



INTERIM PROCESS B

College Response

Upon receiving a report of sexual harassment or misconduct that does not fall under Process A, the College will:

- Inform the Complainant of their options for reporting an incident to campus and/or local law enforcement;
- Inform the all parties of support services available both on and off campus;
- Encourage complainant, if applicable, to seek immediate medical treatment at a local hospital and encourage the preservation of evidence by not showering, brushing of teeth, changing clothing prior to medical treatment;
- Provide prompt notification and explanation of the allegations to the alleged respondent;
- Inform the complainant and the respondent that they may choose an advisor to accompany them during the process. The advisor will be arranged by the Student(s) themselves. Please see the definition of advisor for guidelines regarding sexual misconduct advisors.
- Provide the option of changing housing accommodations after an alleged sexual misconduct incident has taken place, if housing changes are reasonably available;
- Provide the opportunity to issue an Administrative Stay Away Order;
- Conduct an expeditious, fair and open minded investigation of the claim; • Progress into Student Conduct Process, in a timely manner, if the investigation concludes there is a preponderance of evidence;
- Inform both the complainant and the respondent of the decision and sanctioning regarding sexual misconduct violations; and
- Inform both complainant and the respondent of the appeal process at the time notification of a decision is made.

Interim Remedies

Reports of sexual harassment may require interim remedies and support services as appropriate. These interim remedies are for the protection, well-being, and safety of the individuals involved and for the Campus community, pending the outcome of the investigation. Interim remedies include but are not limited to counseling services, administrative stay-away order, no trespassing order, relocation of on campus housing, academic accommodations, and schedule changes. Fisher College will make every effort to make reasonable requests for interim remedies available in a timely fashion. In addition, the Department of Public Safety can assist a victim with reporting an incident of sexual misconduct to local law enforcement.

In instances where the alleged assailant is considered to be a threat the College may decide to: remove the alleged assailant from campus housing, restrict campus access, or administer an interim suspension.

Confidentiality

Fisher College recognized that confidentiality is important to all individuals involved in all matters of a sexual misconduct investigation. The College will make every effort to protect the privacy of the individuals involved in a report and investigation of sexual misconduct, to the extent reasonably possible, while conducting a thorough investigation and thereafter. The College will only share information related to a report and investigation with those College Employees who “need to know”. Students should be made aware that if an individual involved in an alleged violation of sexual misconduct is enrolled at another institution, the College may be required to notify the other institution of a pending investigation.

All individuals involved in an investigation of sexual misconduct are expected to keep any information gained during any process of the investigation, decision, or appeal process confidential. This does not prohibit individuals from discussing information with individuals who need to know in order to provide support and assistance to the individual, or disclosing information to an individual who needs to know in order to participate in an investigation. These restrictions are put into place in order to protect all individuals involved in an investigation and the integrity of the investigation. Individuals found in violation of this may be subject to sanctioning.

As the students of the College are viewed as adults, guardians and/or parents will not be notified when a student is involved in a claim of sexual misconduct. Students are encouraged to speak with their guardian and/or parent when they are involved in a matter of sexual misconduct. Should a guardian or parent wish to speak with the Title IX Coordinator or any other employee regarding a matter of sexual misconduct, a FERPA waiver will need to be fully executed prior to any conversation. Students have the right to execute or withdraw a FERPA waiver at any time. FERPA waivers are found in the Registrar’s Office. Should a student be found responsible for violation of this policy and is separated from the college, college housing, suspended, or expelled guardians and/or parents are generally notified at that time.

Amnesty

Fisher College understands that a victim may be hesitant to make a report of sexual misconduct if the victim was under the influence of alcohol/drugs at the time of the incident(s) for fear of being found in violation of the Student Code of Conduct. If while conducting an investigation other violations of the College’s policies have been made in connection to the incident, specifically alcohol/drugs, the College will generally not pursue disciplinary actions against the victim.

Investigation Process

Upon receiving a report of sexual misconduct the Title IX Coordinator will review the report, determine if a report falls under this policy, and will begin an investigation. The investigation and decision process

will generally be completed within 60 days from the date the report was filed. This time frame may be extended do to extenuating circumstances including but not limited to: the complexity of a report and school closures. Should an investigation extend the time frame all parties will be made aware of the need to additional time and all efforts will be made to complete an investigation in a timely process.

