



**Student and Employee Anti-Harassment and Discrimination:
Title IX Complaint Policy and Procedures**
(Revised 8/2024)

- I. Purpose**
- II. Scope**
- III. Prohibited Conduct**
 - A. Sex Discrimination
 - B. Sex-Based Harassment
 - 1. Quid Pro Quo Harassment
 - 2. Hostile environment
 - 3. Other Specific Offenses
 - a. Sexual Assault
 - b. Dating Violence
 - c. Domestic Violence
 - d. Stalking
 - C. Retaliation
 - D. Related Definitions
- IV. Title IX Coordinator**
- V. Reporting Prohibited Conduct**
 - A. Responsibilities of Employees to Report, Inform, and Cooperate
 - B. Anonymous Reporting
 - C. Alcohol and/or Drug Use Amnesty for Students
 - D. Confidentiality and Privacy
- VI. Supportive Measures**
- VII. Grievance Procedures**
 - A. Basic Requirements
 - B. Complaint Evaluation
 - C. Notice of Allegations
 - D. Investigation
 - E. Written Determination
 - F. Appeals
 - G. Sanctions, Other Disciplinary Actions, and Remedies
 - H. Informal Resolution
 - I. Conflicts of Interest or Bias
- VIII. Recordkeeping**

I. Purpose

To set forth the policy and grievance procedures of Campus with respect to alleged conduct involving students that meets the definition of sex-discrimination, sex-based harassment (including sexual harassment), and retaliation under the 2024 revised regulations implementing Title IX Education Amendments of 1972, 20 U.S.C. 1681 et seq., issued by the U.S. Department of Education (“Title IX”).

Campus is committed to maintaining a work and school environment free from unlawful harassment and discrimination based on sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, parental or familial status, pregnancy or related conditions, sexual orientation, gender identity or expression, and other characteristics protected under federal, state, and local law. In furtherance of this commitment and in accordance with Title IX, Campus does not discriminate on the basis of sex, including in admissions and employment, nor will it permit or not tolerate sex discrimination, sex-based harassment, or retaliation (“Prohibited Conduct”) in its education programs and activities against a student, employee, or other member of the Campus community.

Campus will respond promptly and effectively to a report of Prohibited Conduct pursuant to this Student and Employee Anti-Harassment and Discrimination: Title IX Complaint Policy and Procedures (“Policy”). Campus will treat the parties equitably by offering supportive measures to a Complainant and by following the investigation and resolution process described in this Policy before imposing any sanctions or other disciplinary actions or other measures against a Respondent.

For the purposes of this Policy, the individual who is alleged to have experienced Prohibited Conduct is referred to as the “Complainant.” Complainant also refers to an individual who is alleged to have been subjected to conduct that could constitute Prohibited Conduct under this Policy, and who was participating or attempting to participate in Campus’ education program or activity at the time of the alleged Prohibited Conduct. The “Respondent” is the individual who is alleged to have committed the Prohibited Conduct. “Parties” collectively means both the Complainant and the Respondent. In addition, for purposes of this Policy, complaint means an oral or written request to Campus to investigate and make a determination about alleged Prohibited Conduct under this Policy.

II. Scope

This Policy addresses Campus’ responsibilities with sex discrimination, sex-based harassment, and retaliation as defined by Title IX and as set forth below. The Policy applies to Prohibited Conduct, defined below, that is alleged to have occurred on or after August 1, 2024.

To be clear, this Policy applies to all of Campus’ education programs or activities and locations of Campus, and conduct that is subject to Campus’ disciplinary authority. This may include but is not limited to Campus-sponsored events that occur off-campus; all campuses and/or satellite sites; off-campus incidents that have an on-campus impact or affect members of the Campus community regardless of whether such members are on or off campus; and off-campus and/or online speech or conduct, such as social networking sites, which causes a substantial disruption to Campus’ operations and/or mission, or affects students. Campus will address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the education program or activity or outside the United States.

This Policy applies to all Campus employees, students, third-party individuals providing contracted services, applicants, customers or service guests, and other individuals who are participating or attempting to participate in Campus’ education program or activity. To be clear, this Policy covers all persons involved in the operation of Campus and covers Prohibited Conduct by or against Campus students. All Campus students and employees are expected to comply with this Policy.

Specialized grievance procedures apply to allegations of sex-based harassment when the Complainant(s) and/or Respondent(s) is a student, as detailed in the Policy.

Campus will make the Policy available on Campus' website and other community publications such as the catalog, new employee orientations, student orientations, employee trainings, and other appropriate channels of communication. Misconduct outside the scope of this Policy may be addressed as appropriate by other Campus policies. To the extent that other Campus policies overlap with this Policy, this Policy will control for cases alleging Prohibited Conduct. Campus retains the right to revise this Policy in light of any changes to applicable law.

III. Prohibited Conduct

The following conduct is prohibited under this Policy:

- A. Sex Discrimination** - Sex discrimination refers to discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, gender expression, and transgender status.
- B. Sex-Based Harassment** - Sex-based harassment is a form of sex discrimination and includes sexual harassment. Sex-based harassment is any of the following types of conduct on the basis of sex:
 1. *Quid Pro Quo Harassment* - This occurs when an employee, agent, or authorized person conditions (either explicitly or impliedly) the provision of an aid, benefit, or service they are authorized to provide under Campus' education program or activity, on another individual's participation in unwelcome sexual conduct.
 2. *Hostile Environment* - Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Campus' education program or activity.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following factors: (i) the degree to which the conduct affected the Complainant's ability to access Campus' education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties' ages, roles within Campus' education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other incidents of sex-based harassment in Campus' education program or activity.

