

POLICY NUMBER: CO-002**FUNCTIONAL UNIT: Student Affairs****SECTION: Compliance****TITLE: Title IX Sexual Misconduct Policy and Complaint Resolution Procedures**

I. POLICY STATEMENT

Saint Luke's College of Health Sciences (the "College") is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment where individuals are free from sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, stalking, and retaliation (collectively "sexual misconduct"). The College considers sexual misconduct in all its forms to be a serious offense.

In compliance with Title IX and its implementing regulations, the College has implemented this policy to eliminate, prevent and address conduct that constitutes sexual misconduct.

Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated. Sex discrimination includes discrimination on the basis of pregnancy, gender identity, and failure to conform to stereotypical notions of femininity and masculinity.

Sexual Harassment (as defined below in Section IV.C), whether verbal, physical, or visual, is always inconsistent with the mission and expectations of the College, and may constitute a form sex discrimination in violation of this policy. Sexual harassment also includes sexual violence/assault (as defined below in Section IV.D). Sexual Violence is a particularly severe form of sexual misconduct. Examples of specific conduct that constitutes sexual harassment and sexual violence/assault are also set forth below. The College also prohibits domestic and dating violence, and stalking. Further, retaliation for reporting or participating in investigation or remediation of, sexual misconduct is prohibited.

II. SCOPE

This policy applies to administrators, faculty, and other College employees; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the College's educational programs and activities, including third-party visitors on campus (the "College Community"). This policy prohibits sexual misconduct even when the complainant and alleged perpetrator are members of the same or opposite sex, and it applies regardless of national origin, immigration status, or citizenship status. The College's prohibition on sexual misconduct extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, and student services.

The College has jurisdiction over Title IX-related complaints regarding conduct that occurred on campus, during or at an official College program or activity (regardless of location), or off campus when the conduct could create a hostile environment on campus. The College will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination and remedy its effects.

III. TITLE IX STATEMENT AND COORDINATORS

It is the policy of the College to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit Sex Discrimination in the College's educational programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of Sex Discrimination. The College has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sexual misconduct:

Marcia Ladage
Chief Dean of Students and Title IX Coordinator
624 Westport Road
Telephone: 816-936-8716
E-mail: mladage@saintlukescollege.edu

In addition to the reporting options under this policy, any person may also file a complaint of Sex Discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

IV. SEXUAL MISCONDUCT

A. Definition of Sexual Misconduct

This policy prohibits sexual misconduct. "Sexual Misconduct" is an umbrella term covering sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, stalking, and retaliation. Sexual misconduct does not depend on the gender, gender identity, or sexual orientation of the alleged victim and alleged perpetrator. Thus, sexual misconduct can occur between persons who consider themselves to be of the same gender, the opposite gender, or to otherwise have differing gender identities. This term will be used throughout the remainder of this policy and the Complaint Resolution Procedures when collectively referring to these types of conduct.

B. Sex Discrimination

The College prohibits discrimination on the basis of sex ("Sex Discrimination") in all the College's programs and activities. Sex Discrimination occurs when a person is excluded from participation in, or denied the benefits of, any College program or activity because of their sex. Sex discrimination includes materially adverse treatment or action based on a person's:

- biological sex
- pregnancy status
- gender, gender expression, or sexual identity
- and/or failure to conform to stereotypical notions of masculinity and femininity (so called "gender stereotyping").

Sex discrimination also includes conduct that meets the definitions of sexual harassment and sexual violence, as set forth below.

Examples of Sex Discrimination

Specific examples of conduct that may constitute sex discrimination include:

- Giving unequal pay, promotions, or other job benefits on the basis of gender.
- Allowing a person's gender to influence the grade conferred in a class.
- Denying persons access to a given degree or major because of their gender.
- Requiring a pregnant student to verify pregnancy-related absences with a doctor's note when such verification is not required of students with other medical conditions.
- Excluding a person from a College sponsored group because the person has a gender identity different than the gender assigned to the person at birth.
- Excluding a person from participation in a College sponsored activity based on stereotypical notions of how a person of a given gender or sexual identity should look, speak, or act.
- Conduct that meets the definition of sexual harassment or sexual violence, as set forth below.

C. Definition of Sexual Harassment and Examples

Sexual Harassment is any unwelcome conduct of a sexual nature. Sexual Harassment constitutes Sex Discrimination when it denies or limits a person's ability to participate in or benefit from the College's programs and activities. Sexual harassment can include sexual advances, requests for sexual favors, and other verbal, non-verbal, physical, or visual conduct of a sexual nature. Sexual harassment rises to the level of sex discrimination, and is prohibited by this policy as sexual misconduct, when:

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of any aspect of an individual's employment or education;
- Submission to or rejection of such conduct by a person is used or threatened to be used as a basis for academic or employment decisions affecting that individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's performance at work, or in academic, athletics, or other extra-curricular activities, or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment (i.e., a "hostile environment").

In determining whether unwelcome conduct of a sexual nature rises to the level of creating a hostile environment, the College will consider the totality of circumstances including but not limited to, the nature and severity of the conduct, the duration of the conduct, whether the conduct is part of a pattern, the age of the potential victim, and whether there is a power differential between the alleged victim and alleged perpetrator. The College will evaluate the totality of circumstances from the perspective of a reasonable person in the alleged victim's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

The College encourages members of the College Community to report any and all instances of Sexual Harassment, even if they are unsure whether the Sexual Harassment constitutes Sex Discrimination.

