Procedures for Reporting and Responding to Complaints of Discrimination, Harassment, Misconduct, and Hazing Involving a Student, Student Organization or Employee as the Respondent

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I. OVERVIEW

This document sets forth procedures for reporting, investigating, and responding to the College's Policy concerning Discrimination, Harassment (including Sexual or Gender-Based Harassment and Sexual Violence), Interpersonal Violence, Stalking, Complicity, Retaliation, and Hazing and student misconduct as described in the Student Handbook (hereinafter collectively referred to as "Prohibited Conduct") involving a student or student organization or employee as the Respondent ("Procedures"). Please refer to the Policy and/or the Student Handbook for applicable definitions of key terms (Click this Link).

The College has a compelling obligation to address allegations and suspected instances of Sexual Harassment when it has Actual Knowledge of Prohibited Conduct. The College shall inform the Respondent of the allegations and may take any further action it deems appropriate, including pursuing an Investigation even in cases when the Complainant is reluctant to proceed. The Complainant will be notified in advance when such action is necessary.

These procedures apply to alleged Sexual Harassment that takes place in a College's educational program or activity, against a person in the United States. This includes locations, events, or circumstances over which the College exercised significant control over both the Respondent and the context in which the Sexual Harassment occurred.

These procedures also apply to alleged Sexual Harassment that occurs off-campus, in any building owned or controlled by a Student organization that is officially recognized by the College.

In situations not covered above, but where the Sexual Harassment undermines the security of the College Community or the integrity of the educational process or poses a serious threat to self or others, other applicable College procedures for general misconduct may be applied.

These procedures are not intended for, and will not be used to, infringe on academic freedom or to censor or punish members of the College Community who exercise their legitimate First Amendment rights

All community members are strongly encouraged to report to the College any incident of Prohibited Conduct. Many College administrators are specifically trained to support individuals affected by such Prohibited Conduct, and the College is committed to promoting a safe and healthy educational and work environment.

Individuals are encouraged to report incidents of Prohibited Conduct to the Title IX Coordinator. As an alternative, as outlined below, an individual can also seek confidential assistance that does not involve notice to the College.

Upon receipt of a report, the Title IX Coordinator, will offer appropriate resources to support the Complainant (*e.g.*, medical care, counseling resources, safe housing) and conduct an Initial Assessment. The Initial Assessment will consider the nature of the report, the safety of the

parties and the Campus Community, the Complainant's expressed preference for resolution, and the necessity for any Interim Protective Measures.

Following this Initial Assessment, the Title IX Coordinator may: 1) take no further action (*e.g.,* at the Complainant's request or where the conduct, on its face, would not rise to the level of a Code of Conduct violation); or 2) pursue the filing of a Formal Complaint, Informal Resolution, Investigation and Grievance Process to determine if disciplinary action is warranted. Each resolution process is guided by the same principles of fairness and respect for all parties. Resources are available for both a Complainant and a Respondent to provide support and guidance throughout the Investigation and resolution of the report.

The College encourages a Complainant to explore all available options for resolution, including a report under of Prohibited Conduct and a report to law enforcement. The processes are not mutually exclusive an individual can choose to pursue both a report under the Procedures and a criminal investigation at the same time. If an individual has not already contacted the Security Office or a law enforcement agency, Title IX Coordinator is available to assist a Complainant in contacting the College's Security Office or an appropriate law enforcement agency.

II. EMERGENCY LAW ENFORCEMENT, MEDICAL, AND CRISIS RESPONSE RESOURCES

As a first priority, the College encourages all individuals to report Prohibited Conduct, or potential criminal conduct by calling 911 or by contacting the Security Office. If the incident occurred off-campus, the Security Office will refer the report to the police department or law enforcement agency in the correct jurisdiction.

The College also encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident of Prohibited Conduct. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence, and begin a timely investigative and remedial response. Emotional care, counseling, and crisis response are also available on and off campus.

Law Enforcement	Medical Providers & Crisis Response
Franklin College Security Office 317-738-8888 Campus Security Web Page The Security Office will help any individual get to a safe place a, coordination with outside law enforcement, and information about the College's resources and complaint processes.	**Franklin College Campus Health Services** **317-738-8090** Health Center Web Page After hours: 317-738-8888 • Confidential care for students • Medical referral

Franklin Police Department If in an emergency, dial 911 317-736-3670 Franklin Police Department Web Page	**Johnson County Hospital Emergency Room** 317-736-2600 • Confidential care for students • Sexual assault exams/evidence collection • After-hours medical care • Screening and treatment of STIs • Emergency contraceptives
Johnson County Sheriff's Department If in an emergency, dial 911 317-736-9155 Johnson County Sheriff's Department Web Page	**Counseling & Psychological Services** 317-738-8080 Counseling Center Web Page • Confidential care for students • Individual and group counseling and referral

III. RESOURCES AND REPORTING OPTIONS

All individuals are encouraged to seek the support of on and off campus resources, regardless of when or where the incident occurred. Trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under the Procedures is pursued. In general, the College provides two categories of resources: Confidential Resources and Reporting Options. Detailed information about each of these categories is provided below.

A. Confidential Resources

The trained professionals designated below can provide counseling, information, and support in a confidential setting. These confidential resources will not share information about a patient/client (including whether that individual has received services) without the individual's express written permission unless there is a continuing threat of serious harm to the patent/client or to others or there is a legal obligation to reveal such information (*e.g.*, suspected abuse or neglect of a minor).

On Campus Confidential Resources	Off Campus Confidential Resources
Campus Health Services **317-738-8090** Health Center Web Page After hours: 317-738-8888	**Johnson Memorial Hospital Emergency Room** 317-736-2600

Counseling & Psychological Services 317-738-8080 Counseling Center Web Page	
Campus Ministry **317-738-8140**	

B. Reporting Options

The College encourages a Complainant to promptly report Prohibited Conduct directly to the Title IX Coordinator.

The College encourages all individuals to promptly report Prohibited Conduct so that immediate and corrective action can be taken to eliminate the conduct, prevent its recurrence, and address its effects. The College will provide support and assistance and will respond consistent with the procedural options available at the time of the report. Upon receipt of a report, the Title IX Coordinator or his/her designee will make an immediate assessment of the risk of harm to the parties or to the broader campus community and will take steps necessary to address any risks. These steps will include establishing Interim Protective Measures to provide for the safety of the parties and the campus community and, where appropriate, to assess whether any individual poses a serious threat of disruption of the academic process or a continuing danger to other members of the College community or College property.

