompt and effective remedial action in response to violations and, therefore, cannot promise confidentiality. The Title IX team handles all matters professionally and discreetly

by sharing information only with those who need to know and by informing participants of those disclosures. The Title IX team maintains the privacy of student records in compliance with the federal Family Educational Rights and Privacy Act ("FERPA").

**Confidential Reporting.** The College recognizes that deciding whether to report sexual misconduct, either to the College or law enforcement, can be difficult. All individuals are encouraged to seek the support of trained professionals on campus and in the local community, regardless of when or where the incident occurred. These professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to any party in the event that a report and/or resolution under this policy is pursued. As detailed online at go.oberlin.edu/OIE, there are Confidential and Privileged Resources which under Ohio law cannot share information without the consent of the individual seeking assistance. Short-term and free counseling provided by licensed psychologists and counselors is available to registered students.

**No time limits for reporting.** The College strongly encourages Reporting Parties to make reports as soon as possible. Timely reporting enables the College to provide greater options for support, investigation and resolution, especially as it relates to crisis counseling, the preservation of evidence, and campus security or law enforcement responses. The lapse of time may make it more difficult to gather relevant information and prevent similar misconduct. The College does not, however, limit the time frame for reporting for incidents within the scope of this policy. Reports of incidents occurring outside of the scope of this policy (e.g., individuals are no longer participants in a College program and activity) will be reviewed but not investigated under this policy.

**Intentionally and knowingly filing a false report.** The College understands that sexual misconduct is often not witnessed by others and that reports of sexual misconduct are not always substantiated by evidence. Therefore, individuals should not be discouraged from reporting sexual misconduct under this policy simply because there appears to be a lack of corroborating evidence. Nevertheless, any member of the College community who knowingly or recklessly files a false complaint or provides false information under this policy or intentionally misleads College officials who are investigating or reviewing a complaint of alleged sexual misconduct may be subject to disciplinary action. This does not apply to reports made in good faith, even if the facts alleged in the Complaint cannot be substantiated by an investigation.

**The protection of minors.** All members of the Oberlin community are required to report any reasonable cause to suspect that a minor (under 18 years old) is experiencing abuse or neglect based on information shared by the minor, any other individual, or one's own observations or knowledge. An Oberlin community member suspecting abuse or neglect is required to bring all suspicions to the immediate attention of the Title IX Coordinator or the Director of Campus Safety.

**Ohio felony reporting requirements.** Under Ohio law, all residents of Ohio must report felonies, including sexual assault. Accordingly, the Title IX Coordinator or Campus Safety will report any potential felony or any crime of violence to the Oberlin Police Department. An individual who experiences potential felony sexual misconduct may choose how to participate in any subsequent criminal investigation.

**Ohio medical professional's reporting requirements.** In Ohio, medical professionals also have legally mandated reporting responsibilities. However, the medical professional must deem the patient medically stable before reporting and must communicate to the patient that the patient does not have to report and/or speak to the police. If the patient chooses not to speak to police at the time of the medical examination, the medical professional does not need to report the patient's name - only the date, general time, and general location of the incident. Medical professionals employed by the College are expected to timely provide de-identified information regarding Clery Act reportable offenses to Campus Safety.

## V. OTHER PROVISIONS

**Reports to local law enforcement.** The College encourages those who believe they experienced a sexual assault or any other crime to file a report with local law enforcement. Campus Safety professionals or Office for Institutional Equity professionals are available, upon request, to assist the individual in making the report. Collection and preservation of evidence relating to a reported sexual assault is essential for law enforcement investigations so prompt reporting to law enforcement is especially critical.

**Concurrent law enforcement investigations.** A Reporting Party may seek recourse under this policy and/or pursue civil or criminal remedies. Proceedings under this policy may be carried out before, simultaneously with, or following civil or criminal proceedings. The College may not, by federal law, wait to address reports of sexual misconduct until any external legal processes are resolved. If necessary, however, the College may temporarily delay the fact- finding portion of its investigation until law enforcement has completed gathering evidence. If either the Reporting or Responding Party requests a reasonable delay of the resolution process until external

proceedings are resolved, the College will evaluate the circumstances of the case (including the length and impact of the delay on the Reporting Party and community, and the integrity of the resolution process) before determining whether it will grant the request.