Sex-based harassment does not refer to conduct and/or sexual activity that is consensual between the parties. Campus is guided by the principles on consent as defined below.

Examples of conduct which may be sex-based harassment include, but are not limited to:

- direct propositions of a sexual nature;
- sexual innuendoes and other seductive behavior, including subtle pressure for sexual activity such as repeated, unwanted requests for dates, and repeated inappropriate personal comments, staring, or touching;

- direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, etc;
- conduct (not legitimately related to the subject matter of a course or curriculum, if one is involved) that has the effect of discomfoting, humiliating or both, and that includes one or more of the following:
 - comments of a sexual nature, including sexually explicit statements, questions, jokes, anecdotes, or graphic material (e.g., visuals, such as screen savers, which are sexually explicit);
 - unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person's body or other conduct of a physical nature;
 - remarks of a sexual nature about a person's clothing or body;
 - insulting sounds or gestures, whistles, or catcalls;
 - invading someone's personal space or blocking her/his path;
 - unwelcome and inappropriate letters, telephone calls, electronic mail, instant or text messaging, or other communications;
 - displaying sexually suggestive objects, pictures, cartoons or posters (e.g. screen savers);
- a consensual romantic or sexual relationship which:
 - causes adverse treatment of third parties; or
 - creates a hostile or intimidating working or learning environment for third parties.
- the repeated sabotaging of laboratory experiments in class by student(s) of one gender against student(s) of a different gender.

3. *Other Specific Offenses*

- a. **Sexual Assault** - An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI). The Uniform Crime Reporting System includes the following offenses as forcible or nonforcible sex offenses:
 - Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object or instrument, or oral penetration by a sex organ of another person, without the consent of the victim or where the victim is incapable of giving consent, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. Attempted rape is included. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
 - Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- b. **Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such

a relationship will be determined based on consideration of: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the individuals involved in the relationship.

- c. **Domestic Violence** - A felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under applicable family or domestic violence laws, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the applicable family or domestic violence laws.
- d. **Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress. This definition incorporates the concept of cyber-stalking, which employs the use of the internet, social media, blogs, texts, cell phones, or other similar devices or forms of communication.

- C. **Retaliation** - Intimidation, threats, coercion, or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the individual person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including in an informal resolution process, in grievance procedures, and in any other actions taken by the University.

Campus recognizes that retaliation can take many forms, may be committed by an individual or a group against an individual or a group, and that a Respondent can also be the subject of retaliation by the Complainant or a third-party. Retaliation can be committed by or against any individual or group of individuals, including a Respondent or Complainant or their friends, relatives, or other affiliated individuals, including those who assist a student or employee in bringing a complaint, or those who participate in an investigation and/or student discipline process for an alleged violation of this Policy, Campus's Code of Conduct or other College policy. Actions do not have to be on the basis of sex or involve sex-based harassment to constitute retaliation. Any individual who believes he or she has been subjected to retaliation may file a separate complaint under this Policy. Retaliation is still prohibited even when there is a finding of no responsibility for the allegation.

The following circumstances do not constitute retaliation:

1. Exercising one's rights protected under the First Amendment.
2. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of the grievance procedures of this Policy; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad-faith, materially false statement.
3. Charging an individual with Code of Conduct violations that do not involve sexual harassment but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment; however, doing so for the purpose of interfering with any right or privilege secured by Title IX does constitute retaliation.

Not only is retaliation a violation of this Policy but may also be a violation of the law. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All conduct that is believed to constitute retaliation should be

reported immediately to the Title IX Coordinator. The reporting procedures described in this Policy also apply to allegations of retaliation.

- D. Related Definitions** - *Consent* is informed, voluntary, and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats, or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

IV. Title IX Coordinator

The Title IX Coordinator is responsible for coordinating Campus' response to all Title IX complaints involving possible Prohibited Conduct, as well as monitoring and addressing barriers to reporting, assessing Campus climate, coordinating the effective implementation of supportive measures and remedies, as appropriate, along with other responsibilities. References to "Title IX Coordinator," throughout this Policy and Procedures include designees of the Title IX Coordinator. Employees and students may contact the Title IX Coordinator with any questions related to this policy.

The contact information for the Title IX Coordinator is as follows:

Title IX Coordinator

RYAN OERTEL

(916) 339-4333

5221 MADISON AVENUE, SACRAMENTO, CA 95841

ryan.oertel@campus.edu

The following Campus official is a designee of the Title IX Coordinator:

Title IX Deputy Coordinator

LAWRENCE RICHMAN

(916) 339-4371

5221 MADISON AVENUE, SACRAMENTO, CA 95841

lawrence.richman@campus.edu

Inquiries may also be directed externally to the Office for Civil Rights (OCR), U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202; www.ocr.gov.

When notified of conduct that reasonably may constitute Prohibited Conduct under this Policy, the Title IX Coordinator will notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the available grievance and the informal resolution process if available and appropriate.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a complaint of Prohibited Conduct that complies with the applicable grievance procedures. To make this fact-specific determination, the Title IX Coordinator will consider, at a minimum, the following factors:

1. The Complainant's request not to proceed with initiation of a complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a complaint is not initiated;
4. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another sanction or other disciplinary action to end the Prohibited Conduct and prevent its recurrence;

5. The age and relationship of the parties, including whether the Respondent is an employee of Campus;
6. The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether Prohibited Conduct occurred; and
8. Whether Campus could end the alleged Prohibited Conduct and prevent its recurrence without initiating its applicable grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents Campus from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint. If initiating a complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures. The Title IX Coordinator will keep the parties timely informed of the status of any investigation and inform the parties of any extensions of time to complete the process and the reason(s) for the extensions.