The College recognizes that deciding whether to make a report and choosing how to proceed are personal decisions that may evolve over time. At the time a report is made, a Complainant does not have to decide whether to request any particular course of action. The Title IX Coordinator (whose contact information is listed below) will provide support to assist each individual in making these important decisions, and consistent with the goal of safety for all community members. Title IX Coordinator will make every effort to respect an individual's autonomy in making the determination as to how to proceed.

On Campus Reporting Options	Off Campus Reporting Options For External Law Enforcement Action
Title IX Coordinator Steve Leonard 101 Branigin Boulevard., Franklin, IN 46131 317-738-8899 TitleIXresponse@franklincollege.edu	911
	Franklin Police Department If in an emergency, dial 911 317-736-3670 Franklin Police Department Web Page

	Johnson County Sheriff's Department If in an emergency, dial 911 317-736-9155 Johnson County Sheriff's Department Web Page
	Law Enforcement Agency in the Local Jurisdiction Where the Incident Occurred

1. Anonymous Reporting

Any individual may make a report of Prohibited Conduct to the College without disclosing one's name (an "anonymous report") and without identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, the College's ability to respond to an anonymous report may be limited. The Anonymous Reporting Form can be found by clicking this link.

The Title IX Coordinator will receive the anonymous report and will determine any appropriate next steps, including individual or community remedies.

2. Reporting Considerations: Timeliness and Location of Incident

All individuals, including a Complainant or witness, are encouraged to report Prohibited Conduct regardless of when or where it occurred, as soon as possible to maximize the ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the Respondent is no longer a student or employee at the time of the report, or if the conduct did not occur on campus, in the context of an education program or activity of the College, or have continuing adverse effects on campus or in an off-campus education program or activity, the College may not be able to fully investigate nor take disciplinary action against the Respondent. In each instance, the College will still provide any fair and reasonable support and resources to a Complainant designed to end the Prohibited Conduct, prevent its recurrence, and address its effects. The Title IX Coordinator will also help a Complainant identify external reporting options.

3. Amnesty Reporting

Any student who reports Prohibited Conduct either as a witness or as Complainant and cooperates with the investigation will not be subject to disciplinary action by the College for violations of the College's alcohol/drug policy occurring at or near the time of the reported Prohibited Conduct. Being intoxicated by drugs or alcohol does not diminish a student's responsibility to obtain consent and is no defense to any violation of Prohibited Conduct.

IV. PROCEDURAL OPTIONS

A. Time Frame for Resolution

Consistent with the goal to maximize educational and employment opportunities and minimize the disruptive nature of the investigation and resolution, the Title IX Coordinator seeks to resolve all reports within one academic semester, depending on when the report is received. In general, an Investigation may last up to sixty (60) days. The Title IX Coordinator may set reasonable time frames for required actions under the Procedures. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the Investigation and Grievance Process, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate delays by the parties, 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 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.

B. Initial Assessment

When a report is made, the Title IX Coordinator and/or his/her designee will conduct an Initial Assessment and provide information to the Complainant on the availability of supportive measures, the right to file a Formal Complaint, and how to file a Formal Complaint. Upon the filing of a Formal Complaint by the Complainant or Title IX Coordinator, the Title IX Coordinator will initiate the Grievance Process with a prompt, thorough, and impartial Investigation and will designate an Investigator(s) who has training and experience investigating allegations of Prohibited Conduct.

C. Investigation

The first step of the Investigation will usually be a separate meeting with the Complainant and Respondent to gather facts that will enable Investigator as appropriate, to:

- Assess the nature and circumstances of the allegation;
- Address any immediate concerns about the physical safety and emotional well-being of the parties;
- If the conduct is criminal in nature, notify the Complainant of the option to notify law enforcement and to be assisted in doing so, as well as the option to decline to notify law enforcement;
- Notify the Complainant of the availability of medical treatment to address any physical and mental health concerns and to preserve evidence;
- Provide the Complainant with information about:
  - On and off campus resources;
  - The available range of Interim Protective Measures;

    - An explanation of the procedural options, including Informal Resolution and Investigation and the Grievance Process.
- Discuss the Complainant and Respondent's expressed preference for manner of resolution and any barriers to proceeding;
- Explain the College's policy prohibiting Retaliation;
- Explain the role of the Advisor;
- Conduct an assessment for potential pattern evidence or other similar conduct;
- Assess the reported conduct for the need for a timely warning under federal law;
- Enter non-identifying information about the report into the College's daily crime log if the conduct is potentially criminal in nature.

Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, the Investigator will balance this request against the following factors in reaching a determination whether the request can be honored:

- the nature and scope of the alleged conduct, including whether the reported misconduct involves the use of a weapon;
- the respective ages and roles of the Complainant and Respondent;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of misconduct by the Respondent;
- whether the report reveals a pattern of misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- the Complainant's wish to pursue disciplinary action;
- whether the College possesses other means to obtain relevant evidence;
- considerations of fundamental fairness and due process with respect to the Respondent should the course of action include disciplinary action against the Respondent; and
- the College's obligation to provide a safe and non-discriminatory environment.

Where possible based on the facts and circumstances, the Investigator will seek action consistent with the Complainant's expressed preference for manner of resolution, recognizing that the College must move forward with cases in which there appears to be a threat to any individual or the College as a whole. The College's ability to fully investigate and respond to a report may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an Investigation or Grievance Process.

D. Informal Resolution

Informal Resolution, when agreed to by the Complainant and Respondent by written consent and deemed appropriate by the Investigator, is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the parties and the safety and welfare of the campus community. Informal Resolution is not appropriate for all forms of conduct under the Procedures. The Informal Resolution cannot be utilized if a Formal Complaint has not been filed by the College or if the Respondent is an employee of the College. The parties are not required to participate in an Informal Resolution

and any party at any time prior to agreeing to a resolution, has the right to withdraw from the Informal Resolution process and resume the Grievance Process with respect to the Formal Complaint;

The College retains the discretion to determine, which cases are appropriate for Informal Resolution.