Standards for criminal investigations or civil liability are different than the standards for determining a violation under this policy, and therefore the College is not required to rely on law enforcement reports and/or judicial actions to make decisions under this policy. If the College finds sexual misconduct has occurred, the College must take effective steps to end it, prevent its recurrence, and redress its effects, regardless of the outcome of external procedures. This College is, however, committed to appropriate coordination with its Campus Safety and with local law enforcement.

**Retaliation protection.** The College will take appropriate steps to ensure that a person who in good faith reports or participates in a sexual misconduct investigation or resolution process; or is accused of violating this policy will not be subjected to retaliation. This protection exists even if a complaint is dismissed or the Responding Party is not found to have violated this policy. The College will take appropriate steps to ensure that all participants in an investigation are treated fairly. Anyone who believes that they are experiencing retaliation is strongly encouraged to report this concern using the same procedure for reporting possible sexual misconduct under this policy.

**Campus amnesty for alcohol and other drug use.** The College is concerned about student health, wellness, and safety. Sometimes students are reluctant to seek help after experiencing sexual misconduct, or may be reluctant to help others who may have experienced sexual misconduct because they fear being held responsible by the College for underage alcohol consumption or providing alcohol to a minor. Students should not be reluctant to report instances of sexual misconduct because they fear being charged with other College policy violations. The College will not take disciplinary action against a student for their personal consumption of alcohol or drugs at or near the time of an incident resulting in a report of sexual misconduct provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate educational interventions regarding alcohol or other drug use.

**Recordkeeping.** The College will create and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the College will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve

equal access to the College's education program or activity. If the College does not provide a Reporting Party with supportive measures, then the College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. All records related to complaints filed with the Office for Institutional Equity will be maintained in accordance with the records retention policy found at go.oberlin.edu/oie-records. All Formal Resolution Proceedings ("FRP") hearings will be recorded by the college, and kept as part of the official record. No other audio or video recording of any part of this process is allowed by any participant.

**Policy review.** The Office for Institutional Equity will lead a campus-wide review of this policy on a biennial basis and, if necessary, will recommend revisions to the senior administration and the Chief Human Resources Officer. Edits made to keep information related to resources will be made as needed to keep the information in this policy accurate.

**Policy distribution.** It is the responsibility of the Office for Institutional Equity to advise the campus community of this Policy on its website and to provide all community members with access with this policy; to provide all faculty, staff, and students with a notification of the policy on an annual basis through email; and to conduct trainings on an annual basis. It is the responsibility of the Office of Admissions and Financial Aid to advise all applicants and admitted or transfer students of this policy on its website and provide all admitted students with access to this policy. It is the responsibility of the Department of Human Resources to advise all employees, volunteers, and contractors of this policy on its website and provide all new employees and volunteers with access to this policy. It is the responsibility of the Office of the Dean of Students to advise all students of this policy on its website.

**Complaints or concerns.** Students, employees, or other individuals may direct complaints or concerns about this Sexual Harassment Policy or its implementation to the Oberlin College Title IX Coordinator, the Deputy Title IX & Equity Coordinators, the Chief of Staff and Strategy Officer at presiden@oberlin.edu, the Vice President, General Counsel and Secretary at contract@oberlin.edu, and/or to the following external agencies:

Denver Office
Office for Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: 303-844-5695
FAX: 303-844-4303; TDD: 800-877-8339

Email: OCR.Denver@ed.gov
Website: https://ocrcas.ed.gov/

Questions or reports involving employees may also be directed to:

