

**CENTURA COLLEGE
AVIATION INSTITUTE OF MAINTENANCE
TIDEWATER TECH**

**CAMPUS SEX-BASED HARASSMENT POLICIES
&
GRIEVANCE PROCEDURES**

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**CENTURA COLLEGE
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1. Introduction

Centura College, Aviation Institute of Maintenance, and Tidewater Tech (collectively, the “College”) is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sex-based harassment. Every member of the College community should be aware that the College is strongly opposed to sex-based harassment, and that such behavior is prohibited by state and federal laws.

The College does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

As part of the College’s commitment to providing a working and learning environment free from sex-based harassment, this Policy shall be disseminated widely to the College community through publications, the College websites, new employee orientations, student orientations, and other appropriate channels of communication. The College provides training to key staff members to enable the College to handle any allegations of sex-based harassment promptly and effectively. The College will respond promptly to all reports of sex-based harassment, and will take appropriate action, including a thorough investigation, to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

2. Scope of the Policy

The College has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, the Title IX Coordinator, or other individuals who are participating or attempting to participate in its education program or activity. These grievance procedures address complaints of sex-based harassment that involve a student party.

The College encourages victims of sex-based harassment to report any and all instances of such harassment to the Title IX Coordinator immediately, so victims can get the support they need, and likewise, allow the College to respond appropriately and expediently. As further described in this Policy, the College will seek to respect a victim’s request for confidentiality to the extent possible, with the understanding that in some details may be required to be shared with witnesses, in order to conduct a thorough investigation, while remaining ever mindful of the victim’s well-being.

3. Prohibited Conduct

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-based harassment includes a College employee conditioning the provision of a College aid, benefit, or service on an individual’s participation in unwelcome sexual conduct. Unwelcome sex-based conduct that 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 the College’s education program or activity (*i.e.*, creates a hostile environment) also constitutes sex-based harassment. Sexual assault, stalking, domestic violence, and dating violence are all forms of sex-based harassment. Retaliation following an incident of alleged sex-based harassment or attempted sex-based harassment is strictly prohibited. The definitions for specific acts of sex-based harassment can be found in the Definitions of Key Terms at the end of this Policy statement.

Sex-based harassment can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. **This Policy prohibits all forms of sex-based harassment.**

4. Options for Assistance Following an Incident of Sex-based harassment

The College strongly encourages any victim of sex-based harassment to seek immediate assistance. Seeking prompt assistance may be important to ensure a victim’s physical safety or to obtain medical care. The College strongly advocates that a victim of sex-based harassment report the incident in a timely manner. Time is a critical factor for evidence collection and preservation and so that an investigation can begin promptly.

Reporting Incidents of Sex-based harassment.

Victims of sex-based harassment may file a report with the local police department. Victims are also strongly encouraged to file a report with the College's Title IX Coordinator as soon as possible to allow the College to promptly investigate. More information about reporting an incident of sex-based harassment can be found in Section 6 of this Policy, below.

A complainant has the option to have an investigation pursued through the criminal justice system even as matter is being handled through the College's grievance procedures as describe in this Policy. The College and the criminal justice system work independently from each other. Law enforcement officers do not determine whether a violation of this Policy has occurred. The Title IX Coordinator will guide the complainant through the available options and support the complainant through the grievance procedure.

Supportive Measures.

The College's Title IX Coordinator will work with all students affected by sex-based harassment to ensure their safety and support their wellbeing. This assistance may include providing supportive measures to support and/or protect a student after an incident of sex-based harassment and while an investigation or disciplinary proceeding is pending. "Supportive measures" means 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 College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or (2) provide support during the College's grievance procedures or during an informal resolution process.

Supportive measures may include:

- counseling,
- extensions of deadlines or other course-related adjustments,
- campus escort services,
- increased security and monitoring of certain areas of the campus,
- restrictions on contact applied to one or more parties,
- leaves of absence,
- changes in class, work housing, or extracurricular or other activity, and
- training and education programs related to sex-based harassment.

The College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that it can reasonably do so and to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The measures needed by each student may change over time, and the Title IX Coordinator will communicate with each student throughout any investigation to ensure that any supportive measures are necessary and effective based on the students' evolving needs. Students who report an incident of sex-based harassment may also be able to obtain a formal protection order from a civil or criminal court. The College will work with the student and the applicable court to assist in the enforcement of any such protective orders.

Support Services Available.