Informal Resolution can take any form that the parties agree upon. The Title IX Coordinator will work with the parties to develop a form of resolution that adequately resolves the needs of the parties. Depending on the form chosen, it may be possible for a Complainant to maintain anonymity throughout the Informal Resolution process

To assess pattern or systemic behavior fairly, the Title IX Coordinator will maintain records of all reports and conduct referred for Informal Resolution. The time frame for completion of Informal Resolution may vary, but the College will seek to complete the process within thirty (30) days of the beginning of the process.

1. Grievance Process

The Investigator will send the Complainant and the Respondent a written Notice of Investigation within ten (10) of the filing of the Form Complaint. The Notice of Investigation will contain the actual allegations of facts that constitutes Prohibited Conduct and any evidence that supports it; that there is a presumption of innocence in favor of the Respondent; that the Complainant and/or the Respondent have a right to an Advisor of their choice; that all parties have a right to review the evidence; information regarding any Code of Conduct provisions that prohibit false statements made in bad faith; and the range of potential violations under the Procedures, and the range of potential sanctions. Upon receipt of the Notice of Investigation, or at any stage in the process, the Respondent may choose to accept responsibility for the Prohibited Conduct. Once the Notice of Investigation has been delivered to the parties, the Investigation phase begins.

The Title IX Coordinator will oversee the Investigation. The Investigation is designed to provide a fair and reliable gathering of the facts by a trained and impartial investigator. All individuals, including the Complainant, the Respondent, and any third-party witnesses, will be treated with appropriate sensitivity and respect throughout the Investigation. The Investigation will safeguard the privacy of the individuals involved in a manner consistent with federal law and College Policies.

During the Investigation, the Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. The Investigator will speak separately with the Complainant, the Respondent, and any other individuals who are willing to participate and have information relevant to the determination of responsibility. As part of the Investigation, the Investigator may gather or receive information that is relevant to the determination of an appropriate sanction or remedy, including information about the impact of the alleged incident on parties.

Throughout the process, any Complainant or Respondent may be accompanied by an Advisor present related to resolution of a report under the Procedures. The Advisor can be anyone of the individual's choosing who is not otherwise a party or witness involved in the Investigation.

The Investigator will also gather any available physical or documentary evidence, including prior statements by the parties or witnesses, any communications between the parties, email messages, social media materials, text messages, and other records as appropriate and available.

The College will seek to conclude the Investigation within sixty (60) days from the issuance of the Notice of Investigation. The time frame for completion of the Investigation, or any designated time frames of steps in the Investigation, may be extended for good cause as necessary to ensure the integrity and completeness of the Investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for College breaks or vacations, to account for complexities of a case (including the number of witnesses and volume of information provided by the parties), or to address other legitimate reasons. Any extension of the timeframes, and the reason for the extension, will be shared 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.

Where the College is made aware that there is a concurrent criminal investigation, the Investigator will coordinate with law enforcement so that any College processes do not interfere with the integrity or the timing of the law enforcement investigation. At the request of law enforcement, the College may agree to defer the fact-finding portion of its Investigation until after the initial stages of a criminal investigation. The Investigator will nevertheless communicate with the parties regarding resources and accommodations, procedural options, anticipated timing, and the implementation of any necessary Interim Protective Measures for the safety and well-being of all affected individuals. If the College decides to defer the fact-finding portion of its Investigation until after the initial stages of a criminal investigation, the Investigator will promptly resume fact-gathering as soon as law enforcement has released the case for review following the initial criminal investigation.

All community members, including students, faculty and other College employees, are expected to cooperate with the Investigator in the Investigation, as well as the Grievance Process of any report to assure fairness and procedural due process. The Investigator may request the appearance of persons from the College community who can provide substantial, relevant evidence. Both a Complainant and a Respondent may decline to participate in proceedings.

2. Relevance and Special Considerations

The Investigator has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility and may exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

The Investigator may also exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The Investigator will not exclude direct observations or reasonable inferences drawn from the facts.

A. Character Evidence:

Information that does not directly relate to the facts at issue, but instead, reflects upon the reputation, personality, qualities, or habits of an individual – that is, information regarding the character of the Complainant, the Respondent, or any witness – is not relevant to the determination of whether there is Prohibited Conduct.

B. Prior Sexual History and/or Pattern Evidence:

A party's character or reputation with respect to other sexual activity is not relevant and will not be considered as evidence. Similarly, a party's prior or subsequent sexual activity is typically not relevant and will only be considered as evidence under limited circumstances. Those circumstances include:

(1) Pattern Evidence

Evidence of an occurrence or occurrences of sexual or other relevant behavior so distinctive and so closely resembling either party's version of the alleged encounter as to tend to prove a material fact, including whether consent was sought or given, may be admissible. Where there is evidence of a pattern of similar conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of Prohibited Conduct as to the Respondent, this information may be deemed relevant to the determination of Prohibited Conduct or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially similar to the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern. Where there is a prior finding of Prohibited Conduct by the Respondent for a similar act of Prohibited Conduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and assigning of a sanction.

(2) Prior Sexual History between the Parties

Where there was a prior or ongoing relationship between the Complainant and the Respondent, and the Respondent asserts that Consent was sought and given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of the Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute Consent.

(3) Prior Sexual History with Other Parties

A party's sexual history with an individual other than the Complainant or Respondent may be relevant under very limited circumstances to prove intent, motive, absence of mistake, or to explain an injury or physical finding.

C. Consolidation of Reports:

At the discretion of the College, multiple reports may be consolidated in one Investigation or one Hearing if the information related to each incident would be relevant and probative in reaching a determination on the other incident. This includes matters where the determination has been made that there is relevant Pattern Evidence or where the evidence of the other conduct is inextricably intertwined with Prohibited Conduct. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct involving the same parties that would otherwise have been heard under the Student Code of Conduct (provided that it does not delay the prompt resolution of conduct under the Policy).

D. Impact Statement:

The Complainant and Respondent will be provided the opportunity to submit a written Impact Statement. These written Impact Statements will not be considered in the determination of responsibility, but will be provided to the Investigator, and at the appropriate stage of the process, to the disciplinary authority or Decision Maker for consideration in the determination of the sanction and remedy. The Impact Statement may be submitted at any time in the process, provided that it is received no later than ten (10) days after the parties have been given notice of the opportunity to review the draft Investigative Report. The parties may submit a supplemental Impact Statement to the Decision Maker if there is a change in circumstances warranting an updated Impact Statement. The Impact Statements will be shared with the parties and may be redacted at the discretion of the Investigator, or in accordance with FERPA.