Some specific examples of conduct that may constitute sexual harassment if unwelcome include::

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual activity
- Unwelcome kissing, hugging, or massaging
- Sexual innuendos, jokes, or humor
- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail and Internet use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Requesting sexual favors in return for employment, athletic, or other rewards, or threats if sexual favors are not provided
- Disseminating sexual pictures or videos of another person without consent regardless of whether the pictures or videos were obtained with consent
- Sexual Violence (as defined below)

Further examples of Sexual Harassment may be found in the Frequently Asked Questions below.

D. Definition of Sexual Violence and Examples

Sexual Violence is a form of prohibited Sexual Harassment. Sexual violence is a particularly severe form of sexual harassment that, by its very nature, is likely to create a hostile environment. Sexual Violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity, because he or she is below the minimum age of consent in the applicable jurisdiction, or because of his or her incapacitation due to the use of drugs and/or alcohol. A single instance of Sexual Violence may be sufficiently severe to deny or limit a person's ability to participate in or benefit from the College's programs or activities, and, therefore, constitute Sex Discrimination.

Some examples of Sexual Violence include:

- Rape or sexual assault: Sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent
- Unwilling sexual penetration (anal, vaginal, or oral) with any object or body part that is committed by force, threat, or intimidation
- Sexual touching with an object or body part, by a man or woman upon a man or woman, without consent
- Sexual touching with an object or body part, by a man or woman upon a man or woman, committed by force, threat, or intimidation
- Prostituting another person
- Non-consensual video or audio-taping of sexual activity
- Knowingly transmitting a sexually transmitted disease to another

Further examples of Sexual Violence may be found in the Frequently Asked Questions below.

E. Definition of Consent

Consent is defined as conduct that a reasonable person would understand to indicate agreement to the sexual conduct at issue. Under this Policy, must be informed, freely given, and mutually understood.. Consent is not passive. Lack of consent is a critical factor in determining whether Sexual Violence has occurred. Consent is informed, freely given, and mutually understood.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent. Coercion is direct or implied threat of danger, hardship, or retribution sufficient to persuade a reasonable person to engage in sexual activity in which they otherwise would not engage or to which they otherwise would not submit. Coercion is different from seductive behavior based on the type of pressure someone uses to get another to engage in sexual activity. A person's words or conduct cannot amount to coercion unless they wrongfully impair the other's free will and ability to choose whether or not to engage in sexual activity. Coercion can include unreasonable and sustained pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive; once a person has made it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, you should be absolutely clear that they have changed their mind and are consenting before proceeding in sexual activity with them.
- If a person is mentally or physically incapacitated by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
 - Warning signs of when a person may be incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, there is no consent.
- If a person is below the minimum age of consent in the applicable jurisdiction, there cannot be consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to past sexual activity does not imply consent to other forms of sexual activity

- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- Consent can be withdrawn by verbal or physical conduct that a reasonable person would understand to indicate a desire to stop or not engage in the sexual conduct at issue.
- While consent can be withdrawn, a withdrawal of consent operates going-forward. It does not change the consensual nature of sexual activity that has already occurred.
- Being in a romantic relationship with someone does not imply consent to any form of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.
- Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee).

F. Definition of Domestic Violence, Dating Violence and Stalking

The crimes of Domestic Violence, Dating Violence and Stalking are considered to be a violation of this policy, no matter the motivation behind them.

1. Domestic Violence

“Domestic Violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- Missouri’s definition of domestic violence can be found at Mo. Rev. Stat. § 455.010.
- Under Missouri law, domestic violence also includes the crime of “domestic assault” which can be found at Mo. Rev. Stat. §§ 565.072-565.074.

2. Dating Violence

“Dating Violence” means violence committed by a person:

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) length of the relationship;
 - (ii) the type of the relationship; and
 - (iii) the frequency of interaction between the persons involved in the relationship.
- Missouri law does not specifically define dating violence, but conduct of this nature is covered by Missouri’s definitions of domestic violence and domestic assault.

3. Stalking

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

- Missouri’s definition of stalking can be found at Mo. Rev. Stat. § 455.010 and § 565.225.

G. Reservation of Right to Address Conduct of a Sexual Nature that Does Not Rise to the Level of Sexual Misconduct

Notwithstanding the aforementioned definitions, the College reserves the right to resolve, investigate, and/or take disciplinary action against any improper conduct of a sexual nature even though such conduct is not of the type, severity, or pervasiveness that constitutes Sexual Misconduct under this policy.

H. RETALIATION

1. Definition of Retaliation

Retaliation consists of materially adverse action taken against a person because the person made a good faith report of sexual misconduct or participated in the investigation of a report of sexual misconduct, such as by serving as a witness or support person.

2. Examples of Retaliation

Specific examples of retaliation include:

- Terminating a person’s employment, demoting them, denying them a promotion, reducing their pay, or “writing them up” because they made a report of sexual misconduct.
- Sending threatening text messages or social media messages to someone because they made a report of sexual misconduct or gave a statement as a witness.
- Causing physical damage to a person’s personal belongings because they made a report of sexual misconduct or gave a statement as a witness.
- Suspending a person from an activity or limiting their involvement because they made a report of sexual misconduct.
- Publishing knowingly false information about a person because they made a report of sexual misconduct.

3. Good Faith Reports

The College encourages the good faith reporting of sexual misconduct. However, the College will not allow this policy or the Complaint Resolution Procedures to be abused for improper means. Therefore, if the College’s investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline. Such disciplinary action will not constitute prohibited retaliation. A person makes a bad faith report of sexual misconduct if, at the time they make the report, they know the report is false or frivolous.