Counseling, advocacy and support services are available for complainants, whether or not a complainant chooses to make an official report or participate in the College's grievance procedures or the criminal process. *The College does not provide counseling or health care services. Personal counseling offered by the College will be limited to initial crisis assessment and referral.*

Sex-based harassment crisis and counseling options are available locally and nationally through a number of agencies, including:

National Hotlines

National Center on Drug Abuse Hotline- 1-800-622-HELP (4357)

National Domestic Violence Hotline- 1-800-799-SAFE (7223) or TTY 1-800-787-3224

National Sexual Assault/Online Message Service- 1-800-656-HOPE (4373) or www.rainn.org

National Suicide Prevention Hotline- 1-800-273-TALK (8255)

Each campus' Student Services Department can offer resources that are located within a student's local community.

Evidence Preservation

Victims of sexual assault, domestic violence or dating violence should consider seeking medical attention as soon as possible. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted so that evidence necessary to prove criminal activity may be preserved. In circumstances where the victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address health concerns. Victims of sex-based harassment are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful in connection with a College or police investigation.

5. Title IX Coordinator

The College's Title IX Coordinator is responsible for monitoring and overseeing the College's compliance with Title IX and the prevention of sex-based harassment and discrimination. The Title IX Coordinator is:

- Knowledgeable and trained in College policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, respondent, or a third party, about College and community resources and reporting options;
- Available to provide assistance to any College employee regarding how to respond appropriately to a report of Title IX-related prohibited conduct and related retaliation;
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and
- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to the College's Title IX Coordinator (see below + page # 4).

Centura College Chesapeake Campus

Dennis Ryan, Title IX Coordinator
1150 Greenbrier Parkway
Chesapeake, VA 23320
Phone: (757) 549-2121
Email: dryan@centura.edu

Centura College Peninsula Campus

Jake Thomas, Title IX Coordinator
616 Denbigh Boulevard
Newport News, VA 23608
Phone: (757) 874-2121
Email: jthomas@centura.edu

Centura College Norfolk Campus

Damika Howard-Wayne, Title IX Coordinator
7020 North Military Highway
Norfolk, VA 23518
Phone: (757) 853-2121
Email: dhoward-wayne@centura.edu

Tidewater Tech Norfolk Campus

Lenard Merritt, Title IX Coordinator
4535 E Princess Anne Rd
Norfolk, VA 23502
Phone: (757) 858-8324
Email: lmerritt@tidewatertechtrades.edu

AIM Atlanta Campus

Ben Sitton, Title IX Coordinator
2025 Satellite Pointe
Duluth, GA 30096
Phone: (678) 377-5600
Email: bsitton@aviationmaintenance.edu

AIM Charlotte Campus

Alex Diaz, Title IX Coordinator
7421 E Independence Blvd
Charlotte, NC 28227
Phone: (980) 785-0700
Email: aldiaz@aviationmaintenance.edu

AIM Dallas Campus

Adrian Rothrock, Title IX Coordinator
400 E Airport Fwy
Irving, TX 75062
Phone: (214) 333-9711
Email: arothrock@aviationmaintenance.edu

AIM Houston Campus

Aaron Armendariz, Title IX Coordinator
7651 Airport Blvd
Houston, TX 77061
Phone: (713) 644-7777
Email: aarmendariz@aviationmaintenance.edu

AIM Indianapolis Campus

Andy Duncan, Title IX Coordinator
7251 W McCarty St,
Indianapolis, IN 46241
Phone: (317) 243-4519
Email: aduncan@aviationmaintenance.edu

AIM Kansas City Campus

Adrian Rothrock, Title IX Coordinator
4100 Raytown Rd
Kansas City, MO 64129
Phone: (816) 753-9920
Email: DirectorAMK@AviationMaintenance.Edu

AIM Hasbrouck Heights Campus

De'Kysten Jordan, Title IX Coordinator
459 NJ-17 Suite A
Hasbrouck Heights, NJ 07604
Phone: (201) 288-6300
Email: djordan@aviationmaintenance.edu

AIM Phoenix Campus

Rodney Fitzsimmons, Title IX Coordinator
4025 S. 32nd Street
Phoenix, AZ
Phone: (510) 553-9600
Email: rfitzsimmons@aviationmaintenance.edu

AIM Las Vegas Campus

Sam Thomas, Title IX Coordinator
5870 S Eastern Ave
Las Vegas, NV 89119
Phone: (702) 798-5511
Email: sthomas@aviationmaintenance.edu

AIM Manassas Campus

Tim Dengler, Title IX Coordinator
10640 Davidson Pl
Manassas, VA 20109
Phone: (703) 257-5515
Email: tdengler@aviationmaintenance.edu