The Investigator may also consider a community Impact Statement as appropriate based on the nature and facts of the circumstances and the extent to which the conduct at issue was directed at and created a hostile environment for community members beyond the Complainant. The Investigator may limit the submission or use of community Impact Statements.

3. Review of Draft Investigation Report

At the conclusion of the Investigation, the Investigator will prepare a written report that summarizes the information gathered, synthesizes the areas of agreement and disagreement between the parties with any supporting information or accounts, however, before the report is

finalized, the Investigator will send to each party and their Advisors an electronic or hard copy of all evidence that is directly related to the allegations

A Complainant and Respondent may submit any additional comment or information to the investigator within ten (10) days of the date of the notice of the draft Investigation Report. This is the final opportunity for the parties to identify any additional information or witnesses.

4. Investigative Report

Upon receipt of any additional information from the Complainant and/or Respondent, or after the ten (10) days comment period has lapsed without comment, the Investigator will make an Investigative Report.

Both the Complainant and Respondent will be notified of the Investigative Report in writing at least ten (10) days before a Hearing.

5. Dismissal of the Formal Complaint

In the event that prior to, or in the course of, an investigation, the Investigator determines that the allegations fail to meet the definition of Prohibited Conduct or did not occur while in the United States and under the College's educational program or activity, the investigation and Formal Complaint will be dismissed. Formal Complaints may still be resolved through an informal resolution process as outlined above or according to procedures set forth in the Student Code of Conduct.

The Investigator also reserves the right to dismiss the Formal Complaint and stop the investigation if:

i. The Complainant notifies the Title IX Coordinator in writing that they wish to withdraw their Formal Complaint;
ii. The Respondent is no longer enrolled in or employed by the College; or
iii. Specific circumstances prevent the school from gathering sufficient evidence to reach a determination about allegations (e.g. lack of participation in the investigative process by parties or witnesses).

Written notice of any dismissal decision must be sent to the parties. Any party may appeal the dismissal decision as described in the Appeal process.

E. Hearing

Upon issuance of the Investigative Report, the matter will be referred to a Decision Maker for a Hearing to determine whether Prohibited Conduct was committed and/or to determine an appropriate sanction.

The Decision Maker will issue a Notice of Hearing to the Complainant and Respondent. The Decision Maker's role is twofold: determination that a violation occurred by a preponderance of the evidence and, if warranted, the imposition of sanctions.

The College is responsible for establishing that a violation occurred, and the Complainant and Respondent may choose their own level of engagement at the hearing. At the hearing, the Investigator is responsible for presenting evidence. The Complainant and Respondent must be given an opportunity to question this evidence.

F. Imposition of Sanctions

The Procedures prohibits a broad range of behaviors, which are serious in nature. In keeping with the College's commitment to foster an environment that is safe, inclusive, and free of Prohibited Conduct, the Procedures provides the Decision Maker with wide latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the misconduct on the Complainant and surrounding community, and accountability for the Respondent. The imposition of sanctions is designed to eliminate Prohibited Conduct , prevent its recurrence, and remedy its effects, while supporting the College's educational mission and federal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some behavior, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires severe sanctions, including suspension or dismissal from the College.

In reaching this determination, the Decision Maker may solicit information from the Complainant and Respondent, and any other individual who can provide information relevant to a determination regarding potential sanctions. The Decision Maker may also review any written Impact Statements. A Complainant and Respondent who elects to attend the Hearing may be accompanied by an Advisor .

In determining the appropriate sanction, the Decision Maker shall consider the following factors:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the Complainant;
- the impact or implications of the conduct on the community or the College;
- prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the College or elsewhere, including criminal convictions;
- whether the Respondent has accepted responsibility for the conduct;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the College community; and
- any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

The Decision Maker may also consider restorative outcomes that, taking into account the safety of the community as a whole, allow a Respondent to develop insight about their

responsibility for the behavior, learn about the impact of the behavior on the Complainant and the community, and identify how to prevent or change the behavior.

Where the Decision Maker concludes that a sanction of suspension or dismissal is appropriate, and the Respondent has not already been suspended on an interim basis, there will be an immediate assessment by the Decision Maker to determine whether the Respondent poses a serious threat of disruption of the academic process or a continuing danger to other members of the College Community or College property. The Decision Maker may impose interim suspension pending the conclusion of any appeal. Where the sanction is something other than suspension or dismissal, the imposition of sanction will be deferred pending the conclusion of any appeal. Interim Protective Measures in effect for the Complainant and Respondent will continue pending the conclusion of any appeal.

1. Sanctions that Impact a Student's Status

Sanctions may be imposed individually or in combination. Sanctions that affect a student's status with the College include the following:

Dismissal, which must be approved by the President, means that a student is removed from the College permanently and may not be admitted to the College unless and until the President who imposed or approved the sanction (or the President's successor) concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education with the College. The College will not refund tuition or fees paid by the student. Parents of a dependent student, as determined by the Office of Financial Aid, will be notified when a student is dismissed.

Permanent Suspension, which must be approved by the President, means that the student is removed from good standing and must leave the College permanently without an expectation that the student may eventually return to the campus. Permanent suspension from the College will remain in effect until the President who imposed or approved the sanction (or the President's successor) concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education at the College. The College will not refund tuition or fees paid by the student. Parents of a dependent student, as determined by the Office of Financial Aid, will be notified when a student is suspended permanently.

Suspension for a Definite or Indefinite Period, which must be approved by the President**,** means that the student is removed from good standing and must leave the College for a definite or indefinite period. This form of suspension anticipates that the student may eventually return if applicable conditions are satisfied. Academic work completed at another institution during a period in which a student is under suspension from the College may not be transferred toward the degree, but applicable health care or insurance benefits may be continued if the health insurance premium has already been paid. The College will not refund tuition or fees paid by the student. Parents of a dependent student, as determined by the Office of Financial Aid, will be notified when a student is suspended.

Probation, for a Definite or Indefinite Period, including probation with associated conditions or requirements as set by the Decision Maker, means that a student may remain at the College but may be required to satisfy specified conditions or requirements, report regularly to a designated administrator, and be barred from holding any office or participating in any activity in which the student represents the College, including athletics or other competitive teams, or from participating in any College- recognized student organizations either within or outside the College community. The sanction of probation prohibits graduation until the period of probation has ended and the student has complied with all requirements.

Dismissal, permanent suspension, suspension for a definite or indefinite period, and probation will be noted on a student's file.