Further, the College may take disciplinary action against any person who knowingly provides false information during the investigation and resolution of a complaint of sexual misconduct and such disciplinary action will not constitute prohibited retaliation.

V. ROLES AND RESPONSIBILITIES

A. Title IX Coordinator

It is the responsibility of the Title IX Coordinator to coordinate dissemination of information and education and training programs to: (1) receive all Title IX complaints at the College; (2) coordinate dissemination of information and education and training programs; (3) identify and address any patterns or systemic problems that arise during the review of such complaints; (4) assist members of the College community in understanding that Sexual Misconduct is prohibited by this policy; (5) answer questions about this policy; (6) appoint investigators and ensure that investigators are trained to respond to and investigate complaints of Sexual Misconduct; (7) ensure that employees and students are aware of the procedures for reporting and addressing complaints of Sexual Misconduct; and (8) to implement the Title IX Complaint Resolution Procedures or to designate appropriate persons for implementing the Title IX Complaint Resolution Procedures.

B. Administrators, Deans, Department Chairs, and Other Managers

It is the responsibility of administrators, deans, department chairs, and other managers (i.e., those that formally supervise other employees) to:

- Inform employees under their direction or supervision of this policy
- Work with the Title IX Coordinator to implement education and training programs for employees and students
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy

C. All Employees

It is the responsibility of all employees to review this policy and comply with it.

D. Students

It is the responsibility of all students to review this policy and comply with it.

E. The College

When the College is aware that a member of the College Community may have been subjected to or affected by conduct that constitutes Sex Discrimination, the College will take prompt action and review the matter. If necessary, an investigation and appropriate steps to stop and remedy the prohibited conduct will occur. The College will act in accordance with its Title IX Complaint Resolution Procedures, described below.

VI. COMPLAINTS

A. Making a Complaint

1. Employees

All College faculty and employees have a duty to report sexual misconduct to the Title IX Coordinator or the President when they receive a report of such conduct or witness such conduct. This includes employees who may have a professional license requiring confidentiality if they are not employed by the College in that professional role. An employee not reporting Sexual Misconduct as required by this policy may be disciplined accordingly, up to and including termination.

This section does not apply to the employees who may maintain confidentiality as described in Section VI.A.3. of this policy.

College faculty and employees are also encouraged to file a complaint of sexual misconduct when they are the victim of such conduct.

2. Students and Non-Employee Members of the College Community

Students and non-employees who believe they or another member of the College Community may have been subjected to conduct that constitutes prohibited Sexual Misconduct are encouraged to file a complaint with the Title IX Coordinator or President. Students and other persons may also file a complaint with the United States Department of Education's Office for Civil Rights, as set forth in Section III above.

Students should be aware that all employees at the College, except those designated in Section VI.A.3., have an obligation to report sexual misconduct that they become aware of or witness to the Title IX Coordinator or President for review and investigation, and they may not keep such information confidential.

3. Confidential Resources

If a victim desires to talk confidentially about his or her situation, the Provost is available. The Provost is available to assist you and will not report your circumstances to the College for investigation without your permission, unless otherwise required by law (such as when the victim is a minor). Notwithstanding, a non-identifying report may be made to the Title IX Coordinator so that the College can identify any patterns of Sexual Misconduct on campus and, if the conduct is a crime, it can be included in the College's annual crime statistics disclosure.

4. Content of the Complaint

So that the College has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged Sexual Misconduct; (2) the names of all person(s) involved in the alleged Sexual Misconduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the College may follow up appropriately.

5. Information Provided to Complainant and Respondent

A complainant who makes a claim of Sexual Misconduct to the College will be given a copy of the document titled "Explanation of Rights and Options After Filing a Complaint Under the Title IX: Non-Discrimination and Harassment Policy." This document provides information about this policy and the Complaint Resolution Procedures used to investigate and resolve complaints of Sexual Misconduct, options for filing complaints with the local police, resources that are available on campus and in the community, etc. A person against whom a complaint has been filed will also be given information about the process.

6. Conduct that Constitutes a Crime

In addition to making a report under this policy, the College encourages any person who believes he or she is the victim of a crime—including sexual violence, domestic violence, dating violence, or stalking—to make a report to local law enforcement. If requested, the College will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A victim may decline to notify such authorities.

If a person believes he or she is in imminent danger, the person should dial 511 if on campus or 911 if off campus. Unless there is a health or safety emergency, articulable threat to members of the College Community, or a state law requiring reporting (such as in the case of child abuse) the College will not contact law enforcement without the alleged victim's permission.

7. Special Advice for Individuals Making Complaints of Sexual Violence, Domestic Violence, Dating Violence, or Stalking

If you are the victim of Sexual Violence, Domestic Violence, or Dating Violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. For those who believe that they are victims of sexual violence, domestic violence, or dating violence, the College recommends the following:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence of the crime—avoid bathing, using the toilet, rinsing one’s mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Contact local police by calling 911 if the incident occurred off campus.
- Get medical attention - all medical injuries are not immediately apparent. This is also necessary to collect evidence in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with the College Counselor who will help explain options, give information, and provide emotional support.
- Make a report to the Title IX Coordinator or a Deputy Coordinator.
- Explore this policy and avenues for resolution under the Complaint Resolution Procedures.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. In case of Stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Misconduct investigations.