AIM Norfolk Campus

Ashley Oden, Title IX Coordinator
2329 E Little Creek Rd
Norfolk, VA 23518
Phone: (757) 363-2121
Email: oden@aviationmaintenance.edu

AIM Casselberry Campus

Mike Bragg, Title IX Coordinator
2725 US-17
Casselberry, FL 32707
Phone: (407) 896-2800
Email: mbragg@aviationmaintenance.edu

AIM Philadelphia Campus

Stephanie Makhoul, Title IX Coordinator
3001 Grant Ave
Philadelphia, PA 19114
Phone: (215) 676-7700
Email: smakhoul@aviationmaintenance.edu

AIM Fremont Campus

Josh Smith, Title IX Coordinator
420 Whitney Pl
Fremont, CA 94539
Phone: (510) 553-9600
Email: jsmith@aviationmaintenance.edu

AIM Chicago Campus

Isaac Walters, Title IX Coordinator
3711 S. Ashland Avenue
Chicago, IL 60609
Phone: (872) 365-3500
Email: iwalters@aviationmaintenance.edu

In addition to the campus Title IX Coordinators listed above, the College Corporate Director of Academic Affairs has been designated to handle inquiries regarding the non-discrimination policies, including Title IX. You may contact the Corporate Director of Academic Affairs at 4455 South Blvd, Suite 200, Virginia Beach, VA 23452, E-mail: sscorp@centura.edu Toll Free: (877) 604-2121 Fax: (757) 497-6503.

6. Reporting Policies and Protocols

The College strongly encourages all members of the College community to report information about any incident of sex-based harassment as soon as possible. Complainants have the right to report an incident to law enforcement directly along with reporting the matter to the College.

Reporting to the College

The following individuals have a right to make a complaint of sex-based harassment, requesting that the College investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes:
 - a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the College’s education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The College’s Title IX Coordinator.

The College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Any person may report sex discrimination, including sex-based harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sex-based harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed in Section 5 for the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

While there is no time limit for reporting, reports of sex discrimination or harassment should be brought forward as soon as possible. All incidents should be reported even if significant time has elapsed, but prompt reporting will better enable the College to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate. The College is committed to supporting the rights of a person reporting an incident of sex discrimination including sex-based harassment to make an informed choice among options and services available.

The College will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any discrimination, prevent its recurrence, and address its effects.

Reporting to Law Enforcement

An incident of sex-based harassment can be reported to law enforcement at any time, 24 hours a day/7 days a week, by calling 911. At the complainant’s request, the College will assist the complainant in contacting law enforcement. If the complainant decides to pursue the criminal process, the College will cooperate with law enforcement agencies to the extent required by law. A complainant has the option to decide whether or not to participate in any investigation conducted by law enforcement. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)

Reporting of Crimes & Annual Security Reports

Campus safety and security are important issues at the College. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sex-based harassment under this Policy.

Each year the College prepares this report to comply with the Clery Act. The full text of this report can be located on the College’s web site at www.centuracollege.edu. This report is prepared in cooperation with the local law enforcement agencies around our campus. Each year notification is made to all enrolled students and employees that provides the web

site to access this report. Copies of the report may also be obtained in person from the Campus Executive Director or by calling the College's administrative office at (877) 523-9528. All prospective employees may also obtain a copy from the Campus Executive Director.

Timely Warnings & Emergency Notifications

In the event that a situation arises, either on or off campus, that, in the judgment of the Campus Executive Director constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The Campus Executive Director will also immediately notify the College community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at the College, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and College employees. Notices may also be posted in the common areas throughout the College. Anyone with information warranting a timely warning or emergency notification should report the circumstances to the Campus Executive Director. The College will provide adequate follow-up information to the community as needed.

Third-Party and Anonymous Reporting

In cases where sex-based harassment is reported by someone other than the complainant (by an instructor, classmate, or friend, for example), the Title IX Coordinator will promptly notify the complainant that a report has been received. This Policy and the Procedures will apply in the same manner as if the complainant had made the initial report. The Title IX Coordinator will make every effort to meet with the complainant, based on the information provided, to discuss available options and resources. Reports from an anonymous source will be treated in a similar fashion.

No Retaliation

The College prohibits retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. The College will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or the Campus Executive Director.

Except as may otherwise be required by law, the College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness.