2. Sanctions that Do Not Impact a Student's Status

Sanctions which do not affect a student's good standing status with the College include, but are not limited to:

Educational Requirements. Completion of projects, programs, or requirements designed to help the student manage behavior and understand why it was inappropriate.

"No Contact" Orders. Compliance with orders of no contact that limit access to specific College areas or forms of contact with particular persons.

Housing Restrictions. Exclusion from College housing or change in housing arrangements.

Compulsory Service. Completion of compulsory service under guidelines established by the Decision Maker in consultation with the appropriate College individuals in order to determine the corrective actions and/or sanctions to resolve the case. Completion of compulsory service will be monitored by the Title IX Coordinator .

Written Warning. Written warning in the form of an official reprimand that is formally communicated by a letter giving the student notice that any subsequent Prohibited Conduct violation will carry more serious sanctions.

Monetary Fines. – For any single or combination of infractions related to a single incident, Monetary Fines shall range from $25–$200, at the discretion of the Decision Maker.

3. Sanctions that Impact a Employee's Status

Sanctions may be imposed individually or in combination. Sanctions that affect a employee's status with the College include the following:

1. Termination of employment that must be approved by the President;
2. Probation for a Definite or Indefinite Period, including probation with associated conditions or requirements that must be approved by the President.

G. Remedies

The Decision Maker will seek to identify long-term or permanent remedies to address the effects of the conduct on the Complainant, restore the Complainant's safety and well-being, and maximize the Complainant 's educational and employment opportunities. Such remedies should seek to restore to the Complainant, to the extent possible, all benefits and opportunities lost as a result of the Prohibited Conduct. the Decision Maker will also identify remedies to address the effects of the conduct on the College community.

The Decision Maker will consider the appropriateness of remedies, including Protective Measures, on an ongoing basis to assure the safetyand well-being of the parties throughout the process. Long-term remedies may include extending or making permanent any Interim Protective Measures or implementing additional measures tailored to achieve the goals of the Procedures. Many of the remedies and supports that a Complainant might need after a finding of responsibility will have already been provided as Interim Protective Measures, including but not limited to academic accommodations, short term counseling, and housing arrangements. The Decision Maker will, in all cases, consider whether there is a need for additional remedies. Additional remedies or supports may be included in the sanctions, such as reassignment or removal of the Respondent from a class or a campus residence.

H. Hearing Process

The Hearing Process will generally be completed within ten (10) days from the date of the Notice of Hearing. As with all time frames in the Procedures, this time frame may be extended for good cause with notice to the parties in writing.

1. Decision Maker

Upon receipt of a Notice of Hearing, a Decision Maker will be designated to review all relevant information gathered in the Investigation and from a pool of trained individuals by the President of the College. Any individual designated by the College to serve on a Decision Maker must have sufficient training or experience to serve in this capacity. A College student may not serve as a Decision Maker. A Decision Maker may decline to participate on the basis of an actual conflict of interest, bias, or lack of impartiality. In addition to the Decision Maker, a Hearing Chair, selected by the Decision Maker, will conduct and preside over the hearings. The Hearing Chair is not the Decision Maker , but is available to provide consistency in process, informed understanding of definitions, and guidance as to available sanctions and assist the Decision Maker.

2. Pre-Hearing Meeting

As a first step, the Hearing Chair will meet separately with the Investigator and each party and their Advisors to resolve pre-hearing concerns. At this pre-hearing meeting, the parties will each have the opportunity to identify the witnesses (who have already been identified to and interviewed by the Investigator) they wish to call at the hearing; raise any challenge to the Decision Maker based on bias, conflict of interest or lack of impartiality; and identify any evolving or new information not previously identified through the Investigation or available through the exercise of due diligence. The parties will also have the opportunity to address questions about the process. If the Complainant and/ or the Respondent do not participate in the hearing, then they are not required to attend the pre-hearing.

Both parties have the ability to challenge a Decision Maker on the basis of an actual conflict of interest, bias, or lack of impartiality. The request must be submitted in writing or raised no later than the date of the pre-hearing meeting and must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. Failure to object prior to the date of the pre-hearing meeting eliminates the possibility of appealing the outcome of the hearing based on the assertion that a Decision Maker had a conflict of interest, was biased, or lacked impartiality. The Hearing Chair shall decide if the Decision Maker is excused.

3. Hearing Procedures

The Hearing will take place in a closed live session at the College. At the Hearing, the Investigator and or Complainant will be responsible for presenting the evidence and Decision Maker will make his/her own determination by a preponderance of the evidence whether Prohibited Conduct occurred. In reaching a determination, the Decision Maker will solicit information from the Investigator, the Complainant, the Respondent, and any witnesses as appropriate to ensure a full assessment of the relevant facts. This information shall be provided in the presence of the parties, unless a party waives their right to participate. The Decision Maker 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 the privilege has waived it. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. Hearings are not legal proceedings and do not follow courtroom procedure or the formal rules of evidence. During any hearings, each party must have an Advisor present to ask questions to the other party. This Advisor does not need to be licensed to practice law and may be a person of the party's choice. If a party does not have an Advisor, the College will provide an Advisor for them.

The Decision Maker may question individual parties and witnesses. Parties will have the opportunity to cross-examine the party or witness. Parties may never ask questions directly, and questions must be asked to the other party through the use of a party's advisor. All questions asked must be relevant. Any questions determined not to be relevant by the Decision Maker are not required to be answered. If a party or witness is absent from the live hearing or refuses to answer cross-examination or other questions, the Decision Maker may not rely on any statement of that person in reaching a determination of responsibility. The Decision Maker may not draw an inference about the determination regarding responsibility based solely on a party's or

witness' absence from the live hearing or refusal to answer cross-examination or other questions. If, at any point during the hearing, the Decision Maker determines that unresolved issues exist that could be clarified through additional investigation time, the Decision Maker may suspend the hearing and reconvene it in a timely manner that accommodates further investigation.

Hearings may be conducted virtually through the use of technology at the College's discretion. However, if either the Complainant or Respondent asks to be in separate rooms, the College must grant this request and provide appropriate technology to allow for simultaneous participation. All hearings will be memorialized through an audio or audiovisual record of the live hearing. The recording will be made available for parties to inspect and review following their completion.