Once a complaint of Sexual Violence, Domestic Violence, Dating Violence, or Stalking is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- pursuing disciplinary action
- requesting that no further action be taken

8. Vendors, Contractors, and Third-Parties

This policy applies to the conduct of vendors, contractors, and third parties. Persons who believe they have been discriminated against or harassed in violation of this policy should make a complaint in the manner set forth in this section.

9. Retaliation

It is a violation of this policy to retaliate against any member of the College Community who reports or assists in making a complaint of Sexual Misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this section.

10. Interim Measures

Pending final outcome of an investigation in accordance with the Title IX Complaint Resolution Procedures, the College will take steps to protect the parties involved from further Sexual Misconduct or retaliation. This may include assisting and allowing the complainant to change his or her academic, transportation, or work situation, to the extent the College controls these environments, if options to do so are reasonably available. Such changes may be available regardless of whether the individual chooses to report the crime to campus police or local law enforcement. Requests of this nature should be made to the Title IX Coordinator. In the event such an accommodation is provided, the College will maintain it as confidential to the extent that maintaining such confidentiality would not impair the College's ability to provide it.

If a complainant has obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator. The College will take all reasonable and legal action to implement the order. Information about obtaining protection orders in Missouri can be found at: <http://www.courts.mo.gov/file.jsp?id=69655>.

B. Timing of Complaints

The College encourages persons to make complaints of Sexual Misconduct as soon as possible because late reporting may limit the College's ability to investigate and respond to the conduct complained of.

C. Investigation and Confidentiality

All complaints of Sexual Misconduct will be promptly and thoroughly investigated in accordance with the Title IX Complaint Resolution Procedures, and the College will take disciplinary and remedial action where appropriate. The College will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the College cannot guarantee confidentiality to those who make complaints. In the event that the complainant's confidentiality cannot be ensured, the College will notify the complainant.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the College's ability to respond may be limited. The College reserves the right to initiate and proceed with an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College Community.

The Title IX Coordinator is the person responsible for evaluating requests for confidentiality.

D. Resolution

If a complaint of Sexual Misconduct is found to be substantiated, the College will take appropriate corrective, disciplinary, and remedial action. Students, faculty, and employees found to be in violation of this policy will be subject to discipline up to and including written reprimand, suspension, probation, demotion, termination, or expulsion. Affiliates and program participants may be removed from College programs and/or prevented from returning to campus.

Remedial steps may also include individual counseling, as well as academic, work, or transportation accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

VII. ACADEMIC FREEDOM

While the College is committed to the principles of free inquiry and free expression, conduct constituting Sexual Misconduct is neither legally protected expression nor the proper exercise of academic freedom.

VIII. EDUCATION

Because the College recognizes the prevention of Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking is an important issue, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other items, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator.

IX. REVIEW

This policy is maintained by the College's Title IX Coordinator. The Title IX Coordinator will review this policy regularly, with the assistance of the College's Title IX Committee. The review will capture evolving legal requirements, evaluate the supports and resources available to the parties, and assess the effectiveness of the Complaint Resolution Procedures. The review will incorporate an aggregate view of reports, resolution, and climate.

X. DISTRIBUTION

This policy will be disseminated widely to the College Community through email communication, the College's website, inclusion in orientation programs for new employees and new students, and through other appropriate channels of communication.

FREQUENTLY ASKED QUESTIONS

1. What kinds of conduct constitute prohibited Sex Discrimination?
2. What are some additional examples of Sexual Harassment?
3. What should I do if I am a victim of Sexual Misconduct?
4. What are some additional examples of Sexual Violence?
5. What constitutes “consent” for purposes of Sexual Violence?
6. What should I do if I am a victim of Sexual Violence, Domestic Violence, Dating Violence, or Stalking?
7. Can I make a complaint of Sexual Violence against my boyfriend or girlfriend?
8. What should I do if I am a victim of Sexual Misconduct committed by someone who is not a College student or employee?
9. What should I do if I am a victim of Sexual Misconduct but the incident occurred off campus?
10. Should I contact the College if I have already notified the police about Sexual Misconduct?
11. What should I do if I observe Sexual Misconduct, but it is not directed at me?
12. What is the role of the Title IX Coordinator?
13. If I make a complaint of Sexual Misconduct, will it be treated confidentially?
14. Who is typically involved in investigating a complaint of Sexual Misconduct?
15. What are the possible outcomes of an investigation into a complaint?
16. May I have a support person with me in the investigation process?
17. What should I do if I am retaliated against for making a complaint of Sexual Misconduct?
18. How does the College handle a bad faith allegation of Sexual Misconduct?

1. What kinds of conduct constitute prohibited Sex Discrimination?

All discrimination on the basis of sex in the College's programs and activities is prohibited under this policy. Sexual Harassment, defined as any unwelcome conduct of a sexual nature, is one way a person may discriminate against another due to his or her sex. The College has a duty under Title IX to take the steps outlined in this policy when conduct, like Sexual Harassment, denies or limits a person's ability to participate in or benefit from the College's programs and activities. In such circumstances, Sexual Harassment constitutes Sex Discrimination. The College encourages you to report any and all instances of Sexual Harassment, even if you are unsure whether the Sexual Harassment constitutes Sex Discrimination.

Sexual Violence is a particularly severe form of Sexual Harassment that includes physical sexual acts perpetrated against a person's will or where a person is for some reason incapable of giving consent. Even a single instance of Sexual Violence/Assault can constitute Sex Discrimination under this policy and should always be reported.

For further descriptions and examples of Sexual Harassment, Sexual Violence, and Sex Discrimination, please see Questions 2 and 4 below, as well as Section IV of the College's Title IX: Non-Discrimination and Anti- Harassment Policy.