Charging an individual with a violation of the College's code of conduct for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Coordination With Drug Free College Policy

The College encourages students to report all instances of sexual misconduct. The College will take into consideration the importance of reporting sexual misconduct in addressing violations of the College's alcohol and drug policies. An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the College's student conduct policies at or near the time of the incident, unless the College determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

7. College Policy on Confidentiality

The College encourages victims of sex discrimination including sex-based harassment to talk to somebody about what happened – so victims can get the support they need, and so the College can respond appropriately.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sex-based harassment or other forms of sex discrimination. The College encourages victims to talk to someone identified in one or more of these groups.

Privileged and Confidential Communications – Professional & Pastoral Counselors

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission. *The College does not provide professional or pastoral counseling, but can assist a victim of sex-based harassment in obtaining support services from these groups or agencies.* Contact information for these support organizations is listed in Section 4 of this Policy.

NOTE: While these professional and pastoral counselors and advocates may maintain a victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law.

ALSO NOTE: If the College determines that the alleged perpetrator(s) pose a serious and immediate threat to the College community, the Campus Executive Director may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

Reporting to the College

Complainants are encouraged to report incidents of sex-based discrimination to the Title IX Coordinator. The Title IX Coordinator contact information is listed in Section 5 of this Policy and is also published on the College's website and in the College's catalog. Note that all College employees have a duty to notify the Title IX Coordinator of any conduct that reasonably may constitute sexual discrimination. To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the College's response to the report. The Title IX Coordinator should not share information with law enforcement without the complainant's consent or unless the complainant has also reported the incident to law enforcement or unless otherwise required by law.

Before a complainant reveals any information to the Title IX Coordinator, the Coordinator should ensure that the complainant understands the Coordinator's reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources. If the complainant wants to tell the Title IX Coordinator what happened but also maintain confidentiality, the Coordinator should tell the complainant that the College will consider the request but cannot guarantee that the College will be able to honor it, as the College may have its own legal obligation to address such situations in an appropriate and timely manner.

Requesting Confidentiality: How the College Will Weigh the Request and Respond.

If a complainant discloses an incident to the Title IX Coordinator but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's own legal obligation to provide a safe, non-discriminatory environment for all students, including the complainant and employees.

If a complainant requests confidentiality, the complainant does so with the understanding that the College's ability to investigate the incident and pursue disciplinary action against the respondent will be limited. A complainant may provide the Title IX Coordinator with confidential knowledge of alleged sex-based harassment and receive supportive measures from the College without the complainant filing a complaint and initiating an investigation. Although rare, there are times when the College may not be able to honor a complainant's request in order to provide a safe, non-discriminatory environment for all students and employees.

The Title IX Coordinator will evaluate requests for confidentiality. When weighing a complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the respondent will commit additional acts of sex-based harassment or other violence, such as:
 - whether there have been other sex-based harassment complaints about the same respondent;
 - whether the respondent has a history of arrests or records from a prior College indicating a history of violence;
 - whether the respondent threatened further sex-based harassment or other violence against the complainant or others;
 - whether the sex-based harassment was committed by multiple respondents;
- Whether the sex-based harassment was perpetrated with a weapon;
- Whether the complainant is a minor;
- Whether the College possesses other means to obtain relevant evidence of the sex-based harassment (e.g., security cameras or personnel, physical evidence);
- Whether the College has a legal obligation to report the harassment to the police or otherwise take action; and
- Whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the Title IX Coordinator to initiate a complaint. If none of these factors is present, the College will likely respect the complainant's request for confidentiality.

If the College determines that it cannot maintain a complainant's confidentiality, the College will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people

responsible for handling the College's response. The College will remain ever mindful of the complainant's well-being, and will take ongoing steps to protect the complainant from retaliation or harm and work with the complainant to create a safety plan. Retaliation against the complainant, whether by students or College employees, will not be tolerated. The College will also:

- assist the complainant in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance;
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of course schedules (including for the respondent pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the complainant of the right to report a crime to local law enforcement – and provide the complainant with assistance if the complainant wishes to do so.

The College may not require a complainant to participate in any investigation or disciplinary proceeding.

Because the College is under a continuing obligation to address the issue of sex-based harassment campus-wide, reports of sex-based harassment (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sex-based harassment occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ victimization surveys; and/or revisiting its policies and practices.

If the College determines that it can respect a complainant's request for confidentiality, the College will also take immediate action as necessary to protect and assist the complainant. This includes the Title IX Coordinator promptly contacting the complainant to discuss the availability of supportive measures. A complainant's request for confidentiality will limit the College's ability to investigate a particular matter. The College may take steps to limit the effects of the alleged sex-based harassment and prevent its recurrence without initiating formal action against the respondent or revealing the identity of the student complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the harassment occurred; providing training and education materials for students and employees; revising and publicizing the College's policies on sex-based harassment; and conducting climate surveys regarding sex-based harassment.