After a consideration of all of the relevant information, the Decision Maker will decide by a preponderance of the evidence whether Prohibited Conduct occurred. Preponderance of the evidence means that it is more likely than not that the conduct occurred. If, there is a finding of Prohibited Conduct the Decision Maker will also impose sanction(s).

I. Notice of Hearing Outcome

Within ten (10) days of the conclusion of the Hearing, the Decision Maker will provide a written Notice of Hearing Outcome to the Complainant and Respondent at the same time. The Notice of Hearing Outcome will include the finding by the Decision Maker as to whether there is Prohibited Conduct, identification of the allegations potentially constituting violation of the Code of Conduct; a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and findings of fact supporting the determination; conclusions regarding the application of the College's Code of Conduct to the facts; a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctioned imposed upon the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided.

Where there is a finding of Prohibited Conduct, the Decision Maker will consult with appropriate College individuals in order to determine the corrective actions and/or sanctions to resolve the case. Any such corrective actions and/or sanctions will be outlined in the Decision Maker's written decision.

Respondent will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. The Complainant will be informed of any sanctions and remedies that directly relate to the Complainant, including information about the Respondent's presence on campus (or in a shared class or residence hall), that may help a Complainant make informed decisions or work with the College to eliminate Prohibited Conduct and prevent its recurrence.

The Notice of Hearing Outcome will also include information about the appeal process, including the available grounds for an appeal, the time frame for submitting an appeal, and the

name of the Appeals Officer who will be assigned to review any appeal filed. If neither party seeks an appeal within ten (10) days of the Notice of Outcome, any sanction imposed by the Decision Maker will take effect immediately.

J. Appeal/Review of Hearing Outcome

1. Appeal to the College

The Appeals Officer is an impartial decision-maker who selected by the President. Either party may appeal the Hearing Outcome or a dismissal of the Formal Complaint, only on the following grounds:

- procedural irregularity that affected the outcome of the matter,
- newly discovered evidence that could affect the outcome of the matter,
- A conflict of interest or bias for or against generally or the individual complainant or respondent that affected the outcome of the matter of the Investigator or Decision Maker.

The appeal must be submitted in writing to the Appeals Officer within ten (10) days of the Notice of Hearing Outcome or the Dismissal. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Receipt of the written appeal will be acknowledged in writing.

The Appeals Officer will assess the written appeal to determine whether the appeal is timely filed and, if so, whether the appeal is properly framed based on the two permissible grounds. If the Appeals Officer determines that the appeal does not properly fit within one of the two grounds, the appeal will be denied.

If the appeal is properly filed, each party will be given the opportunity to review the written appeal and respond to it in writing to the Appeals Officer. Any response by the opposing party must be submitted to the Appeals Officer within three (3) days from being provided the appeal. If both parties file an appeal, the appeal documents from each party will be considered together in one appeal review process.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, because the Hearing Outcome or Dismissal will be presumed to have been decided reasonably and appropriately. Appeals are not intended to be a rehearing of the matter. The scope of the appeal will be limited only to the three (3) permissible grounds that have been accepted for review. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal. The Appeals Officer will defer to the original Decision Maker or the Investigator in case of a dismissal, making changes to findings only where there is clear error.

Depending on the basis of the requested appeal, the Appeals Officer may:

- Affirm the Outcome;

- Alter the Outcome;
- Return the matter to the Decision Maker or Investigator in case of a dismissal of a Formal Complaint with instructions to reconvene to cure a procedural error or to assess the weight and impact of newly discovered information;
- Where the procedural error cannot be cured by returning the matter to the original Decision Maker or Investigator, convene a hearing before a newly constituted Decision Maker or has a new Investigator assigned by the Title IX Coordinator.

The Appeals Officer will render a written decision on the appeal to both parties within ten (10) days from the date of the submission of all appeal documents. Appeal decisions by the Appeals Officer are final with the exception of cases involving suspension or dismissal that allow for further appeal on specified grounds.

2. Further Review/Appeal in Matters of Suspension or Dismissal

Where the Appeal to the College affirms a Hearing Outcome that includes suspension or dismissal, either party may further appeal the Hearing Outcome to the President on the following grounds:

1. Violation of due process; and,
2. Material deviation from Policies adopted by the Board of Trustees.

If the President decides to review, a written decision will be made within fifteen (15) days from the date of the decision to review. The President may:

1. Affirm the decision;
2. Alter the decision;
3. Return the matter with instructions.

Any decision by the President is final.

K. Post-Resolution Follow Up

After a sanction or remedy is issued, the Title IX Coordinator will periodically contact the Complainant to ensure the Prohibited Conduct has ended and to determine if additional remedies are necessary and will contact the Respondent to assure compliance with any sanctions that have been imposed. The Complainant may decline future contact with the Respondent. Any violation by a Respondent of a sanction or protective measure imposed under the Procedures or a failure by a College employee to provide a specified remedy should be reported to the Title IX Coordinator

The Complainant and Respondent are encouraged to provide the Title IX Coordinator with feedback about their experience with the process and recommendations regarding ways to improve the effectiveness of the campus' implementation of the Procedures.

L. ADDITIONAL CONSIDERATIONS

1. Role of Advisor

The Advisor, selected by Complainant or Respondent, may accompany the party to any investigative, administrative, or adjudicative meeting or proceeding under the Procedures that requires the presence of the party including the hearing before the Decision Maker.
The Advisor, who may be, but does not need to be, an attorney, and must not be a potential witness in the investigation or could otherwise compromise the investigation. The parties must provide three (3) days advance notice to the staff member hosting the meeting (unless the meeting is called on shorter notice) of the name and relationship of any individual who will accompany them to a meeting, so that all parties are aware of who will be present at any meeting. If a party does not have an Advisor present at the live Hearing, the school must 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.

Advisor must meet with the Decision Maker in advance of any participation in the proceedings to understand the expectations of the role, privacy, and appropriate decorum.
In order for an Advisor to participate in a Hearing, the Complainant and/or Respondent must complete and submit an informational form to the Hearing Chair no later than three (3) days prior to the Hearing. Even if a party submits this form authorizing the Advisor to receive information or documents regarding the party, the College, its officials, and the Decision Maker will at all times communicate and correspond directly with the party. It is the party's responsibility to communicate and share information with the Advisor.

Throughout the Investigation and Grievance Process, the Advisor may fully participate in the proceeding to the same extent afforded to the party the Advisor represents. A party's Advisor may not delay, disrupt, or otherwise interfere with the hearing procedures.