2. What are some additional examples of Sexual Harassment?

Sexual Harassment is any unwelcome conduct of a sexual nature. Sexual Harassment constitutes a form of prohibited Sex Discrimination when it denies or limits a person's ability to participate in or benefit from the College's programs and activities. The College's policies protect men and women equally from Sexual Harassment, including harassment by members of the same sex. Staff, faculty, and students are protected from Sexual Harassment by any other staff, faculty, student, or contractor. Examples of kinds of conduct that constitute Sexual Harassment include, but are not limited to, the following:

- Engaging in unwelcome sexual advances
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails or text messages
- Telling unwelcome, sexually-explicit jokes
- Displaying sexually suggestive or lewd photographs, videos, or graffiti
- Making unwelcome and unwanted physical contact, such as rubbing, touching, pinching, or patting
- Making unwelcome and suggestive sounds, such as "cat calls" or whistling
- Commenting on a person's dress in a sexual manner
- Making sexual gestures
- Repeatedly asking someone for a date after the person has expressed disinterest
- Giving unwelcome personal gifts such as flowers, chocolates, or lingerie that suggest the desire for a romantic relationship
- Telling another person of one's sexual fantasies, sexual preferences, or sexual activities
- Commenting on a person's body, gender, sexual relationships, or sexual activities
- Using sexually explicit profanity

3. What should I do if I am a victim of Sexual Misconduct?

The College encourages you to report Sexual Misconduct as soon as possible. Ignoring Sexual Misconduct does not make it go away, and delayed reporting may limit the College's ability to investigate and remedy the Sexual Misconduct.

You may report Sexual Misconduct to the Title IX Coordinator or the President. If you are the victim of Sexual Misconduct that constitutes a crime, the College encourages you to also file a complaint with local law enforcement and to press charges. If requested, the College will assist you in filing a complaint with local law enforcement. You may decline to notify such authorities.

When you are being sexually harassed, you always have the option to directly confront the person that is harassing you. Sometimes, individuals are not aware that their behavior is offensive and quickly apologize and change their behavior

once it is brought to their attention. However, you are not required or expected to confront your harasser prior to filing a complaint.

4. What are some additional examples of Sexual Violence?

Sexual Violence is a form of prohibited Sexual Harassment. Sexual Violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to use of drugs and/or alcohol or to an intellectual or other disability. Examples of kinds of conduct that constitute Sexual Violence include, but are not limited to, the following:

- Sexual penetration (anal, vaginal, or oral) or touching of sexual organs that is committed by force, threat, intimidation, or otherwise without consent.
- Having sexual intercourse with, or sexually touching, a person who is incapacitated because of drug or alcohol use, including a person who has been given a "date rape drug" or any other drug causing incapacitating impairment.
- Knowingly exposing another person, without their consent, to a sexually transmitted disease (such as HIV, chlamydia, gonorrhea, syphilis, or herpes) through sexual activity.
- Hazing that involves penetrating a person's vagina or anus with an object
- Exceeding the scope of consent (e.g., having vaginal or anal sex with a person when they have only consented to oral sex) Secretly videotaping or photographing sexual activity where the other party has not consented
- Prostituting another person

5. What constitutes "consent" for purposes of Sexual Violence?

Consent is defined as conduct that a reasonable person would understand to indicate agreement to the sexual conduct at issue. Under this Policy, must be informed, freely given, and mutually understood. Consent is not passive. Lack of consent is a critical factor in determining whether Sexual Violence has occurred. Consent is informed, freely given, and mutually understood.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent. Coercion is direct or implied threat of danger, hardship, or retribution sufficient to persuade a reasonable person to engage in sexual activity in which they otherwise would not engage or to which they otherwise would not submit. Coercion is different from seductive behavior based on the type of pressure someone uses to get another to engage in sexual activity. A person's words or conduct cannot amount to coercion unless they wrongfully impair the other's free will and ability to choose whether or not to engage in sexual activity. Coercion can include unreasonable and sustained pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive; once a person has made it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, you should be absolutely clear that they have changed their mind and are consenting before proceeding in sexual activity with them.
- If a person is mentally or physically incapacitated by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
 - Warning signs of when a person may be incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, there is no consent.
- If a person is below the minimum age of consent in the applicable jurisdiction, there cannot be consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to past sexual activity does not imply consent to other forms of sexual activity
- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.

- Consent can be withdrawn by verbal or physical conduct that a reasonable person would understand to indicate a desire to stop or not engage in the sexual conduct at issue.
- While consent can be withdrawn, a withdrawal of consent operates going-forward. It does not change the consensual nature of sexual activity that has already occurred.
- Being in a romantic relationship with someone does not imply consent to any form of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.
- Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee).

6. What should I do if I am a victim of Sexual Violence, Domestic Violence, Dating Violence, or Stalking?

If you are the victim of Sexual Violence, Domestic Violence, Dating Violence, or Stalking, do not blame yourself. These crimes are never the victim's fault. Please contact the Title IX Coordinator as soon as possible for information on options and resources available to you. You may also wish to call local law enforcement (911 if an emergency), or the National Sexual Assault Hotline at 1-800-656-HOPE.

If you are the victim of Sexual Violence, Domestic Violence, or Dating Violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of Sexual Violence, Domestic Violence, or Dating Violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. In case of Stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Misconduct investigations.

