



## MEMORANDUM

Re: NON-TITLE IX/SEXUAL HARASSMENT/SEXUAL MISCONDUCT POLICY AND RESOLUTION PROCEDURES – “PROCESS B” - August 2025

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### **Introduction**

This “Process B” Policy is intended to cover harassment and sexual misconduct that falls outside the scope of Fisher College’s Title IX Policy (“Process A”). For further explanation of the terms used herein, see Fisher College’s “Process A” Title IX Policy.

Fisher College prohibits discrimination on the basis of gender/sex (including pregnancy), gender identity/expression, race, color, religion or religious creed, sexual orientation, nation origin, ancestry, disability or handicap, age, genetics, marital status, veteran status, and any other category protected by law. Fisher College further prohibits all forms of sexual misconduct and all forms of gender-based harassment. Sexual misconduct is a broad term that includes, but is not limited to, sexual assault, sexual harassment, sexual violence, sexual exploitation, stalking, cyber-stalking, relationship violence, bullying or cyber-bullying relating to one’s sex or gender identity, and aiding or facilitating the commission of any such prohibited conduct. Gender-based harassment is also a broad term, and includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, gender identity, gender expression or sex stereotyping, even if those acts do not involve conduct of a sexual nature, and regardless of whether the gender-based harassment rises to the level of violating the law, and aiding or facilitating the commission of any such prohibited conduct.

Discrimination on the basis of sex violates Fisher College policy as well as a number of state and federal laws, including Title IX of the Educational Amendments Act of 1972, which provides that

*“No person in the United States shall, on the basis of sex, be excluded in participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.”*

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Fisher College Community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person’s actual or perceived membership in the protected classes listed above is in violation of the Fisher College policy on nondiscrimination.

## **INTERIM RESOLUTION PROCESS FOR ALLEGED HARASSMENT OR SEXUAL MISCONDUCT THAT IS NOT COVERED BY TITLE IX (KNOWN AS PROCESS "B")**

### **College Response**

Upon receiving a report of sexual harassment or sexual 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 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 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 under Process A for guidelines regarding 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 complaint;
- 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.
- Inform both the Complainant and the Respondent of the decision and sanctions (to the extent permitted by state and federal law) and the appeal process at the time notification of a decision is made.

### **Interim Remedies**

Reports of harassment or sexual misconduct 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 recognizes 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 due 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 due 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 provide 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, of the Student Conduct Coordinator's decision (to the extent permitted by state and federal law) and the 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 Manager's decision.

### **Appeal Process**

The deadlines, bases for appeal, and procedures set forth for Process A appeals shall apply for Process B appeals..

### **Sanctions**

The College may impose any number of sanctions on individuals found in violation of this policy. Potential sanctions may include but are not limited to: warning, reprimand, educational classes or counseling, probation, suspension, expulsion, termination of contract, dismissal, withholding of diploma, revocation of degree, removal from on campus housing, change of academic schedule, restricted access to the campus, administrative stay-away orders, loss of privileges, performance improvement plan, enhanced supervision, training, denial of pay increase, loss of responsibility or oversight, demotion, transfer, reassignment, delay of tenure, revocation of tenure, restrictions on stipends, research, or professional development resources, and administrative leave with or without pay.

This Policy is effective August 27, 2025. Conduct that occurred prior to this effective date shall be governed by the policy in effect at the time of the conduct.