Regardless of whether a complaint is initiated, the Title IX Coordinator will take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual Complainant, if any, to ensure that Prohibited Conduct does not continue or recur within Campus' education program or activity.

V. Reporting Prohibited Conduct

Campus strongly encourages the prompt reporting of all incidents of Prohibited Conduct under this Policy. Any person may report alleged Prohibited Conduct at any time, including during non-business hours (24-hours a day, 7-days a week), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator/Title IX Deputy Coordinators, through the [Student Complaint and Grievance form](#), or by any other means that results in the Title IX Coordinator/Title IX Deputy Coordinator receiving the person's verbal or written report. The Title IX Coordinator and/or the investigator will keep the parties timely informed of the status of any investigation and inform the parties of any extensions of time to complete the process and the reason(s) for the extensions.

Please call "911" or contact local law enforcement for emergency or immediate assistance, to obtain any necessary and appropriate medical treatment, or to initiate a criminal investigation. The criminal process is separate from Campus' grievance procedures under this Policy. To the extent that an employee or contract worker is not satisfied with Campus' handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

Campus will also notify Complainants of the right to proceed simultaneously with a criminal investigation for incidents of sex-based harassment or other Prohibited Conduct that may also be crimes under the law. Campus will not wait for the criminal investigation or criminal proceeding to be concluded before beginning its investigation under the grievance procedures of this Policy. Pursuant to California Law, In every case of sexual violence occurring in California, Campus will notify the Sacramento Sheriff Department of the allegations. Campus will provide a Complainant information concerning how to make a criminal report. In the event that law enforcement agencies pursue the complaint, Campus will cooperate to the extent permitted by law.

A Complainant may withdraw a complaint or involvement from the Campus grievance process at any time by informing the Title IX Coordinator in writing.

A. Responsibilities of Employees to Report, Inform, and Cooperate

All members of the Campus community who are not confidential employees are expected to assist and cooperate in the application of this Policy, in particular by cooperating in any investigation under this Policy. Any person who knowingly misrepresents the truth, or whose willful action or inaction obstructs the application of this Policy may be subject to sanctions and other disciplinary actions, up to and including termination.

The following employees who are not confidential employees are required to immediately report alleged Prohibited Conduct to the Title IX Coordinator upon receiving a complaint or information about alleged Prohibited Conduct, observing what may be Prohibited Conduct, or suspecting for any reason that Prohibited Conduct is occurring:

- Employees with administrative leadership responsibilities, including supervisors and managers;
- Faculty members and other employees with teaching responsibilities; and
- Employees with advising responsibilities.

All other employees who have information about conduct that reasonably may constitute Prohibited Conduct under this Policy, and who are not confidential employees must either:

- (i) Immediately notify the Title IX Coordinator, or
- (ii) Provide the reporting individual with the Title IX Coordinator's contact information and information about how to make a complaint of Prohibited Conduct with Campus.

Employees can be disciplined, up to and including termination, if they engage in Prohibited Conduct; fail to notify the Title IX Coordinator; or fail to provide appropriate information to any person who provides them with information about conduct that reasonably may constitute Prohibited Conduct under this Policy. All employees have a responsibility to prevent Prohibited Conduct and cooperate in the grievance procedures of this Policy.

B. Anonymous Reporting

Any individual may make an anonymous report of alleged Prohibited Conduct under this Policy. An individual may report the incident without disclosing his/her name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, Campus' ability to respond to an anonymous report may be limited. Anonymous reports may be made to the Title IX Coordinator/Deputy Title IX Coordinator or through the [Student Complaint and Grievance form](#).

C. Alcohol and/or Drug Use Amnesty for Students

Campus strongly encourages students to report alleged Prohibited Conduct to the Title IX Coordinator. Campus recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that Prohibited Conduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Students whose conduct did not place another person's health or safety at risk and who, acting in good faith, disclose Prohibited Conduct to Campus officials or law enforcement will not be subject to Campus' code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the alleged Prohibited Conduct.

D. Confidentiality and Privacy

At the beginning of the process, Campus will inform the Complainant(s) and Respondent(s) about confidentiality and privacy standards. Campus will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These reasonable steps will not restrict the parties' ability to obtain and present evidence (such as speaking to witnesses, consult with their family members, confidential resources, or Advisors), the ability of either party to discuss an investigation with other individuals, or otherwise prepare for or participate in the grievance process.

In all cases, privacy of information about complaints and investigations will be maintained to the extent required by law and to the extent possible given Campus' obligations under the law and under this Policy. The identity of the parties and any witnesses, as well as information about the investigation, will only be shared with those involved in the grievance process to the extent possible.

The Complainant may request that the Title IX Coordinator not share their name (or other identifiable information) with the Respondent, or that the Title IX Coordinator take no action in response to a report or complaint. While absolute confidentiality cannot be promised, Campus will treat the concerns of the Complainant with sensitivity and respect. A Complainant will be informed that a request for confidentiality may limit Campus' ability to respond. Campus will not disclose the identity of the parties, except as necessary to carry out the grievance procedures or as permitted under state or federal law.