**U.S. Equal Employment Opportunity Commission**
Cleveland Field Office
Anthony J. Celebrezze Federal Building
1240 E. 9th Street, Suite 3001
216-306-1120
TTY:1-800-669-6820
ASL Video Phone: 844-234-5122
Email: clevelandfieldoffice@eeoc.gov
Website: https://www.eeoc.gov/field-office/cleveland/location

## VI. EDUCATION AND TRAINING

Oberlin College offers regular prevention programs and ongoing education programs for all students and employees. All new and transfer students and all new employees will receive education on non-discrimination and anti-harassment, including separate Title IX Sexual Harassment training, within three months of their enrollment or appointment. All continuing employees are expected to complete non-discrimination and anti-harassment training, including separate Title IX Sexual Harassment training, on a biennial basis. The Office for Institutional Equity will provide all continuing students and employees with opportunities for education on new policies and best practices for creating diverse, equitable, inclusive communities of excellence.

- Members of the College community are encouraged to contribute to the prevention, intervention, and effective response to sexual misconduct. All members of the community may play a role in building a safe and just educational environment by:
- Modeling healthy and respectful behavior in personal and professional relationships;
- Increasing personal awareness of what constitutes sexual misconduct;
- Speaking out against anti-social behavior that serves to encourage sexual misconduct or to discourage reporting;
- Developing the necessary skills to be an effective and supportive ally to survivors of sexual misconduct;

- Intervening in situations that can lead to sexual misconduct and related misconduct; and
- Interrupting an incident of sexual misconduct when it is safe to do so.

The College will ensure that the Title IX Coordinator and any other employees who are involved in processing, investigating, or resolving complaints of sexual misconduct receive training on the College's responsibility to respond to allegations of sexual misconduct in a prompt, fair, and equitable manner.

Sexual harassment training materials are available here.

## VII. SUMMARY OF COLLEGE RESPONSE PROCEDURES

The Title IX Sexual Harassment Policy procedures are available here. The following is a summary of the College's response procedures.

**A. Emergency Removal**
When a member of the community poses an immediate and significant physical danger to any member of the campus community, the College may immediately remove the individual from participating in College programs or activities pending the outcome of a review meeting. Except in extraordinary circumstances, a hearing on the removal will occur within three business days of the notice of removal. At this hearing, the individual will be informed of why the College deems the individual a threat, the alleged policy violations, available information and will be given an opportunity to respond and present information as to whether the removal should be continued, modified or ended. The hearing will be conducted by the College official authorized to issue the emergency removal.

The primary responsible College official authorized to emergency suspend a student is the Vice President and Dean of Students or their designee. The primary responsible College official authorized to emergency remove a staff member is the Chief Human Resources Officer or their designee. The primary responsible College official authorized to emergency suspend a faculty member is the dean of the division in which the faculty member is appointed or their designee. The president of the College retains authority to emergency remove any faculty, staff, or student to maintain the health, safety, security or well-being of the campus community.

**B. Supportive Measures / Adaptive Resolution Process / Formal Resolution Process**

**1. Supportive Measures**

Once a report of sexual misconduct has been made to the College, the report will be shared with the Campus Safety Director to ensure appropriate distribution of College-wide warnings and maintenance of accurate statistics. The College will also offer supportive measures and notification of institutional policies to the Reporting Party and the Responding Party as appropriate. The College will take the appropriate steps to prevent and/or address retaliatory conduct following a report.

The Title IX Coordinator, in consultation with other campus officials, may implement interim supportive measures as needed to protect the individuals involved and the larger College community. Interim supportive measures may include separation of the parties' academic and living situations or other interventions deemed appropriate. These measures may be kept in place until the end of any review or appeal process. Failure to abide by the interim supportive measures may be a violation of this policy resulting in disciplinary action. Interim supportive measures may be provided even if the Reporting Party chooses not to file a formal complaint with the College, when those measures do not impede educational access for the Responding Party.