7. Can I make a complaint of Sexual Violence against my boyfriend or girlfriend?

Anyone can commit Sexual Violence, even if you and that person are in a romantic relationship. The critical factor is consent. If your boyfriend or girlfriend perpetrates a sexual act against you without your consent, such conduct constitutes Sexual Violence, and you may make a complaint. This type of conduct and other types of conduct perpetrated by your boyfriend or girlfriend may also be classified as Domestic Violence or Dating Violence.

8. What should I do if I am the victim of Sexual Misconduct committed by someone who is not a College student or employee?

The College's policies protect you from Sexual Misconduct by vendors, contractors, and other third parties that you encounter in your College learning and employment environment. If you believe that you have been a victim of Sexual Misconduct, you should report it just as if it were committed by a College student or employee.

9. What should I do if I am a victim of Sexual Misconduct but the incident occurred off campus?

It is possible for off-campus conduct between College employees or students to contribute to a hostile working or academic environment or otherwise violate the College's policies. You may make a complaint of Sexual Misconduct even if the conduct occurs off-campus.

10. Should I contact the College if I have already notified the police about Sexual Misconduct?

Calling the local police or filing a police report is not the same as filing a Sexual Misconduct complaint with the College. You should not assume that local law enforcement will forward your complaint to the College. As such, anyone who

reports Sexual Misconduct to local police is also encouraged to report the matter to the College's Title IX Coordinator so that the College can begin to investigate the issue as quickly as possible.

11. What should I do if I observe Sexual Misconduct, but it is not directed at me?

Anyone who witnesses conduct that constitutes Sexual Misconduct, even it is directed at someone else, can still feel uncomfortable and harassed. If you are a student and witness conduct that you believe constitutes Sexual Misconduct please make a complaint in the same manner as if the conduct was directed against you. If you are an employee or staff member of the College, it is your duty to report conduct that constitutes Sexual Misconduct of any kind.

12. What is the role of the Title IX Coordinator?

The Title IX Coordinator oversees the College's compliance with Title IX and receives inquiries regarding Title IX, including complaints of Sexual Misconduct. The Title IX Coordinator has received special training on the College's policies and procedures pertaining to Sexual Misconduct, and is available to answer questions about those policies and procedures, respond to complaints, and assist you in identifying other resources to aid in your situation.

13. If I make a complaint of Sexual Misconduct, will it be treated confidentially?

The College will take reasonable and appropriate steps to preserve the confidentiality of the parties to the complaint and to protect the confidentiality of information gathered during the investigation. However, the College has an obligation to provide a safe and non-discriminatory environment for all students and employees. Therefore, no unconditional promises of confidentiality can be provided. If your confidentiality cannot be guaranteed, the College will notify you.

14. Who is typically involved in investigating a complaint of Sexual Misconduct?

The College's Title IX Coordinator or his/her designee will be involved in investigating complaints of Sexual Misconduct. The Title IX Coordinator may appoint another member of the staff to investigate and resolve the complaint. The process of gathering evidence will necessarily require the involvement of the complainant, the respondent, and any witnesses to the incident that gave rise to the complaint. In sum, it will involve those persons necessary to fairly and completely investigate the complaint and resolve it.

15. What are the possible outcomes of an investigation into a complaint?

The outcome will be determined based on the totality of the evidence using a preponderance of the evidence standard. If the preponderance of the evidence does not support a finding that the incident occurred, then the complaint is resolved in favor of the accused. If, however, the preponderance of the evidence supports a finding that Sexual Misconduct occurred, the actions taken by the College will include those necessary to maintain an environment free from discrimination and to protect the safety and well-being of the complainant and other members of the College Community. In addition, the College may, in its discretion, take action if the preponderance of evidence supports that improper conduct of a sexual nature has occurred, even if such conduct does not rise to the level of Sexual Misconduct under this policy. The College's actions will include reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination and retaliation. Examples of such action include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, including up to termination, expulsion, or other appropriate institutional sanctions.

16. May I have a support person with me in the investigation process?

At each stage of the Complaint Resolution Procedures (interviews, meetings, hearings, etc.), the complainant and respondent may be accompanied by a support person of their choice. In cases involving multiple complainants or respondents, the support person/advisor cannot be another complainant or respondent. The support person/advisor may provide support and private counsel to the party. However, the support person does not serve as an advocate on behalf of

the complainant or respondent, may not be actively involved in any proceedings, and must agree to maintain the confidentiality of the process.

The College reserves the right to remove or dismiss a support/person advisor who fails to follow this policy and applicable provisions of the Complaint Resolution Procedures, in which case the party will be allowed to select a different support person.

17. What should I do if I am retaliated against for making a complaint of Sexual Misconduct?

The College's Title IX Policy prohibits retaliation against any person for making a good faith complaint of Sexual Misconduct, and/or cooperating in the investigation of (including testifying as a witness to) such a complaint. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the underlying allegation of Sexual Misconduct. If you feel you are the victim of retaliation in violation of this policy, you should report the retaliation just as you would a complaint of Sexual Misconduct.

18. How does the College handle a bad faith allegation of Sexual Misconduct?

A bad faith allegation of Sexual Misconduct occurs when the accuser intentionally reports information or incidents that he or she knows to be untrue. Failure to prove a complaint of Sexual Misconduct is not equivalent to a bad faith allegation. The College may impose sanctions against an individual who knowingly makes false allegations of Sexual Misconduct.