Unless the Advisor is appointed by the College, a party's inclusion of an Advisor is at the sole expense of the party.

2. External Agreements

The College will not recognize or enforce agreements between the parties outside of these procedures. The College will recognize, however, a lawfully issued protective order under Indiana law.

3. Records of Discipline and Effect of Withdrawal

The existence of a pending Investigation or Grievance Process under the Procedures will be noted as part of a student or employee's file. In addition, currently active sanctions of probation, suspension, or dismissal will be noted as part of a student or employee's file. In the event that a Respondent chooses to withdraw from the College or terminate their employment, prior to the resolution of disciplinary charges under the Procedures, the Respondent's file will be marked with the notation "Student Withdrew with Disciplinary Charges Pending or

Employee terminated their employment with Disciplinary Charges Pending". In the event of a withdrawal or termination, or where the Respondent declines to participate in proceedings under the Procedures, the Investigation and Hearing may proceed without the Respondent. After withdrawing, the Respondent will not be eligible to return to the College until the proceedings under the Procedures have been finally concluded.

Records documenting disciplinary actions brought against students or employees for Prohibited Conduct shall be maintained by appropriate offices, including the Title IX Coordinator, as part of a student or employee's disciplinary record separate from the transcript. Records will be retained for a period of seven (7) years from the date on which all appeal rights have expired or have been exhausted. In the event that a student or employee remains at the College for longer than the seven (7)-year retention date, the Title IX Coordinator will maintain relevant records of the report and resolution for as long as the student or employee remains at the College. Thereafter, the records will be destroyed, unless destruction at the end of a lesser period shall be permitted in accordance with a disciplinary records retention policy adopted by the President. Disciplinary action involving dismissal, degree revocation, and negative notation on student or employee's file will be retained for a period of seven (7) years from the date on which all appeal rights have expired or have been exhausted, and thereafter destroyed, unless destruction at the end of a lesser period shall be permitted in accordance with a disciplinary records retention policy adopted by the President.

Definition of Key Terms

Actual Knowledge

Notice of Sexual Harassment or allegations of Sexual Harassment to the College's Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official of the College with Actual Knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a Student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. "Notice" includes, but is not limited to, a report Title IX Coordinator.

Coercion

Includes conduct, intimidation, and express or implied threats of physical or emotional harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in Sexual Contact. Examples of Coercion include causing the deliberate Incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the Sexual Contact; threatening to harm oneself if the other party does not engage in Sexual Contact; or threatening to disclose an individual's Sexual Orientation, Gender Identity, Gender Expression, or other personal sensitive information if the other party does not engage in the Sexual Contact. Also see Force.

College Community

Employees, Students, student employees, graduate associates, Appointees, volunteers, suppliers/contractors, and visitors.

Complicity

Any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person.

Consent

The communication of an affirmative, conscious and freely-made decision by each participant to engage in agreed upon forms of Sexual Contact. Consent requires an outward demonstration, through understandable words or actions, that conveys a clear willingness to engage in Sexual Contact.

Consent is not to be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may result in Prohibited Conduct. For example, a person who does not physically resist or verbally refuse Sexual Contact may not necessarily be giving Consent. There is no requirement that an individual verbally or physically resist unwelcome Sexual Contact for there to be Prohibited Conduct.

Consent is not to be inferred from an existing or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual Consent to engage in Sexual Contact.

Consent to one form of Sexual Contact does not constitute Consent to any other form of Sexual Contact, nor does Consent to Sexual Contact with one person constitute Consent to Sexual Contact with any other person. Additionally, Consent to Sexual Contact on one occasion is not Consent to engage in Sexual Contact on another occasion.

Consent cannot be obtained by Coercion or Force or by taking advantage of one's inability to give Consent because of Incapacitation or other circumstances. Coercion or Force and Incapacitation are described in more detail below.

A person who has given Consent to engage in Sexual Contact may withdraw Consent at any time. However, withdrawal of Consent requires an outward demonstration, through understandable words or actions, that clearly conveys that a party is no longer willing to engage in Sexual Contact.

Once Consent is withdrawn, the Sexual Contact must cease immediately.
Also see Incapacitation and the discussion of intoxication in the Policy on Prohibited Discrimination, Harassment and Related Misconduct Including Sexual and Gender-Based Harassment, Sexual Violence, Interpersonal Violence and Stalking.

Discrimination

Any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's Protected Status and that is sufficiently serious to unreasonably interfere with or limit:

- An employee's or applicant for employment's access to employment or conditions and benefits of employment (*e.g.,* hiring, advancement, assignment);
- A student's or admission applicant's ability to participate in, access, or benefit from educational programs, services, or activities (*e.g*., admission, academic standing, grades, assignment, campus housing);
- An authorized volunteer's ability to participate in a volunteer activity; or
- A guest's or visitor's ability to participate in, access, or benefit from the College's programs.

Discrimination includes failing to provide reasonable accommodations, consistent with state and federal law, to a qualified person with a disability.

Formal Complaint

Formal complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of Sexual Harassment

Force

Includes conduct, intimidation, and express or implied threats of physical or emotional harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in Sexual Contact. Examples of Force include causing the deliberate Incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the Sexual Contact; threatening to harm oneself if the other party does not engage in Sexual Contact; or threatening to disclose an individual's Sexual Orientation, Gender Identity, Gender Expression, or other personal sensitive information if the other party does not engage in the Sexual Contact. Also see Coercion.

Harassment

A type of Discrimination that occurs when verbal, physical, electronic, or other conduct based on an individual's Protected Status interferes with that individual's (a) educational environment (e.g., admission, academic standing, grades, assignment); (b) work environment (e.g., hiring, advancement, assignment); (c) participation in a College program or activity (e.g., campus housing); or (d) receipt of legitimately-requested services (e.g., disability or religious accommodations), thereby creating Hostile Environment Harassment or Quid Pro Quo Harassment.

Hazing

Hazing is defined as an act that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization could be seen by a reasonable person as endangering the physical health of an individual or as causing mental distress to an individual through, for example, humiliating, intimidating, or demeaning treatment; destroys or removes public or private property; involves the consumption of alcohol, other drugs, or other substances; or violates any of the policies of Franklin College.

Hostile Environment Harassment

Unwelcome conduct based on Protected Status that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a College program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to Hostile Environment Harassment.