**2. Formal Complaint**

If a Reporting Party wishes to engage in a resolution process through the college they must submit a formal complaint. A formal complaint is a document signed and dated by the Reporting Party or the Title IX Coordinator alleging a violation of this policy and requesting an investigation. When necessary, the Title IX Coordinator may sign a report on behalf of the College when a Reporting Party is unable or unwilling to do so. A formal complaint may be filed with the Title IX Coordinator in person, by mail, using the online report form found here or by electronic mail. The complaint must include the signature of the party filing the document either in writing or electronically.

Upon receipt of a formal complaint, the Title IX Coordinator will provide information to the Reporting Party about their options for resolving the complaint, as well as supportive measures available to them on and off campus. All formal complaints will also be reviewed by the Title IX Team to determine any necessary immediate actions. The College will dismiss the complaint from investigation under this Policy if the alleged conduct:

- does not constitute sexual harassment as defined in this policy;
- did not occur in a College's education program or activity; or
- did not occur in the United States.

Such a dismissal does not preclude the College from taking action under another policy.

**3. Adaptive Resolution Process**

The Adaptive Resolution Process (ARP) is a series of inclusive conflict resolution practices that yield participant authored effective and just outcomes through examination of attitudes and behaviors that contributed to the conflict or harm; and that result in clear accountability measures that repair harm and discourage future harm. Adaptive dispute resolution practices - including conflict coaching, facilitated dialogue, mediation, and restorative practices - are available to participants on a voluntary basis. ARP is an alternative to the formal resolution process and does not result in College-mandated disciplinary action against the responding party. The College, however, will enforce any signed resolution agreement.

ARP can be used upon the request of the parties and upon review of the formal complaint by the Title IX Team to verify that ARP is appropriate for the dispute. Both parties must provide written confirmation to the Title IX Coordinator that they wish to utilize ARP to resolve the complaint, and what process (es) they wish to utilize as part of the resolution. Because this process is voluntary, the College will not mandate any specific process or require any party to participate in the ARP. The Title IX Coordinator is responsible for managing the ARP once it begins. Ordinarily the ARP will be completed within sixty (60) business days of the request for the ARP. Either party or the College can request to end the ARP at any time for reasons including but not limited to:

**a.** One of the parties fails to participate in the ARP.

**b.** One of the parties is reported to have additional new violations of college policy towards the other party.

**c.** Both parties agree in writing that the matter discussed in the formal complaint has been resolved to their satisfaction.

ARP may not be used in cases where an employee is the responding party and a student is the reporting party, but may be used in cases when both parties are employees.

Once the ARP process is completed, the Title IX Coordinator will confirm in writing to both parties that the formal complaint has been resolved. Records of the resolution process will be maintained in the Office for Institutional Equity per the OIE Record Retention Policy.

More information ARP and other resolution processes can be found here.

**4. Formal Resolution Process**

The Formal Resolution Process (FRP) can be initiated at the request of the

Reporting Party, Responding Party, or the College. The Title IX Coordinator is responsible for managing the FRP once it begins. The FRP is the only process by which reports against a College employee will be resolved. The Title IX Coordinator will inform the parties of the reported policy violations, supportive measures available to them during the FRP, and procedures followed during the FRP. In general the College will attempt to complete the entire FRP within ninety (90) business days. The FRP consists of an investigation and live hearing to determine whether a Responding Party has violated college policy using the *preponderance of the evidence* standard. Under the FRP, Responding Parties are presumed not to have violated the policy *unless* sufficient evidence exists to show otherwise.

**a. Investigation.**

Investigations are ordinarily conducted by an independent law firm specializing in higher education and Title IX compliance. In all cases, the Investigator will respond to the report in a prompt, thorough, procedurally fair, and effective manner. The Investigator will conduct a fact-finding investigation, which includes meeting separately with the Reporting Party, Responding Party, and pertinent witnesses, and reviewing and analyzing other relevant information. The Investigator will prepare a written report at the conclusion of the investigation. Before the report is finalized, the participating Reporting Party and Responding Party will be given the opportunity to review and respond to the report.