In some instances, even if a Complainant does not want to proceed with a complaint under the grievance procedures of this Policy, Campus may be legally obligated to proceed, nonetheless. Depending on the circumstances such as the severity of the alleged incident, the respective ages and roles of the parties, whether there have been prior complaints against the Respondent, and right of the Respondent to be informed of the allegations against him/her, Campus may determine it is necessary to proceed with a complaint under the grievance procedures of this Policy or implement other appropriate remedies. In such cases, the Campus will notify the Complainant. Complainants are urged to keep in mind that reporting acts of Prohibited Conduct can help prevent future similar acts.

Complainants should be aware that school administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the Campus community. Campus will make every effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the possible danger. Campus reserves the right to notify parents/guardians of dependent students regarding any health or safety risk or a change in student status.

Campus is required to document Prohibited Conduct, including but not limited to Domestic and Dating Violence and Stalking, to satisfy Campus' obligation to report statistics of crime on campus consistent with the Clery Act. No personally identifiable information about the Complainant will be shared for the purpose of maintaining these statistics. Identities and specific fact patterns will remain anonymous.

VI. Supportive Measures

Campus will offer non-punitive and non-disciplinary supportive measures without fee or charge, as appropriate, and to the extent reasonably available to the Complainant and/or to the Respondent upon receipt of a report or complaint alleging Prohibited Conduct under this Policy regardless of where the conduct occurred or whether such conduct occurred outside of the education program or activities. Supportive measures are individualized measures offered as appropriate, as reasonably available, without

unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the educational environment; or (2) provide support during the grievance procedures, including the specialized grievance procedures or during the informal resolution process. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include but are not limited to: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures to help protect the alleged victim and deter sexual harassment. The Respondent is also eligible for the same supportive measures that the Complainant has available.

Campus does not have professional counselors on staff. The Title IX Coordinator can provide referrals for outside agencies for confidential counseling services and rape crisis centers. Information for some of these referral agencies and services are listed below:

- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse, Incest National Network: <http://www.rainn.org/>
- National Domestic Violence Hotline: 1-800-799-7233
- Center for Changing our Campus Culture: changingourcampus.org

For a link of other professional resources in a specific zip code, as well as a list of professional agencies, please use: <https://findahealthcenter.hrsa.gov/>.

The Title IX Coordinator will coordinate supportive measures and appropriately address reasonable concerns about the party's safety or the safety of others. Both parties will be informed in writing of the applicable supportive measures available to them no later than issuance of notice that an investigation will be conducted. Campus may, as appropriate, choose to extend, modify, or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process. A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

Both the Complainant and Respondent may submit a written request to the President to seek a modification or reversal of the Title IX Coordinator's decision to provide, deny, modify, or terminate an applicable supportive measure that directly affects him or her, and shall be allowed to submit evidence in support of his or her request. The President will issue a determination if the Title IX Coordinator's decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures within five (5) business days of the receipt of such a request.

Campus will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, and subject to the following exceptions: (i) when Campus has obtained prior written consent to the disclosure from the applicable party; (ii) when the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the party; (iii) to carry out this Policy, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX; (iv) as required by Federal law, regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or (v) to the extent such disclosures do not otherwise conflict with Title IX and are permitted or required under Federal, State or local law, such as the Family Educational Rights and Privacy Act, at 20 U.S.C. § 1232g with implementing regulations at 34 CFR Part 99. The Title IX Coordinator may consult, as appropriate, with designated

officials or offices to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures.

On an emergency basis, Campus may remove a student Respondent from Campus' education program or activity, which includes but is not limited to denied access to Campus' premises, facilities, events, classes, research laboratories, student housing or dining facilities, and/or all other activities or privileges for which the student Respondent might otherwise be eligible. Alternative coursework or research options may be offered by the Title IX Coordinator to ensure as minimal impact as possible to the Respondent and Complainant. Prior to such removal, Campus will undertake an individualized safety and risk analysis and determine that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Prohibited Conduct justifies removal. Campus will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

In the event that a Respondent employee is accused of a violation, which also constitutes grounds for immediate dismissal as defined pursuant to other employee policies, processes, and procedures, Campus may place the employee on administrative leave, paid or unpaid, from employment responsibilities pending the grievance process of this Policy. In the event that a Respondent employee is accused of a violation that does not constitute grounds for immediate dismissal under other employee policies, processes, and procedures, but the continued presence of the employee is disruptive to the work environment, the Title IX Coordinator may recommend that the employee be placed on administrative leave pending resolution of the matter. During such leave, an employee may be denied access to Campus' premises, facilities, or events. At the discretion of the Title IX Coordinator, alternative work options may be pursued to ensure as minimal an impact as possible on the Respondent employee and Complainant or potential Complainant.

Campus will provide the Respondent with written notice of an opportunity to appeal the decision to remove a student Respondent on an emergency basis or place an employee Respondent on administrative leave. The written appeal request should state the reasons why the Respondent believes the removal or administrative leave should be overturned. The appeal request must be received by the President within five (5) business days of the written notification. The President will review the appeal to determine whether the decision was supported. The President's appeal determination shall be sent to the Respondent within five (5) business days of receipt of the initial appeal request. The appeal determination by the President is final.

Campus will promptly address any violation of the emergency removal or administrative leave. Campus will take immediate and responsive action to enforce any violation of an emergency removal or administrative leave.

VII. Grievance Procedures

Campus will promptly and equitably resolve complaints of alleged Prohibited Conduct in accordance with the grievance procedures set forth in this section of the Policy. Consistent with the requirements of the Title IX regulations, Campus has also established specialized requirements for complaints of alleged sex-based harassment involving a student Complainant or student Respondent. These specialized requirements are denoted in textboxes within this section.