A complainant who at first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated.

Off-campus Counselors and Advocates. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the complainant requests the disclosure and signs a consent or waiver form.

8. Grievance Procedures and Protocols

Once the College has knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, it will respond promptly and effectively. The Title IX Coordinator will take the following actions upon being notified of conduct that reasonably may constitute sex discrimination:

- Treat the complainant and respondent equitably.
- Offer and coordinate supportive measures, as appropriate, for the complainant. If the College has initiated grievance procedures or offered an informal resolution process to the respondent, the Title IX Coordinator will offer and coordinate supportive measures as appropriate, for the respondent.
- Notify the complainant, or if the complainant is unknown, the individual who reported the conduct, of the College's grievance procedures and the informal resolution process.
- If a complaint is made, notify the respondent of the grievance procedures and the informal resolution process.
- In response to a complaint, initiate the College's grievance procedures or informal resolution process.
- Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity, in addition to providing remedies to an individual complainant.

The College presumes that the respondent is not responsible for the alleged sex discrimination unless and until a determination of responsibility is made at the conclusion of its grievance procedures, including an investigation.

The College's Title IX Coordinator oversees the College's investigation, response to, and resolution of all reports of prohibited sex-based harassment, and of related retaliation, involving students, faculty, and staff. In response to a complaint, the Title IX Coordinator will initiate the grievance procedures under this Policy, or the informal resolution process described below if appropriate and requested by all parties.

In the absence of a complaint or upon 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 shall determine whether to initiate a complaint of sex discrimination or harassment and the grievance procedures set forth in this Policy. To make this fact-specific determination, the Title IX Coordinator must 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 sex discrimination or harassment would occur if a complaint is not initiated;
- 4) The severity of the alleged sex discrimination or harassment, including whether the discrimination or harassment, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- 5) The age and relationship of the parties, including whether the respondent is an employee of the College;
- 6) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- 7) The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- 8) Whether the College could end the alleged sex discrimination or harassment and prevent its recurrence without initiating these 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 the College 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 under this provision, 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 College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A complainant and/or respondent may challenge the participation of an investigator or decisionmaker because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator. At its discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether an investigator or decisionmaker should be replaced.

Where necessary, the College will take prompt steps to protect complainants pending the final outcome of a grievance procedure, including the provision of supportive measures to the complainant and/or the respondent. The College may remove a respondent from the College's education programs or activities on an emergency basis, provided that the College (1) undertakes an individualized safety and risk analysis, (2) determines that an imminent and serious threat to the physical health or safety of any student or other individual arising from the allegations of sex discrimination justifies removal, and (3) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. The College may place a non-student employee respondent on administrative leave during the pendency of a grievance process.

The College will take steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

The College will objectively evaluate all evidence that is relevant and not otherwise impermissible - including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by the College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- 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 College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- 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.

Notice

Upon initiation of these Title IX grievance procedures, the College will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- The College's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence; and
- The College prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, the College decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint:

The College may dismiss a complaint if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the College's education program or activity and is not employed by the College;
- The College obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination including sex-based harassment under Title IX even if proven; or
- The College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination including sex-based harassment under Title IX. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the College will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will notify the parties simultaneously in writing.

The College will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section of these grievance procedures. If dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the College will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College education program or activity

Informal Resolution

Informal resolution, when selected by all parties and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent recurrence of the conduct, and remedy its effects in a manner that meets the safety and welfare of the College community. If all parties voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication after receiving a complaint and if the College determines that the particular complaint is appropriate for such a process, the College will facilitate an informal resolution to assist the parties

in reaching a voluntary resolution. The College retains the discretion to determine which cases are appropriate for informal resolution.

Informal resolution may include: conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the discrimination occurred; facilitating a meeting with the respondent with the complainant present; and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy.

Informal resolution may also include restorative principles that are designed to allow a respondent to accept responsibility for harassment and acknowledge harm to the complainant or to the College community. Restorative models will be used only with the consent of both parties and following a determination by the Title IX Coordinator that the matter is appropriate for a restorative approach.

The College will not compel parties to engage in mediation or to participate in any particular form of informal resolution. Participation in informal resolution is a choice, and either party can request to end this manner of resolution and pursue another avenue for adjudication at any time, including if informal resolution is unsuccessful at resolving the complaint.