Failure from either the victim or alleged assailant to participate in the investigation process will not inhibit an investigation from going forth or a decision being made.

Fisher College will attempt to respect the preferences of the victim throughout the process, this includes keeping information confidential, not conducting an investigation, or moving forward with sanctioning. Please be advised that the College may have a legal responsibility to investigate and report a claim of sexual misconduct even without the victim's participation. The Title IX Coordinator will advise a victim of the College's legal responsibilities on a case by case basis.

Upon entering the investigation process the Title IX Coordinator will inform both the victim and the alleged assailant in writing of the investigation, option to have an advisor of their choice present during the investigation, need for confidentiality, and non-retaliation policy. Both parties will be given a date for an initial meeting with the Title IX coordinator. A date will be selected with reasonable time for each party to identify an advisor they wish to have present during the investigation and all documentation they wish to present. Generally, meetings will not be rescheduled do to a conflict an advisor may have. It is at the discretion of the Title IX Coordinator should a meeting be rescheduled.

The Title IX Coordinator will meet with both the victim and alleged assailant, separately, in an initial meeting in order to ascertain all facts in relation to the alleged incident. During the initial meeting both the victim and alleged assailant will be provided with the opportunity to inform the Title IX Coordinator of the alleged incident, any evidence, information, and witnesses they wish to present. The Title IX Coordinator will inform the alleged assailant, during this meeting, of all of the charges being made against him or her and inquire as to the reason for the behavior. Should at any time during the investigation process, the alleged assailant take responsibility for the alleged incident, the Title IX Coordinator may end the formal investigation process and file a findings report with the Student Conduct Coordinator and/or Human Resource Manager for sanctioning.

The Title IX Coordinator may interview the victim and alleged assailant, more than once, as necessary. During any additional meetings, the Title IX coordinator will share with the respected parties current information gathered, addresses additional questions or concerns, and provided either party with the opportunity to voice any concerns or information that should be identified.

The victim may not be present during any meeting with the alleged assailant and the alleged assailant may not be present during any meeting with the victim. Mediation will not be used as a means to resolve complaints of sexual misconduct. In addition, the victim and alleged assailant may not be present during any meeting with witnesses. Advisors are only permitted to attend their respective parties' meeting and may not be present during any other individuals meeting (i.e witness meetings). There is no right for the victim or the alleged assailant to confront or cross-examine the other. The

victim and the alleged assailant should address any questions they feel should be asked to parties involved in the investigation directly to the Title IX Coordinator.

The Title IX Coordinator will make reasonable attempts to interview any witnesses identified by the victim and alleged assailant. In addition, the Title IX Coordinator will interview any additional party who may have information regarding the alleged incident.

Upon completing an investigation, the Title IX Coordinator will evaluate all information gathered and prepare a summarized report. Both the victim and alleged assailant will be provided with the opportunity to review the report and identify any clarifications or comments they wish to add. The finalized report will be submitted to the Student Conduct Coordinator. Within 10 business days of receiving the Title IX Coordinator's report, the Student Conduct Coordinator will determine based on a preponderance of evidence if this policy was violated and will determine the appropriate sanction(s) should the alleged assailant be found responsible. No additional meetings will be heard by the Student Conduct Coordinator and the decision will be made solely from the report filed by the Title IX Coordinator. Both the victim and the alleged assailant will be notified, in writing, the Student Conduct Coordinator's decision and appeal process.

Should a report of sexual misconduct be made against a non-student member of the College Community, the report by the Title IX Coordinator will be filed with the Human Resource Manager and a decision will be made from the same. Both the victim and the alleged assailant will be notified in writing of the Human Resource Managers decision.

Sanctions

The College may impose any number of sanctions to individuals found in violation of the sexual misconduct. These include but are not limited to: warning, reprimand, educational classes, probation, suspension, expulsion, termination of contract, dismissal, removal from on campus housing, change of academic schedule, restricted access to the campus, and administrative stay-away orders.