When Complainant(s) and/or Respondent(s) have dual roles as student-employees, Campus will make a fact-specific determination and inform the parties of the applicable grievance process in writing. In making this determination, Campus will consider the student-employee's primary relationship to Campus and whether the alleged conduct occurred as part of educational- or employment-related work.

A. Basic Requirements

Campus' grievance procedures for resolving complaints of alleged Prohibited Conduct under this Policy ensures the following basic requirements:

1. Equitable treatment of the Complainant and Respondent.
2. Individuals implementing the grievance procedures will be free of any conflict of interest or bias for or against Complainants or Respondents, either generally or individually.
3. The Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the grievance procedures.
4. Major stages of the grievance process will be completed according to reasonably prompt timeframes, which Campus estimates as follows:
 - Complaint evaluations will be completed within ten (10) business days of the date in which Campus received the report of alleged conduct;
 - Appeals of an emergency removal, administrative leave, or complaint dismissal will be completed within five (5) business days of the date in which Campus receives the written request for such appeal.
 - Investigations will be completed within sixty (60) business days of the date in which Campus received the report of alleged conduct;
 - Determinations will be completed within fourteen (14) business days of the date in which the investigation report and evidence is submitted to the decisionmaker;
 - Appeals of the determination will be completed within fourteen (14) business days after receipt of the written request for an Appeal Officer.
 - Informal resolution, if applicable, will be completed within thirty (30) business days.

The time frames for each major stage of the grievance process are subject to reasonable extensions of time for good cause, which Campus will determine on a case-by-case basis. Campus will send the parties written notice of any causes or reasons for the delay.

5. Campus will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These reasonable steps will not restrict the parties' ability to obtain and present evidence (such as speaking to witnesses, consult with their family members, confidential resources, or Advisors) or otherwise prepare for or participate in the grievance process.
6. Campus will objectively evaluate all inculpatory and exculpatory evidence that is relevant and not otherwise impermissible in the grievance process. Campus will exclude evidence, and questions seeking evidence, that are not relevant and that is impermissible regardless of relevance.

Relevant evidence means related to the allegations of Prohibited Conduct under investigation. Evidence is relevant when it may aid a decisionmaker in determining

whether the alleged Prohibited Conduct occurred. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred.

Impermissible evidence refers to:

- a. Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness's voluntary, written consent for use in the recipient's grievance procedures; and
 - c. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
7. Campus will not conduct credibility determinations based on a person's status as a Complainant, Respondent, or witness.
 8. Campus will use consistent principles for the applicability of the grievance process under this Policy, Campus's Code of Conduct, and other related Campus policies and procedures.

B. Complaint Evaluation

Upon receipt of a report or complaint, the Title IX Coordinator will promptly contact the Complainant for an intake meeting to discuss the availability of supportive measures under this Policy, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a report and explain to the Complainant the process for submitting a complaint. If the potential Complainant is unknown, the Title IX Coordinator will make reasonable efforts to identify the potential Complainant and reach out to that person. During the intake meeting, the Title IX Coordinator will seek to get a basic understanding of the reported conduct so that the Title IX Coordinator can appropriately assess key facts to determine how to proceed. Follow-up intake meetings will be held as deemed necessary by the Title IX Coordinator.

The Title IX Coordinator will also meet with the Respondent separately to discuss the complaint and the process.

The Title IX Coordinator will make an initial determination as to whether the reported conduct, if true, could constitute a violation of the Policy. The Title IX Coordinator may dismiss a complaint of Prohibited Conduct if: (i) Campus is unable to identify the Respondent after taking reasonable steps to do so; (ii) the Respondent is not participating in Campus' education program or activity and

is not employed by Campus; (iii) the Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and Campus determines that without the withdrawn allegations, the remaining alleged conduct would not constitute Prohibited Conduct even if proven; and (iv) Campus determines the alleged conduct in the complaint, even if proven, would not constitute Prohibited Conduct. The Complainant must submit in writing to the Title IX Coordinator any voluntary withdrawal of the complaint or allegations.

In all other instances, if the Title IX Coordinator determines that the allegations, if true, could constitute a violation of the Policy, and that an investigation will commence, the matter will proceed to an investigation. The Title IX Coordinator will conduct an investigation to determine if the Policy may have been violated.

The parties have the option of using the grievance procedures or the informal resolution procedures described in this Policy. Under both options, the Title IX Coordinator will meet with the Complainant and the Respondent separately to discuss the complaint and the process.

The Title IX Coordinator will simultaneously provide the Complainant and Respondent with written notice of any decision(s) to dismiss a complaint, in whole or in part, the basis for the dismissal, the availability of supportive measures notwithstanding the complaint dismissal, and each party's opportunity to appeal the dismissal decision. Campus will make reasonable efforts to clarify the allegations with the Complainant prior to dismissing a complaint, in whole or in part, and the Title IX Coordinator will take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur. In circumstances where the Title IX Coordinator has reasonable concerns for the safety of any person as a result of providing written notice to the Respondent and has delayed such notice, the Title IX Coordinator may forgo issuing written notice to the Respondent of any decision(s) to dismiss a complaint.

Campus may consolidate complaints of alleged Prohibited Conduct under this Policy against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. If one of the complaints to be consolidated is a complaint of sex-based harassment involving a student as either Complainant or Respondent, Campus' specialized grievance procedures will apply.