In connection with any informal resolution process, the College will provide written notice to the parties disclosing the allegations and the requirements of the informal resolution process. The College will notify the parties that any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the complaint any time before agreeing to a resolution. If the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations. The College must obtain the parties' voluntary, written consent to the informal resolution process. The informal resolution process may not be utilized to resolve allegations that a College employee sexually harassed a student.

The time frame for completion of informal resolution may vary, but the College will seek to complete the process within 15 days of all the parties' request for informal resolution.

Investigation Process

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not on the parties. The Title IX Coordinator is responsible for the investigation of a complaint. The Title IX Coordinator may designate a specially trained investigator (or team of investigators) to conduct the investigation.

The College's process for responding to, investigating and adjudicating sex-based harassment reports will continue during any law enforcement proceeding. The investigator may need to temporarily delay an investigation while the police are gathering evidence but will resume the investigation after learning that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding.

The investigator will interview the complainant, respondent, and any witnesses. They will also gather pertinent documentary materials (if any) and other information. The College will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. Each party shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The College will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

Time Frame for Investigation

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the investigation and resolution, the Title IX Coordinator seeks to resolve all reports in a timely manner. In general, an investigation may last up to 30 days, from receipt of a complaint from the complainant or the Title IX Coordinator of the request to proceed with an investigation. Adjudication will generally take up to 30 days from the date the investigative report is provided to both the complainant and the respondent. The Title IX Coordinator may set reasonable time frames for required actions under the Policy. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate absences or delays by the parties, the need for language assistance or accommodation of disabilities, account for College breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared simultaneously with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

The College will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the College will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The College will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination

Investigation Report

The investigator will prepare an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Such report will include a statement of the allegations and issues, the positions of the complainant and respondent, a summary of the evidence (including from interviews and documentation gathered), an explanation why any proffered evidence was not investigated, assessment of individual credibility, and findings of fact and an analysis of whether a violation of the Policy has occurred. The investigator will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that the investigator must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The complainant and respondent will be simultaneously notified of the completion of the investigation and provided with the investigator's report.

9. Grievance/Adjudication Procedures

Hearing Panel

The College will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy.

The hearing panel will consist of one to three members. The Title IX Coordinator will designate the members of the hearing panel but will not serve as a panel member. The investigator responsible for the College's investigation of the complaint may not serve as a hearing panel member. The hearing panel members may include administrators, officers, lawyers, or other individuals with relevant experience and special training. Panel members may participate remotely so long as the College utilizes technology enabling the panel members and parties to simultaneously see and hear the party or witness answering questions. All panelists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sex-based harassment. The complainant and respondent will be informed of the panel's membership before the hearing process begins. A complainant and/or respondent may challenge the participation of a panel member because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator at least three days prior to the commencement of the hearing. At its discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether a panel member should be replaced. Postponement of a hearing may occur if a replacement panelist cannot be immediately identified.

Advisors

Both the complainant and the respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sex-based harassment by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled.

Written Submissions

Both the complainant and respondent will have the opportunity to submit written responses to the investigation report and other relevant information to the hearing panel. Each of the complainant and respondent will have the opportunity to review any written submissions by the other. The hearing panel may set reasonable parameters for these written submissions. The hearing panel will review the investigation report and written submissions.

Hearing Procedures

The Title IX Coordinator will give the complainant and respondent at least 10 days' advance notice of the hearing. The Title IX Coordinator may arrange to hold the hearing at an off-campus location. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary College personnel may be present during the proceeding. The College President will work with College staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation virtually, with technology enabling the participants simultaneously to see and hear each other.
- In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.
- Additional hearing rules include:
 - Cross Examination. At the hearing, the hearing panel shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
 - At the request of either party, the College will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing panel members and parties to simultaneously see and hear the party or the witness answering questions.
 - Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
 - If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
 - Information Regarding Romantic or Sexual History. Questions and evidence about the complainant's sexual interests or prior sexual conduct are not relevant, unless such questions and evidence about the complainant's prior sexual conduct are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern 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 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.
 - Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless the investigator provided that information to the hearing panel because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.
 - The hearing panel may consider statements made by parties or witnesses, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility.
 - The College will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
 - Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

The College will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review. The panelists may request a copy or transcript of the recording. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

Panel Determinations/Standard of Proof

The hearing panel will issue a written determination regarding responsibility. The panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a panel must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a written determination within 10 days after the conclusion of a hearing.

The panel's written determination will include:

- a) Identification of the allegations potentially constituting sex-based harassment;

- b) A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of the College's code of conduct to the facts;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and
- f) The College's procedures and permissible bases for the complainant and respondent to appeal.

