



NON-TITLE IX/SEXUAL HARASSMENT/SEXUAL MISCONDUCT POLICY AND RESOLUTION PROCEDURES – “PROCESS B” - August 2026

Introduction

This Process B Policy establishes the procedures for resolving reports of sexual harassment, sexual misconduct, and other conduct prohibited by this Policy that do not fall within 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.

For purposes of this Policy:

Complainant means an individual who is alleged to have experienced conduct that could constitute a violation of this Policy.

Respondent means an individual who has been reported to have engaged in conduct that could constitute a violation of this Policy.

Fisher College prohibits discrimination on the basis of gender/sex (including pregnancy), gender identity/expression, race, color, religion or religious creed, sexual orientation, national 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, as well as 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 Education 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.

When brought to the attention of the College, allegations of conduct covered by this Policy will be promptly and fairly addressed through the grievance procedures set forth in this Process B Policy or any other applicable College policy, as appropriate.

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 the Complainant, when appropriate, to seek prompt medical attention and preserve evidence by avoiding activities that may compromise physical evidence, such as showering, brushing their teeth, or changing clothing, before receiving medical care.
- 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. Each party is responsible for selecting their own Advisor. Please see the definition of Advisor under Process A for additional guidance regarding the Advisor’s role.
- 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 a prompt, fair, impartial, and thorough investigation of the complaint;
- The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made in accordance with this Policy.
- 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.

Supportive Measures

Reports of harassment or sexual misconduct may require supportive measures as appropriate. These supportive measures are for the protection, well-being, and safety of the individuals involved and the College community, pending the outcome of the investigation.

Supportive measures may include, but are not limited to, counseling services, academic accommodations, workplace accommodations, administrative stay-away orders, housing adjustments, schedule modifications, no-trespass orders, and other individualized measures reasonably available to restore or preserve equal access to the College's educational programs or activities without unreasonably burdening either party

Fisher College will make every reasonable effort to implement supportive measures in a timely manner. In addition, the Department of Public Safety can assist a Complainant with reporting an incident of sexual misconduct to local law enforcement.

When the College determines, based on an individualized safety and risk assessment, that interim action is necessary to protect the safety of the College community or an individual, the College may remove the Respondent from campus housing, restrict campus access, impose an interim suspension, or implement other appropriate interim measures.

Confidentiality

Fisher College recognizes that confidentiality is important to all individuals involved in matters of a sexual misconduct investigation. The College will make reasonable efforts to protect the privacy of all individuals involved, consistent with the need to conduct a thorough investigation, comply with applicable law, and provide a fair process to all parties. The College will only share information related to a report and investigation with those College employees who need to know. Individuals should be aware that, in certain circumstances, the College may notify another educational institution if an individual involved in the matter is enrolled or employed there. Any such notification will be made in accordance with this Policy and applicable law.

All individuals involved in an investigation of sexual misconduct are expected to respect the privacy of the parties and maintain the integrity of the investigation. 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 who engage in retaliation, intimidation, harassment, or interference with the investigation 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 receive information from the Title IX Coordinator or another College employee regarding a student's involvement in a matter of sexual misconduct, the student must provide appropriate written authorization consistent with FERPA, unless disclosure is otherwise permitted or required by law. Students have the right to execute or withdraw a FERPA waiver at any time. FERPA waivers are available through the Registrar's Office

Amnesty

Fisher College understands that a Complainant may be hesitant to report sexual misconduct if they were under the influence of alcohol or drugs at the time of the incident for fear of being found in violation of the Student Code of Conduct. When other potential violations of College policy involving alcohol or drugs are identified in connection with a report of sexual misconduct, the College will generally not pursue disciplinary action against the Complainant for those violations.

Investigation Process

Upon receiving a report of sexual misconduct, the Title IX Coordinator will review the report and determine whether the reported conduct falls within this Policy. If an investigation is initiated, the Title IX

Coordinator may conduct the investigation or designate a trained internal or external investigator to conduct the investigation under the Coordinator's oversight

The investigation and decision process will generally be completed within 60 days from the date the report was filed. This timeframe may be extended for good cause, including, but not limited to, the complexity of the matter or College closures. The parties will be notified of any extension and the reason for the delay.

Failure of either the Complainant or Respondent to participate in the investigation will not prevent the College from proceeding with the investigation or making a determination based on the information available.

Fisher College will make reasonable efforts to respect the preferences of the Complainant throughout the process, including the Complainant's preferences regarding whether to proceed with an investigation or pursue sanctions. In some circumstances, the College may determine that it must proceed with an investigation or other appropriate action despite the Complainant's request not to proceed, based on applicable law, College policy, or identified safety concerns. The Title IX Coordinator will inform the Complainant if the College determines that action is necessary.

Upon entering the investigation process, the Title IX Coordinator will inform both the Complainant and the Respondent 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 or designee will meet with both the Complainant and Respondent, separately, in an initial meeting in order to ascertain all facts in relation to the alleged incident. During the initial meeting, both the Complainant and Respondent will be provided with the opportunity to inform the Title IX Coordinator or designee of the alleged incident and present any evidence, information, and witnesses they wish to identify. The Title IX Coordinator or designee will inform the Respondent of the allegations and provide the Respondent with an opportunity to respond and present relevant evidence, information, and witnesses. Should at any time during the investigation process the Respondent accept responsibility for the alleged conduct, the Title IX Coordinator may end the formal investigation process and refer the matter to the appropriate College official for determination of sanctions.

The Title IX Coordinator or designee may interview the Complainant and Respondent more than once, as necessary. During any additional meetings, the Title IX Coordinator or designee may share relevant information gathered with the respective parties, address additional questions or concerns, and provide each party with an opportunity to identify additional information relevant to the investigation.

The Complainant may not be present during any meeting with the Respondent and the Respondent may not be present during any meeting with the Complainant. Mediation will not be used as a means to resolve complaints of sexual misconduct. In addition, the Complainant and Respondent may not be present during any meeting with witnesses. Advisors are only permitted to attend their respective party's meetings and may not be present during any other individual's meeting (i.e., witness meetings). There is no right for the Complainant or the Respondent to confront or cross-examine the other. The Complainant and the Respondent should address any questions they feel should be asked to parties involved in the investigation directly to the Title IX Coordinator or designee.

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

Upon completing an investigation, the Title IX Coordinator or designee will evaluate all information gathered and prepare a summarized report. Both the Complainant and Respondent 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 College official for determination. Within 10 business days of receiving the report, the appropriate College official will determine, based on a preponderance of the evidence, whether this Policy was violated and will determine the appropriate sanction(s) if the Respondent is found responsible.

No additional meetings will be conducted by the appropriate College official, and the decision will be made based solely on the finalized investigation report. Both the Complainant and the Respondent will be notified, in writing, of the 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 finalized report prepared by the Title IX Coordinator or designee will be submitted to the appropriate Human Resources official for a determination. Both the Complainant and Respondent will be notified in writing of the decision.

Appeal Process

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

Sanctions

The College may impose one or more sanctions on individuals found responsible for violating this Policy. 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, 2026. Conduct that occurred prior to this effective date shall be governed by the policy in effect at the time of the conduct.