

Title IX and Sexual Misconduct Resolution Process B

Upon receiving a report of sexual misconduct, the Title IX Coordinator will review the report or complaint and will make a determination of whether it falls under the non-Title IX policy and whether there is a need for an investigation pursuant to the Sexual Misconduct Policy and this process. If the Title IX Coordinator determines that the report/complaint falls under the Sexual Misconduct Policy and there is a need for an investigation pursuant to this process, the College will:

- Inform the Reporting Party of his/her/their options for reporting an incident to campus and/or local law enforcement.
- Encourage the Reporting Party, 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.
- Attempt to respect the preferences of the Reporting Party throughout the process; this includes keeping information confidential to the extent possible. It may include not conducting an investigation and/or not moving forward with discipline. Please be advised that the College may have a legal responsibility to investigate and report a claim of sexual misconduct even without the Reporting Party's participation. The Title IX Coordinator will advise the Reporting Party of the College's legal responsibilities on a case-by-case basis.
- Promptly provide the Reporting Party notice of the allegation of sexual misconduct. The notice shall include: (a) the date, time, and location, if known, of the alleged incident; and (b) a specific statement of the policies allegedly violated.
- Inform all parties of support services available both on and off campus.
- Conduct an expeditious and impartial investigation of the report or complaint of sexual misconduct. The investigation and/or any hearing and/or any disciplinary proceedings will be conducted by an individual who receives not less than annual training on issues relating to sexual misconduct, investigatory procedures, and hearing procedures.
- Mediation will not be used as a means to resolve reports/complaints of sexual misconduct.
- The Title IX Coordinator will inform both the Reporting Party and the Responding Party in writing of the need for confidentiality and the College's non-retaliation policy.
- If a Reporting Party or a Responding Party decides not to participate in the investigation process, the College may still conduct the investigation.
- The Responding Party is presumed not responsible for the alleged conduct until a determination is made.
- The College will use a preponderance of the evidence standard when evaluating the evidence and making a determination regarding responsibility.
- The Reporting Party and the Responding Party may each choose an advisor/support person to accompany them during the process. The advisor/support person will be arranged by the students themselves. An advisor/support person may be a lawyer. Please see the definition of advisor for guidelines regarding sexual misconduct advisors.

- The Title IX Coordinator will meet with the Reporting Party and the Responding, separately, in initial meetings. During the initial meetings, the Reporting Party and the Responding Party will be provided the opportunity to inform the Title IX Coordinator of the alleged incident, any evidence, information, and/or witnesses they wish to present.
- The Title IX Coordinator will not have any meetings with both the Reporting Party and the Responding Party present.
- The College will provide the Reporting Party and the Responding Party with copies of the College's policy regarding the submission and consideration of evidence that may be used during a hearing or disciplinary proceeding.
- The Title IX Coordinator may interview the Reporting Party and Responding Party more than once. During any additional meetings, the Title IX Coordinator will share with the respective parties current information gathered, address additional questions or concerns, and provide both parties the opportunity to voice any concerns or identify any relevant information that should be pursued. The Reporting Party and the Responding Party should inform the Title IX Coordinator of any questions they believe should be asked of the parties involved.
- The Title IX Coordinator will make reasonable attempts to interview any witnesses identified by the Reporting Party and the Responding Party. In addition, the Title IX Coordinator will make reasonable attempts to interview any additional individuals who may have information regarding the alleged incident. The Reporting Party and the Responding Party may not be present during any of the Title IX Coordinator's meetings with witnesses.
- Advisors/support persons are only permitted to attend their respective parties' meetings and may not be present during meetings with any other individuals (for example, meetings with witnesses).
- The Reporting Party and the Responding Party will have equal opportunities to review and inspect evidence obtained in the investigation that is directly related to the allegations.
- The Reporting Party and the Responding Party will be provided with timely and equal access to relevant evidence that will be used in making a disciplinary determination.
- The Reporting Party and the Responding Party will have equal opportunity to present evidence and witnesses on their behalf during a hearing or proceeding.
- There may be restrictions on the evidence considered by the fact finder, including evidence regarding prior sexual history or character evidence.
- In any hearing or disciplinary proceeding, the Reporting Party and the Responding Party may not directly question each other.
- If, at any time during the investigation process, the Responding Party takes 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 (if the Responding Party is a student) or the Human Resource Manager (if the Responding Party is an employee). The Student Conduct Coordinator or the Human Resource Manager, based solely on the Title IX Coordinator's findings report, will determine the appropriate disciplinary action(s).
- Upon completing an investigation, the Title IX Coordinator will evaluate all information gathered and prepare a summarized report. Both the Reporting Party and Responding Party will be provided with the

opportunity to review the report and identify any clarifications or comments they wish to add. The Title IX Coordinator will then finalize the report and will submit it to the Student Conduct Coordinator (if the Responding Party is a student) or the Human Resource Manager (if the Responding Party is an employee).

- With regard to a student Responding Party, the Student Conduct Coordinator will, within ten (10) business days of receiving the Title IX Coordinator's final report, determine, based on a preponderance of evidence, if this policy was violated and will determine the appropriate sanction(s) should the student Responding Party be found responsible. The Student Conduct Coordinator's decisions will be made solely from the report filed by the Title IX Coordinator.

- With regard to a student Responding Party, the College will provide the Reporting Party and the Responding Party with written notice of the results of a hearing or disciplinary proceeding not later than seven (7) business days after a final determination of a report or complaint of sexual misconduct. Specifically, the College will inform the Reporting Party whether the Responding Party was found responsible but will not inform the Reporting Party of any disciplinary measures taken with regard to the Responding Party. The College will inform the Responding Party whether he/she/they was found responsible and what, if any, disciplinary measures will be taken. The written notices to the Reporting Party and the Responding Party will inform them of the appeal process.

- With regard to an employee Responding Party, the Human Resource Manager will, within ten (10) business days of receiving the Title IX Coordinator's final report, determine, based on a preponderance of evidence, if this policy was violated and will determine the appropriate sanction(s) should the employee Responding Party be found responsible. The Human Resource Manager's decisions will be made solely from the report filed by the Title IX Coordinator.

- With regard to an employee Responding Party, the College will provide the Reporting Party and the Responding Party with written notice of the results of a hearing or disciplinary proceeding not later than seven (7) business days after a final determination of a report or complaint of sexual misconduct. Specifically, the College will inform the Reporting Party whether the Responding Party was found responsible and what the employee disciplinary process is but will not inform the Reporting Party of any disciplinary measures taken with regard to the Responding Party. The College will inform the Responding Party whether he/she/they was found responsible and what, if any, disciplinary measures will be taken. The written notices to the Reporting Party and the Responding Party will inform them of the appeal process.

Sanctions

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