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the complaint. The determination regarding responsibility becomes final either on the date that the College 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.

10. Sanctions and Other Remedies

The hearing panel shall be responsible for imposing sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with the College's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of sex-based harassment.

No disciplinary sanctions or other actions that are not supportive measures will be imposed against a respondent until the completion of the College's grievance procedures, including any applicable appeal.

The hearing panel will consider relevant factors, including if applicable: (1) the specific sex-based harassment at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; (6) the safety of the College community; and (7) the respondent's conduct during the disciplinary process. The sanctioning decision will be communicated in writing to the complainant and the respondent as part of the hearing panel's written determination.

The College may impose any one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning
- Changing the respondent's academic schedule
- Disciplinary probation
- Restricting access to College facilities or activities
- Community service
- Issuing a "no contact" order to the respondent or requiring that such an order remain in place
- Dismissal or restriction from College employment
- Suspension (limited time or indefinite)
- Expulsion

In addition to any other sanction (except where the sanction is expulsion), the College may require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the sex-based harassment violation at issue. The College may also recommend counseling or other support services for the student.

Whatever the outcome of the hearing process, a complainant may request ongoing or additional supportive measures and the Title IX Coordinator will determine whether such supportive measures are appropriate. Potential ongoing supportive measures include:

- Providing an escort for the complainant
- Changing the complainant's academic schedule
- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

The College may also determine that additional measures are appropriate to respond to the effects of the incident on the College community. Additional responses for the benefit of the College community may include:

- Increased monitoring, supervision, or security at locations or activities where the harassment occurred
- Additional training and educational materials for students and employees
- Revision of the College's policies relating to sex-based harassment
- Climate surveys regarding sex-based harassment

11. Appeals

Either the respondent or the complainant or both may appeal from a determination regarding responsibility, and from the College's dismissal of a complaint or any allegations therein, on the following bases:

1. A procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
3. The Title IX Coordinator, investigator(s), or hearing panel member(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

If a party appeals a dismissal or determination whether sex-based harassment occurred, the College will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that the College will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

The decision maker(s) for the appeal may not be the same person as the hearing panel members, the investigator(s), or the Title IX Coordinator. The appealing party must submit the appeal in writing to the College within fourteen days after receiving the written determination regarding responsibility. If either the complainant or respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing party may submit a written response within seven days after notice of an appeal.

If the decision-maker concludes that a change in the hearing panel's determination is warranted, the College may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The decision maker will issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties. Appeals decisions will be rendered within 15 days after the receipt of the written appeal. All appeal decisions are final.

12. Records Disclosure & Recordkeeping

Disciplinary proceedings conducted by the College are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the College without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct or required to be produced through other compulsory legal process.

Additional information about FERPA can be found on the College's website at www.centuracollege.edu.

The College will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the

alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

The College will maintain for a period of not less than seven years records of –

- a) Any actions, including any supportive measures, taken in response to a report or complaint of sex-based harassment;
- b) Each sex-based harassment investigation including any determination regarding responsibility, any audio or audiovisual recording or transcript from a hearing conducted in response to a complaint, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the College's education programs or activities;
- c) Any appeal and the result therefrom;
- d) Any informal resolution and the result therefrom; and
- e) All materials used to train Title IX Coordinators, investigators, hearing panel members, decision-makers, and any person who facilitates an informal resolution process. The College will make these training materials publicly available on its website.

13. Education and Prevention Programs

The College is committed to offering educational programs to promote awareness and prevention of Prohibited Conduct. Educational programs include an overview of the College's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation.

As part of the College's commitment to provide an educational and work environment free from Prohibited Conduct, this Policy will be disseminated widely to the College community through e-mail communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

The Title IX Coordinator, investigators, hearing panel members, and anyone else who is involved in responding to, investigating, or adjudicating sex-based harassment will receive annual training from experts in the field. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sex-based harassment.

Bystander Intervention

The College's primary prevention and awareness program includes a description of safe and positive options for bystander intervention. Active bystanders take the initiative to help someone who may be targeted for a sexual assault. They do this in ways that are intended to avoid verbal or physical conflict. Active bystanders also take the initiative to help friends, who are not thinking clearly, from becoming offenders of crime. Intervention does not mean that you directly intervene to stop a crime in progress; rather, these steps are "early intervention" – before a crime begins to occur. There are three important components to consider before taking action that we refer to as the ABCs:

- **Assess for safety.** Ensure that all parties are safe, and whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- **Be with others.** If it is safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.
- **Care for the person.** Ask if the target of the unwanted sexual advance/attention/behavior is okay – does he or she need medical care? Ask if someone they trust can help them get safely home.