TITLE IX: COMPLAINT RESOLUTION PROCEDURES

I. GENERAL PRINCIPLES

A. Applicability

These Complaint Resolution Procedures apply to the resolution of all reports under the Sexual Misconduct Policy. They apply to the resolution of complaints against students, faculty, administrators, staff, and third parties, and they are the exclusive means of resolving complaints of sexual misconduct. Under the Complaint Resolution Procedures, the party making a complaint is referred to as the “complainant” and the person accused of misconduct is referred to as the “respondent.”

B. Administration

For purposes of these complaint resolution procedures, “Investigating Officer” means the Title IX Coordinator or his/her designee. The Investigating Officer shall have responsibility for administering these complaint resolution procedures. The Investigating Officer may consult with other College administrators and counsel as needed. The Investigating Officer may be a third-party investigator or attorney retained for that purpose by the College.

C. Promptness, Fairness and Impartiality

These procedures provide for prompt, fair, and impartial investigations and resolutions. The Investigating Officer shall discharge his or her obligations under these complaint resolution procedures fairly and impartially. If the Investigating Officer determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, the Title IX Coordinator shall designate another appropriate individual to administer these procedures.

D. Training

These procedures will be implemented by officials who receive annual training on the issues related to Sex Discrimination, Sexual Harassment, Sexual Violence/Assault, Domestic Violence, Dating Violence, and Stalking and on how to conduct an investigation process that protects the safety of victims and promotes accountability.

E. Participation in Investigations

All members of the College Community are encouraged and expected to fully cooperate with any investigation and resolution under these Complaint Resolution Procedures. College faculty and employees who fail to cooperate and/or participate will face discipline, up to and including termination. In the event an alleged victim refuses to participate under these Complaint Resolution Procedures, the College may proceed as a complainant under the circumstances specified in Section VI.C of the Sexual Misconduct Policy. In the event a respondent refuses to participate, the Complaint Resolution Procedures will be completed despite the Respondent’s lack of participation and may result in a finding of misconduct *in absentia*.

II. INVESTIGATION AND RESOLUTION OF THE COMPLAINT

A. Commencement of the Investigation

Once a complaint is made, the Investigating Officer will commence an investigation of it as soon as practicable, but not later than seven (7) days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes Sexual Misconduct. During the course of the investigation, the Investigating Officer may receive counsel from College administrators, the College’s attorneys, or other parties as needed.

In certain narrow circumstances, the Investigating Officer may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the Investigating Officer will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant's articulated concerns.

B. Notification of the Respondent and Selection of Resolution Process

Once a complaint is received by the Investigating Officer, the Investigating Officer will promptly notify the respondent and provide the respondent with the opportunity to review a copy of the written complaint. This notice will include the identities of the parties involved, the specific section of the code of conduct allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident.

The Investigating Officer will then communicate with each party, separately, to discuss the pertinent avenues for resolution as set forth below. Considering the parties' wishes and other circumstances, the Investigating Officer will then determine whether the complaint will be resolved through informal or formal process. The Investigating Officer will then notify the parties of the process to be used.

C. Content of the Investigation

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence.

Formal rules of evidence do not apply in any of the formal resolution processes specified below. Nonetheless, evidence that is irrelevant or whose prejudicial effect substantially outweighs its probative value may be excluded from consideration. A complainant's irrelevant sexual history will be excluded from consideration.

The Investigating Officer will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Throughout the investigation, parties will be granted an opportunity to review and comment, in writing, any statements or evidence provided by the other party or any information independently developed by the Investigating Officer.

All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

D. Support Person

At each stage of the Complaint Resolution Procedures (interviews, meetings, hearings, etc.), the complainant and respondent may be accompanied by a support person of their choice. In cases involving multiple complainants or respondents, the support person/advisor cannot be another complainant or respondent. The support person/advisor may provide support and private counsel to the party. However, the support person does not serve as an advocate on behalf of the complainant or respondent, may not be actively involved in any proceedings, and must agree to maintain the confidentiality of the process.

The College reserves the right to remove or dismiss a support/person advisor who fails to follow this policy and applicable provisions of the Complaint Resolution Procedures, in which case the party will be allowed to select a different support person.

E. Interim Measures

At any time during the investigation, the Investigating Officer may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of this Title IX Policy.

F. Pending Criminal Investigation

Some instances of Sexual Misconduct may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the College will assist the complainant in doing so. The pendency of a criminal investigation, however, does not relieve the College of its responsibilities under Title IX. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the complaint.

G. Resolution

At the conclusion of the investigation, the Investigating Officer will prepare a draft written report. The written report will explain the scope of the investigation, identify findings of fact, and state whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. Both parties will be provided a copy of the draft written report and allowed to respond to the written investigation report, in writing.

If the final written report determines that Sexual Misconduct occurred, the Investigating Officer shall set forth in an addendum to the written report those steps necessary to maintain an environment free from Sexual Misconduct and to protect the safety and well-being of the complainant and other members of the College Community. Such actions will also include reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of Sexual Misconduct and retaliation. Examples of such action include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, including up to termination, expulsion, or other appropriate institutional sanctions.

The complainant and the respondent will receive a final copy of the written report and any addendum within three (3) days of its completion. If necessary, the version of the addendum provided to the complainant and/or respondent will be redacted to ensure that information concerning any remedial and/or disciplinary measures is disclosed in a manner consistent with Title IX, the Family Educational Rights and Privacy Act ("FERPA"), and the Clery Act.

The written report of the Investigating Officer shall be final subject only to the right of appeal set forth in Section IV below. An explanation of the appeal procedures will be included in the notification of the outcome that is provided to the parties.