Incapacitation

An individual who is Incapacitated is unable to give Consent to Sexual Contact. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that Sexual Contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to Sexual Contact. Alcohol or drug use is one of the prime causes of Incapacitation. Where alcohol or drug use is involved, Incapacitation is a state beyond intoxication, impairment in judgment, or "drunkenness." Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:

- Making decisions about the potential consequences of Sexual Contact;
- Appraising the nature of one's own conduct;
- Communicating Consent to Sexual Contact; or
- Communicating unwillingness to engage in Sexual Contact.

Interpersonal Violence

(commonly referred to as intimate partner violence, dating violence, domestic violence and relationship violence), can encompass a broad range of abusive behavior committed by a person who is or has been:

- In a romantic or intimate relationship with the Complainant (of the same or different sex);
- The Complainant's spouse or partner (of the same or different sex);
- The Complainant's family member; or
- The Complainant's cohabitant or household member, including a roommate.

Whether there was such relationship will be gauged by its length, type, and frequency of interaction. Reports of Interpersonal Violence that do not involve one of these specified relationships or do not involve an individual's Protected Status will be addressed through the student code of conduct.

Interpersonal Violence includes physical, sexual, emotional, economic, or psychological actions or threats of actions that a reasonable person in similar circumstances and with similar identities would find intimidating, frightening, terrorizing, or threatening. Such behaviors may include threats of violence to one's self, one's family member, or one's pet.

Protected Status

Consistent with federal and state law, the College prohibits Discrimination and Harassment based on age, color, creed, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status.

- Age: The number of years from the date of a person's birth. With respect to employment, individuals who are forty (40) years of age or older are protected from Discrimination and Harassment. There is no age threshold for students or other participants in educational programs or activities;

- Color: An individual's skin pigmentation, complexion, shade, or tone;

- Creed: A well-formed and thought-out set of beliefs held by more than one individual, which may not necessarily involve belief in a supreme being. The College will accommodate an individual's observances and practices required by their creed, unless it is unable to reasonably accommodate an individual's creed-required observance or practice without undue hardship;

- Disability: A person with a disability is any person who has a physical or mental impairment that substantially limits one or more major life activities; or has a record of such impairment; or is regarded as having such impairment. A qualified person with a disability must be able to perform the essential functions of the employment or volunteer position or the academic, athletic, or extra-curricular program, with or without reasonable accommodation;

- Gender: An individual's socially constructed status based on the behavioral, cultural, or psychological traits typically associated with societal attribution of masculinity and femininity, typically related to one's assigned sex at birth;

- Gender Expression**:** How someone expresses gender through appearance, behavior, or mannerisms. A person's Gender Expression may or may not be the same as the Gender Identity or assigned sex at birth;

- Gender Identity**:** The Gender with which an individual identifies psychologically, regardless of what Gender was assigned at birth;

- Genetic Information**:** Information about (i) an individual's genetic tests, (ii) the genetic tests of family members of such individual, and (iii) the manifestation of a disease or disorder in family members of such individual. Genetic Information includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services by such individual or any family member of such individual;

- National Origin**:** An individual's actual or perceived country or ethnicity of origin;

- Race: An individual's actual or perceived racial or ethnic ancestry or physical characteristics associated with a person's race, such as a person's color, hair, facial features, height, and weight;

- Religion**:** All aspects of religious observance and practice, as well as belief;

- Sex**:** An individual's biological status of male or female, including pregnancy. Conduct of a sexual nature is by definition based on Sex as a Protected Status;

- Sexual Orientation**:** The inclination or capacity to develop intimate emotional, spiritual, physical, and/or sexual relationships with people of the same Sex or Gender, a different Sex or Gender, or irrespective of Sex or Gender;

- Veteran Status**:** Covered Veterans include Disabled Veterans, Special Disabled Veterans, Veterans of the Vietnam era, and other protected Veterans as defined by federal and state law.

Quid Pro Quo Harassment

Unwelcome conduct based on Protected Status where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a College program or activity.

Complainant

Complainant means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Respondent

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Retaliation

Acts or words taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from engaging in protected activity.

Protected activity includes an individual's good faith: (i) participation in the reporting, investigation, or resolution of an alleged violation of Prohibited Conduct; (ii) opposition to policies, practices, or actions that the individual reasonably believes are in violation of Prohibited Conduct; or (iii) requests for accommodations on the basis of religion or disability. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the Respondent, the Complainant, or any other individual or group of individuals.

Sexual Assault

A form of Sexual or Gender-Based Harassment that involves having or attempting to have Sexual Contact with another individual without Consent.

Student

An individual to whom an offer of admission has been extended, paid an acceptance fee, registered for classes, or otherwise entered into another agreement with the College to take instruction. Student status lasts until an individual graduates, is permanently dismissed, or is not in attendance for two complete, consecutive terms, and includes those with a continuing educational relationship with the College; "Student" also includes registered Student organizations. A Student organization remains a "Student" for purposes of Procedures for one calendar year following the expiration of the organization's most recent registration.

The College reserves the right to administer the Procedures and proceed with any process provided by Procedures even if the Student withdraws from the College, is no longer enrolled in classes, or subsequently fails to meet the definition of a Student while a disciplinary matter is pending.

Sexual Contact

Intentional touching or penetration of another person's clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast, by another with any part of the body or any object in a sexual manner. Sexual Contact also includes causing another person to touch their own or another's body in the manner described above.

Sexual Harassment

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
- Verbal, physical, or electronic conduct based on Sex, Gender, Sexual Orientation, or sex- stereotyping that creates a hostile, intimidating, or abusive environment, even if those acts do not involve conduct of a sexual nature that is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
- Harassment for exhibiting what is perceived as a stereotypical characteristic for one's Sex or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the actual or perceived Sex, Gender, Sexual Orientation, Gender Identity, or Gender Expression of the individuals involved;
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual Violence

A form of Sexual or Gender-Based Harassment that involves having or attempting to have Sexual Contact with another individual without Consent.

Stalking

Repeated, unwanted attention; physical, verbal, or electronic contact; or any other course of conduct directed at an individual that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances and with similar identities. Stalking may involve individuals who are known to one another or who have a current or previous relationship or may involve individuals who are strangers.

Title IX Coordinator

The designated College official with primary responsibility for coordinating the College's compliance with Title IX. This individual provides leadership for Title IX activities; offers consultation, education, and training; and helps to ensure that the College responds appropriately, effectively, and equitably to all Title IX issues.