C. Notice of Allegations

The Title IX Coordinator will notify the Complainant and Respondent, if known to Campus, in writing of its decision to proceed to investigation of any alleged violation of this Policy. Campus will provide the parties with sufficient time to review the written notice and prepare a response before any initial interview.

The Written Notice of Alleged Prohibited Conduct will provide the following information to the parties whose identities are known:

- a. The grievance process under this Policy and the informal resolution process.
- b. Sufficient information available at the time to allow the parties to respond to the factual allegations. Sufficient information includes the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct under this Policy, and the date(s), location(s), and factual allegation(s) of the alleged incident(s), to the extent that information is available to Campus.
- c. Information explaining that the parties may have an Advisor of their choice to

- accompany the party to meetings regarding the investigation, and that the Advisor may be, but is not required to be, an attorney;
- d. A statement that retaliation is prohibited.
 - e. Information explaining that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence (and the parties' equal opportunity to request access to the relevant and not otherwise impermissible evidence if provided an investigative report).

For sex-based harassment complaints involving a student Complainant or student Respondent, the written notice must also include:

- f. Information explaining that the Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures and that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker; and
- g. Information explaining that Campus prohibits knowingly making false statements or knowingly submitting false information during the grievance procedure.

If, in the course of an investigation, Campus decides to investigate additional allegations of Prohibited Conduct, Campus will provide notice of the additional allegations to the Complainant, Respondent, and other parties whose identities are known.

The Title IX Coordinator will notify the Complainant and Respondent, in writing and simultaneously, of its decision to proceed to investigation of any alleged violation of this Policy. Campus will provide the parties with sufficient time to review the written notice and prepare before any initial interview.

To the extent Campus has reasonable concerns for the safety of any person as a result of providing written notice, Campus may reasonably delay providing written notice of the allegations (and forgo any related written notice of a subsequent dismissal of the complaint) in order to address the safety concern appropriately. Reasonable concerns will be based on an individualized safety and risk analysis and not on mere speculation or stereotypes.

D. Investigation

Campus will respond promptly and effectively to reports or complaints of Prohibited Conduct. Campus will provide an adequate, reliable, and impartial investigation of the alleged Prohibited Conduct. The investigation will include the following steps:

- a. Campus will ensure that the burden is on Campus (not the parties) to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred;
- b. The Title IX Coordinator or designee will conduct the investigation;
- c. Campus will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;

- d. Campus will provide a process that enables the Title IX Coordinator or designee to question the parties and witnesses to adequately assess credibility to the extent that credibility is in dispute and relevant to evaluating the alleged conduct;
- e. Campus will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance;
- f. Campus will provide each party with an equal opportunity to access the evidence that is relevant and not otherwise impermissible to the allegations of Prohibited Conduct, and issue to the parties a written investigative report that accurately summarizes this evidence;
- g. Campus will provide the parties with a reasonable opportunity to review and respond to the evidence and/or the investigative report prior to the determination whether Prohibited Conduct occurred; and
- h. Campus will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance process, which does not include authorized disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Prohibited Conduct.

For sex-based harassment complaints *involving a student Complainant or student Respondent*, the following provisions apply:

- i. Campus will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate;
- j. Campus will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the Advisor. Campus may establish restrictions regarding the extent to which the Advisor may participate in the grievance procedures, and any such restrictions will apply equally to the parties.
- k. Campus will provide the parties with the same opportunities, if any, to have persons other than the Advisor of the parties' choice present during the investigations or related meetings;
- l. Campus will decide whether the parties may present expert witnesses during the investigation, and this decision will apply equally to the parties;
- m. Campus will provide each party and the party's Advisor with an equal opportunity to access and review the evidence or, where applicable, investigative report;
- n. If Campus provides access to an investigative report, upon request of either party, Campus will provide the parties with an equal opportunity to access and review the relevant evidence;
- o. Campus will provide the parties with a reasonable opportunity to review and respond to the evidence or the investigation report prior to the determination of whether sex-based harassment occurred.

Should an employee Respondent resign while an investigation is pending, the records of the employee will reflect that status and Campus' response to any future inquiries regarding employment references for that individual may also reflect that the employee resigned while an investigation was pending. Campus may complete the investigation in these instances based on the information available.

Should a student Respondent decide to voluntarily withdraw and/or not participate in the investigation and/or hearing, the process may nonetheless proceed in their absence to completion. Campus places a hold on the records of any student Respondent pending an investigation.

For sex-based harassment complaints *involving a student Complainant or student Respondent*, to the extent that credibility is in dispute and relevant to evaluating the alleged conduct, the following provisions apply for adequately assessing credibility with respect to the University's process for questioning the parties and witnesses:

- a. The investigator or Title IX Coordinator, who also serve as the decisionmaker, will ask relevant and not otherwise impermissible questions during individual meetings with a party or witness;
- b. The University will allow each party to propose relevant and not otherwise impermissible questions that the party wants asked of any party or witness, and have those questions asked by the investigator or Title IX Coordinator during one or more individual and follow-up meetings with a party or witness;
- c. Prior to a question being posed to a party or witness, the investigator or Title IX Coordinator will determine if a proposed question is relevant and not otherwise impermissible. The investigator or Title IX Coordinator will provide an explanation for any decision to exclude a question as not relevant or otherwise impermissible. The investigator or Title IX Coordinator will not permit questions that are unclear or harassing to a party or witness. The investigator or Title IX Coordinator will give a party an opportunity to clarify or revise a question that the investigator or Title IX Coordinator has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, the question will be asked;
- d. The investigator or Title IX Coordinator may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The investigator or Title IX Coordinator will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to relevant and not impermissible questions;
- e. The University may also adopt and apply other reasonable rules regarding decorum for this process, provided they apply equally to the parties; and
- f. The University will provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

E. Written Determination

Campus will use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred following an investigation and evaluation of all relevant and not otherwise impermissible evidence.