Risk Reduction

The College's primary prevention and awareness program includes information on risk reduction. This includes:

Avoiding Dangerous Situations. While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cash money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.

- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

Safety Planning. Things to think about:

- How to get away if there is an emergency? Be conscious of exits or other escape routes. Think about options for transportation (car, bus, subway, etc.).
- Who can help? Friends and/or family, or support centers in your area. Please see Section 4 of this Policy for a list of support organizations.
- Where to go? Options may include a friend's house or relative's house, or you may consider going to a domestic violence or homeless shelter. You may also go to the police. **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.
- What to bring? This may include important papers and documents such birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all of these things in an emergency bag. You should hide the bag—it is best if it is not in your house or car. If the bag is discovered, you can call it a “tornado” or “fire” bag.

Protecting Your Friends. You have a crucial role to play in keeping your friends safe. No matter what the setting, if you see something that doesn't feel quite right or see someone who might be in trouble, there are some simple things you can do to help out a friend.

- Distract. If you see a friend in a situation that doesn't feel quite right, create a distraction to get your friend to safety. This can be as simple as joining or redirecting the conversation: suggest to your friend that you leave the party, or ask them to walk you home. Try asking questions like: “Do you want to head to the bathroom with me?” or “Do you want to head to another party – or grab pizza?”
- Step in. If you see someone who looks uncomfortable or is at risk, step in. If you feel safe, find a way to de-escalate the situation and separate all parties involved. Don't be shy about directly asking the person if they need help or if they feel uncomfortable.
- Enlist others. You don't have to go it alone. Call in friends or other people in the area as reinforcements to help defuse a dangerous situation and get the at-risk person home safely. There is safety in numbers.
- Keep an eye out. Use your eyes and ears to observe your surroundings. If you see someone who has had too much to drink or could be vulnerable, try to get them to a safe place. Enlist friends to help you. Even if you weren't around when the assault occurred, you can still support a friend in the aftermath.

Social Situations. While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

Information on Risk Reduction was provided by RAINN: Rape, Abuse & Incest National Network: www.rainn.org.

14. Amendments

The College may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of the College to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the College community.

Centura College
Aviation Institute of Maintenance
Tidewater Tech
Campus Sex-Based Harassment Policies & Grievance Procedures

Definitions of Key Terms

Complainant means:

- 1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- 2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated the College's prohibition on sex discrimination.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the College's education program or activity after the College determines that sex discrimination occurred.

Respondent means a person who is alleged to have violated the College's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- 1) Quid pro quo harassment. An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- 2) Hostile environment harassment. 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 the College's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - (i) The degree to which the conduct affected the complainant's ability to access the College's education program or activity;
 - (ii) The type, frequency, and duration of the conduct;
 - (iii) The parties' ages, roles within the College's 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 sex-based harassment in the College's education program or activity; or
- 3) Specific offenses.
 - (i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - (ii) Dating violence meaning 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:
 - 1. The length of the relationship;
 - 2. The type of relationship; and
 - 3. The frequency of interaction between the persons involved in the relationship;
- (iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:
 - A. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the College, or a person similarly situated to a spouse of the victim;
 - B. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - C. Shares a child in common with the victim; or
 - D. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- (iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - A. Fear for the person's safety or the safety of others; or
 - B. Suffer substantial emotional distress.

Consent - The College uses an **affirmative consent** standard to determine whether a sexual assault complainant consented to the alleged conduct. "Affirmative consent" is defined as an affirmative, conscious, and voluntary agreement to engage in sexual activity. Neither the lack of protest or resistance nor silence constitutes consent, and consent may be withdrawn at any time. Affirmative consent must be given by all parties to sexual activity. For the purpose of evaluating complaints during the disciplinary process described under this Policy, it is not a valid excuse that the respondent believed the complainant consented if: (A) the respondent's belief arose from his or her own intoxication or recklessness, or (B) the respondent did not take reasonable steps to ascertain whether the complainant affirmatively consented. Similarly, it will not be a valid excuse that the respondent believed the complainant affirmatively consented where the respondent knew or reasonably should have known that the complainant was unable to consent because he or she was: (A) asleep or unconscious, (B) incapacitated due to drugs/alcohol/ medication, or (C) unable to communicate due to a mental or physical condition.

Supportive measures means 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 College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or
- 2) Provide support during the College's grievance procedures or during an informal resolution process.