Upon receipt of a complaint, the Investigator will strive to complete its investigation and submit to the parties a draft investigation report within 30 business days. Upon receipt of the draft report, the parties will have ten (10) business days to review and respond to the investigator. The investigator will submit a final investigation report to the Title IX Coordinator within five (5) business days of receiving the parties' comments unless further investigation is required. The final investigation report will be made available to the parties at least ten (10) days before the date of the hearing.

**b. Advisor**

All parties are entitled to advice and support during the process. In addition, the parties may consult with the Title IX Coordinator or Deputy Title IX & Equity Coordinator, who does not participate directly in formal resolution.

During the investigative process, the Reporting Party and the Responding Party may have an advisor present at any meeting with the Investigator. The parties may select their own advisor, or may select an advisor from a list of campus community members who have undergone Title IX training. All

advisors will be required to meet/speak with the Hearing Coordinator or the Title IX Coordinator in advance of any participation in the proceedings to be informed about College expectations regarding the role of advisors. The advisor may not speak on the behalf of their advisee. All communication regarding the process must come from the advisee to the College. The advisor may not delay, disrupt, or interfere with any meeting or proceeding.

The Advisor will have the responsibility of cross-examining the parties and witnesses during the formal hearing. All questions must be approved by the Hearing Panel or Officer to verify that the questions are pertinent to the matter at hand and do not violate Rape Shield laws, legally protected privileged communications, or this policy. Attorneys serving as advisors must adhere to the expectations of the role as described in this policy and the formal resolution procedures found here. The Hearing Coordinator has the authority to determine what constitutes appropriate behavior on the part of an advisor and whether the person may remain in the proceedings. At no time will profanity, yelling, or otherwise unprofessional or abusive behavior be allowed.

Parties who do not select their own advisor will be appointed one by the Title IX Coordinator.

**c. Hearing**

The Hearing Coordinator will schedule a hearing within ten (10) business days of receiving the Investigator's final report. All hearings will be live either in person or via video conferencing. Either party has the right to request that they not be in the same room with the other party for the hearing. Before the hearing, the Hearing Coordinator will schedule a meeting with the parties to explain the hearing procedures and request any information that is needed from them before the hearing. More information about those procedures can be found here.

A party or witness may decide not to attend a hearing or to respond to cross-examination by an advisor or questions from the decision-maker(s). A party or witness's absence or refusal to submit to questioning at the hearing may impact the decision-maker's assessment regarding credibility or weight of a party's or witness's information and statements. The decision-maker(s) can consider other objective information besides statements that was provided by the party or witnesses. The decision-maker will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

**Standard of proof.** The Hearing Panel or Officer's findings will be made using the preponderance of the evidence standard. This standard requires that the information supporting each finding be more convincing than the information offered in opposition to it. Under this standard, individuals are presumed not to have engaged in the conduct reported unless a preponderance of the evidence supports a finding that sexual misconduct occurred.

### C. Corrective Action

Corrective action is designed to restore or preserve equitable access to College programs and activities while honoring the College's educational mission. Corrective actions also serve to promote safety or to deter future threatening or harmful behavior. Some behavior is so harmful to the College community or so deleterious to the educational process that it may require more serious sanctions, such as removal from College housing, specific courses, job duties, or activities; suspension from the College; or expulsion/employment termination. Additional information regarding possible corrective action is described here.

If the Hearing Panel determines that the Responding Party committed the alleged sexual misconduct, the College will take action to address the behavior, prevent the recurrence of that misconduct, and remedy its effects.

Once a decision has been finalized, the Hearing Panel/Officer will issue a statement containing the findings and sanctions including the rationale used to determine both within five (5) business days to the Reporting and Responding Parties and the Title IX Coordinator. The Title IX Coordinator or Deputies are responsible for effective implementation of this policy including completion of any corrective action.