For all cases of alleged Prohibited Conduct (including sex-based harassment involving student Complainants or student Respondents), the investigator or Title IX Coordinator or designee will make the determination.

Campus will simultaneously notify the parties in writing of:

- a. The determination of whether the preponderance of the evidence establishes a violation of the Policy,
- b. Any applicable sanctions, other disciplinary actions, and/or remedies,
- c. The rationale supporting the determination and any applicable sanctions, disciplinary actions and/or remedies, and
- d. The procedures and permissible bases for appeal available to both parties.

For sex-based harassment complaints *involving a student Complainant or student Respondent*, the written determination will *also* include:

- b. A description of the alleged sex-based harassment;
- c. Information about the policies and procedures that Campus used to evaluate the allegations;
- d. The investigator or Title IX Coordinator's evaluation of the relevant and not otherwise impermissible evidence, the findings of fact, determination whether sex-based harassment occurred and rationale for the determination as applicable;
- e. When the investigator or Title IX Coordinator finds that sex-based harassment occurred, any sanctions or other disciplinary actions Campus will impose on the Respondent, whether remedies other than the imposition of sanctions or other disciplinary actions will be provided by Campus to the Complainant, and, to the extent appropriate, other students identified by Campus to be experiencing the effects of the sex-based harassment; and
- f. Campus' procedures for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final either on the date that Campus provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

F. Appeals

The Respondent and/or the Complainant may appeal the written determination of responsibility by the decisionmaker (as applicable, the investigator or the Title IX Coordinator or designee), or Campus' closure or dismissal of a complaint or allegations therein to an Appeal Officer as the appeal decisionmaker. Either party may also appeal before the Appeal Officer the sanctions or discipline imposed by the applicable decisionmaker. The Appeal Officer will not be the same person as the decisionmaker that reached the determination regarding dismissal, the investigator(s), or the Title IX Coordinator.

Campus will implement the appeal procedures equally for both parties and will use the preponderance of the evidence standard for its determination. A request for an appeal must be submitted in writing to the President for consideration by an Appeal Officer within two (2) calendar days of the issuance of the written determination. Upon notice of the assignment of the Appeal Officer, the parties will have two (2) calendar days to raise any objections to the President regarding the ability of any member of the Appeal Officer to conduct an impartial appeal. When an appeal is filed by one party, Campus will notify the other party in writing that an appeal has been filed. Campus will provide both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

An appeal of the decision may be considered if one of the following grounds is present:

- **Procedural Error**: A procedural error occurred that affected the outcome, including the findings and/or sanctions or discipline. A description of the error and its impact on the outcome of the case must be included in the written appeal. Minor or harmless deviations from the process will not invalidate the proceedings.
- **New Evidence**: New evidence that was not reasonably available at the time that the determination of responsibility was made and that could affect the outcome, including the findings and/or sanctions. Information that was known to the Complainant or Respondent during the investigation, but which he or she chose not to present, is not new evidence. A summary of this new evidence and its potential impact on the investigation findings and/or sanctions must be included in the written appeal.
- **Conflict of Interest or Bias**: The Title IX Coordinator, Investigator(s), or the Hearing Officer

had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Once an appeal request is received, a decision will be issued on eligibility for appeal usually within five (5) business days. If the process is extended beyond five (5) days, the President will inform the parties of the extension of time to complete the appeal and the reason(s) for the extension. If the grounds for an appeal are not met, the request for an appeal will be denied and the parties will be simultaneously informed in writing. Regardless of whether all parties request an appeal, the Complainant and Respondent will be informed in writing, and permitted to participate in the appeal and to respond to the information provided by the other party.

The role of the Appeal Officer regarding appeals is limited. Appeals are not intended to be a full rehearing of the complaint and are confined to a review of the statements submitted by the parties and the investigative and hearing record under the bases stated above, including but not limited to evidence presented at the hearing and documentation pertinent to the grounds for appeal.

Campus strives to complete the appeals process within fourteenth (14) business days after receipt of the written request for an appeal. If the grounds for an appeal are not met, the request for an appeal will be denied and the parties will be simultaneously informed in writing. The Appeal Officer will simultaneously notify both parties in writing of that outcome, including the result of the appeal and the rationale for the result. The decision shall be final.

G. Sanctions, Other Disciplinary Actions, and Remedies

For purposes of this policy,

- Sanctions and disciplinary actions are consequences imposed on a Respondent by Campus following a determination that the Respondent has violated this Policy. As described below, violations of this Policy are subject to the full range of institutional discipline, up to and including suspension or termination from Campus, removal from Campus events and premises, and referrals to authorities for criminal prosecution, as appropriate.
- Remedies are measures provided, as appropriate, to a Complainant or any other person Campus identifies as having had their equal access to Campus' education program or activity limited or denied by the Prohibited Conduct. These measures are provided to restore or preserve that person's access to the education program or activity after a determination that Prohibited Conduct occurred.

If there is a determination that the preponderance of the evidence supports that Prohibited Conduct occurred, the Written Determination will include a description of the applicable sanctions, other disciplinary actions, and remedies as appropriate. The Title IX Coordinator will coordinate the imposition of any sanctions and/or other disciplinary actions on a Respondent, including notification to the Complainant of any such sanctions, and take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within education program or activity. The Title IX Coordinator will also coordinate the provision and implementation of remedies to a Complainant and other persons Campus identifies as having had equal access to an education program or activity limited or denied by the Prohibited Conduct.