H. Special Procedure Concerning Complaints Against the President

If a complaint involves alleged conduct on the part of the College President, the College Board of Directors ("Board") will designate the Investigating Officer. Based on the information gathered by the investigation, the Board will prepare and issue the written report determining the complaint. The determination of the Board is final and not subject to appeal.

I. Informal Resolution

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. The following standards apply to any informal resolution method that is utilized:

- The informal process can only be used with both parties' voluntary cooperation and appropriate involvement by the institution (e.g., the Title IX Coordinator)

- The complainant will not be required to “work out” the problem directly with the respondent
- Either party may terminate the informal process at any time and elevate the complaint to the formal investigation procedures
- Informal resolution in the form of mediation, even on a voluntary basis, will not be used to resolve complaints alleging sexual assault

J. Timing of the Investigation

The College will endeavor to conclude its investigation and resolution of the complaint within sixty (60) calendar days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Investigating Officer in writing explaining how much additional time is needed and why it is needed. The Investigating Officer shall respond to any such request within three (3) days.

Some instances of sexual misconduct may also constitute criminal conduct. In the case where alleged criminal conduct has also been reported to law enforcement, the College may temporarily delay its investigation of the complaint where necessary to avoid interfering with law enforcement. However, the pendency of a criminal investigation does not serve as a substitute for these procedures and the investigation and resolution process will commence promptly once interference is no longer a concern. In addition, because the standard of proof that applies in these procedures (i.e., preponderance of the evidence) is different than the standard necessary for a criminal conviction (i.e., proof beyond a reasonable doubt), the College’s determination will not be held in abeyance due to the pendency of a criminal trial.

III. RIGHTS OF THE PARTIES

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence
- Similar and timely access to all information considered by the Investigating Officer
- Equal opportunity to review any statements or evidence provided by the other party
- Equal access to review and comment upon any information independently developed by the Investigating Officer

IV. APPEALS

If a complaint involves alleged conduct on the part of the College’s President, the College’s Board of Directors will designate the Investigating Officer. Based on the information gathered by the investigation, the Board of Directors will prepare and issue the written report determining the complaint. The determination of the Board of Directors is final and not subject to appeal.

If a complaint involves alleged conduct on the part of the Title IX Coordinator or any administrator ranked higher than the Title IX Coordinator, the College’s President will designate the Investigating Officer. Based on the information gathered by the investigation, the President will prepare and issue the written report determining the complaint. The determination of the President is final and not subject to appeal.

A. Grounds of Appeal

The complainant or respondent may appeal the determination of a complaint only on the following grounds:

- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Investigating Officer, would result in a different decision
- There was a procedural error significant enough to call the outcome into question

- There was a clear error in factual findings
- Bias or prejudice on the part of the Investigating Officer, or
- The punishment or the corrective action imposed is disproportionate to the offense

B. Method of Appeal

Appeals must be filed with the President within ten (10) days of receipt of the written report determining the outcome of the complaint. If neither party files an appeal, both parties will be notified in writing the timeline for filing an appeal has passed and the complaint has been deemed resolved.

If an appeal is filed, the appeal must be in writing and contain the following:

- Name of the complainant
- Name of the respondent
- A statement of the determination of the complaint, including corrective action if any
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it, and
- Requested action, if any.

The appellant may request a meeting with the President, but the decision to grant a meeting is within the President’s discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

V. RESOLUTION OF THE APPEAL

The President will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision, including [INSERT HERE]. . The decision of the President is final. The President shall issue a short and plain written statement of the resolution of the appeal, including any changes made to the Investigating Officer’s previous written determination or the corrective measures imposed. The written statement shall be provided to the complainant, respondent, and the Title IX Coordinator within three (3) days of the resolution.

VI. DOCUMENTATION

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Title IX Coordinator, and the President are responsible for maintaining documentation regarding the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings.

VII. INTERSECTION WITH OTHER PROCEDURES

These complaint resolution procedures are the exclusive means of resolving complaints alleging violations of the Title IX: Non-Discrimination and Anti-Harassment Policy. To the extent there are any inconsistencies between these complaint resolution procedures and other College grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging violations of the Title IX: Non-Discrimination and Anti-Harassment Policy.

Nothing in the College’s Title IX Complaint Procedures, Title IX Sexual Misconduct Policy, or associated materials should be interpreted so as to limit the College’s right to resolve, investigate, and/or take disciplinary action against any improper conduct of a sexual nature even though such conduct is not of the type, severity or pervasiveness that constitutes Sexual Misconduct as defined in the Title IX Policy.

NON-DISCRIMINATION POLICY

Applicants for admission and employment, students and employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with Saint Luke's College of Health Sciences are hereby notified that this institution does not discriminate on the basis of race, color, gender, religion, age, class, ethnic or national origin, ancestry, sex, sexual orientation or gender identity, disability, pregnancy, institutional status, military status, or other legally protected status in admission or access to, of treatment or employment in, its programs and activities. Any person having inquiries concerning compliance by Saint Luke's College of Health Sciences with the regulations implementing Title VI, Title IX, or Section 504 is directed to contact the College President, the Title IX Coordinator, the Chief Dean of Students, or Director of Financial Aid at 624 Westport Rd, Kansas City, Missouri 64111, 816-936- 8700, who have been designated by Saint Luke's College of Health Sciences to coordinate the institution's efforts to comply with the regulations implementing Title VI, Title IX, and Section 504. Inquiries may also be addressed to the Assistant Secretary for Civil Rights, U.S. Department of Education. Contact for the U.S. Department of Education is available at: <https://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm>.

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