**Dual roles.** When the Responding Party holds a role within the College in addition to that of a student (e.g., student-employee), the sanctions may apply to all roles held by the student provided there is a sufficient nexus between the alleged conduct and the position held by the student. If the student-employee is found to have engaged in sexual misconduct in their employment capacity, the student-employee may be subject to sanctions both in connection with their employment and their student status.

### D. Appeal Process

Either party may appeal the outcome or sanctions imposed. The appeal must be submitted within five (5) business days of receiving the Hearing Panel's or Hearing Officer's decision letter. To request an appeal, the party must submit a written appeal to the Title IX Coordinator who will appoint a trained appeals officer. If an appeal is filed, the determination becomes final on the date that the College provides the parties with the written determination of the result of the appeal. If an appeal is not

filed, the determination becomes final on the date on which an appeal would no longer be considered timely.

**1. Grounds for Appeal**

A party may only seek appeal on the findings under the following grounds:

**a.** A party may only seek appeal on the findings under the following grounds:

**b.** A procedural irregularity affected the outcome of the case;

**c.** There is new and relevant evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome;

**d.** There is a conflict of interest or bias on the part of the Title IX Coordinator, investigator, or decision-maker that could affect the outcome of the matter. An individual's past education or professional experience alone is insufficient to establish a conflict of interest or bias; or

**e.** The sanctions are not appropriate or disproportionate to the determined violation(s).

Both parties will be notified if either party submits an appeal and will be informed of the grounds of the appeal. A party may submit a short written response to the other party's appeal within five (5) business days of this notification.

**2. Appeal Procedure**

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The Appeals Officer will review the record, the information submitted on appeal and issue a written report that may result in the following outcomes:

**a.** If there was a material deviation from procedure that affected the outcome, the Appeals Officer may refer the matter to the Hearing Panel/Officer to rectify the error, or in rare cases where the error cannot be resolved, a new hearing will be ordered.

**b.** If a conflict of interest or bias on the part of the Title IX Coordinator, investigator, or decision-maker is deemed to have affected the outcome, the Appeals Officer may refer the case to an appropriate place in the process to rectify this affect.

**c.** If newly-discovered information appears relevant, the Appeals Officer can recommend that the case be returned to the Hearing panel/Officer to assess the weight and effect of the new information and render a determination after considering the new facts.

**d.** If the sanctions appear inappropriate or disproportionate, alter the sanctions, accordingly.

**e.** Affirm the findings and sanctions.

The Appeals Officer will issue a written decision on the appeal simultaneously to the Reporting Party, Responding Party and Title IX Coordinator within ten (10) business days from the date of the submission of all appeal documents by both parties. Appeal decisions of the Appeals Officer are final. More information on the Formal Resolution Process can be found here.

**Dismissal Sanction for Tenured Faculty Member**
If the Appeals Officer affirms dismissal of a tenured faculty member, the President will review the record (including, as a minimum, the Investigator's Report, the Hearing Panel's report, the Appeals Officer's report, and any statement that the complainant may submit) and, after consultation with the Dean of the division where the Responding Party holds their appointment, will issue a final written decision.

The President will formulate their own recommendation and supporting rationale in a written report submitted to the Office for Institutional Equity and the Chair of the Board of Trustees for final action within thirty (30) business days. In keeping with the principle of faculty self-governance, the President and the Board will give considerable deference to the recommendations of the PCRC regarding faculty dismissals. The action of the Board of Trustees is final and will be shared with parties, the administration, and the PCRC.

## VIII. RESOURCES

The College has identified resources both on campus and in the larger community to reduce, eliminate, and address the effects of sexual misconduct. Many programs or units serve to ensure a safe campus, educate and prevent sexual misconduct, assist and advocate for survivors of sexual assault, and ensure a fair process when misconduct occurs. To learn more about how to prevent sexual misconduct on campus and support education efforts, see the following resources:

**Effective Date**
The effective date of this policy is August 19, 2026 , and it supersedes any and all previous sexual harassment, gender discrimination, or Title IX policies that may have been in effect previously in any written or electronic format.

Updated August 10, 2026

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Institutional Equity