Campus will not impose discipline on a Respondent for Prohibited Conduct under this Policy unless there is a determination at the conclusion of the grievance procedures that the preponderance of the evidence establishes that Respondent engaged in Prohibited Conduct under this Policy.

Campus will not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on Campus' determination whether Prohibited Conduct occurred.

The following are the possible sanctions that will be imposed upon individuals who are found to be responsible for violations of this Policy. The sanctions listed below may be imposed singularly or in combination and second or subsequent offenses will receive more severe sanction. Possible sanctions include, but are not limited to:

For Students:

- Verbal warning
- Written warning
- Mandatory counseling
- Mandatory education and training
- No contact order
- Changes in academic arrangements
- Revocation of certain campus privileges
- Suspension or expulsion from Campus

For Employees:

- Verbal warning
- Reprimand
- Reassignment
- Transfer
- Termination

If the individual found to have engaged in the Prohibited Conduct is not an employee or student of Campus, corrective action within the reasonable control of the College, and as appropriate under the circumstances, will be initiated.

H. Informal Resolution

At any time prior to the issuance of a determination related to alleged Prohibited Conduct, Campus may offer informal resolution to the parties as alternative procedures to the grievance procedures, subject to Campus' discretion and applicable federal, state, and local laws. Informal resolution is a voluntary, structured interaction between or among the parties that is designed to reach an effective resolution to a Complaint. These informal procedures may include, but are not limited to, mediation, counseling, and/or any other means of resolving a complaint other than a formal resolution process. The informal resolution process attempts to resolve the issue with the Complainant and Respondent by mutual agreement. If an informal resolution process is used, Campus strives to resolve the matter through that process within 30 business days.

Informal resolution is not appropriate for all alleged violations of this Policy and the Title IX Coordinator retains the discretion to determine which cases are appropriate for informal resolution. Campus may decline to offer informal resolution when Campus determines that the alleged conduct would present a future risk of harm to others.

Campus will inform the parties in writing of the offer of informal resolution, along with their rights and responsibilities in the informal resolution process. Participation in the informal resolution process is voluntary, and Campus will not require the parties to participate in an informal resolution process. Both parties must voluntarily consent to the informal resolution process. Campus does not require the parties to waive the right to an investigation and determination of a complaint as a

condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. Both a Complainant and a Respondent can request to end this type of resolution and pursue an investigation at any time.

Campus must obtain the parties' voluntary, written consent to the informal resolution process. Campus will provide the parties with written notice disclosing:

1. Information of the allegations;
2. The requirements of the informal resolution process;
3. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume Campus' grievance procedures;
4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
6. What information Campus will maintain and whether and how Campus could disclose such information for use in grievance procedures under this Policy, if grievance procedures are initiated or resumed.

The facilitator for the informal resolution process will not be the same person as the investigator or the Title IX Coordinator or designee, nor will the facilitator have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Written notification will promptly be sent by the Title IX Coordinator to the Complainant and the Respondent of the conclusion of the informal resolution process. The notification will describe the terms of the approved informal resolution agreement, if any. Potential terms that may be included in an informal resolution agreement include but are not limited to restrictions on contact and restrictions on the Respondent's participation in Campus' education programs or activities and attendance at specific events, as well as any remedies or sanction and/or other disciplinary actions that could have been imposed at the conclusion of grievance procedures. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the resolution may result in appropriate responsive actions.

I. Conflicts of Interest or Bias

Both parties have a right to an investigation and resolution process free of conflicts of interest or bias by any Campus employee involved in the grievance procedures, including the Title IX Coordinator, investigator, hearing officer, appeal decisionmaker, or any person designated by Campus to evaluate the complaint, conduct the investigation, or facilitate an informal resolution process.

Campus employees involved in the process should disqualify themselves in a matter or proceeding in which the member's impartiality might reasonably be questioned, including but not limited to instances where the individual has a prejudgment of the facts at issue, conflict of interest, or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. An employee who fails to disqualify themselves or notify the Title IX Coordinator of potential conflicts of interest or bias is subject to disciplinary action, up to and including termination.

A Complainant or potential Complainant and the Respondent have the opportunity to object to the participation of any Campus official or employee involved in the grievance procedures (including the Title IX Coordinator, investigator, hearing officer, or individual(s) designated to facilitate

Campus' informal resolution process) on the grounds of bias or conflict of interest. The investigation or proceeding will be temporarily suspended, and the Title IX Coordinator or another appropriate official who is not the subject of the objection will evaluate whether the objection is substantiated. The parties will be notified in writing of the findings within five (5) business days. If a Campus employee or official is found to have a bias or conflict of interest against either party, the Campus employee or official will be removed from the matter and replaced when necessary. The investigation or proceeding will resume immediately upon a finding of no bias or conflicts, or upon the replacement of the Campus employee or official, whichever occurs first.

VIII. Recordkeeping

Campus will maintain for seven years or the extent they are required by law:

- Records documenting the informal resolution process or the grievance process under this Policy, as applicable, and the resulting outcome for each complaint of sex-based harassment involving students.
- Records documenting the actions Campus took to meet its obligations under this Policy for each notification the Title IX Coordinator receives of information about conduct that reasonably may violate this Policy.
- All materials used to provide training to officials responsible for implementing this Policy. The materials will be available for public inspection upon request.