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Guilford College Title IX Policy and Grievance Procedures

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- **Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the Resolution Process and to advise the party on that process. The College requires the parties to have an advisor of their choice throughout the grievance process.
- **Appeal Panel** means the panel who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action accordingly.
- **Formal Complaint** means a written request to the College that objectively can be understood as a request for the the College to investigate and make a determination about alleged discrimination under Title IX.
- **Complainant** (1) A student who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or (2) a person other than a student who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination.
- **Confidential Employee** means an employee that is (1) a member of the clergy at the Friends Center or (2) an employee of the Milner Student Health and Counseling Services. If a student makes a report to a confidential employee, the confidential employee is not required to report that information to the Title IX office unless the reporting party requests that the report is made. Any other employee of the College is not considered a confidential employee and has mandatory reporting obligations.
- **Course of Conduct** means 2 or more acts.
- **Day** means a business day when Guilford College is in normal operation.
- **Hearing Officer(s)** means the person or panel who hears evidence, determines relevance, and makes the Final Determination of whether this Policy has been violated and/or assigns sanctions.
- **Employee** means full-time and part-time employees of the college, administrators, faculty, and contingent workers.
- **Education Program or Activity** means locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the harassment, discrimination, and/or retaliation occurs and

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also includes any building owned or controlled by a student organization that is officially recognized by the College.

- **Final Determination/Hearing Outcome Letter** is a conclusion by the standard of proof that the alleged conduct did or did not violate policy.
- **Finding** is a conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).
- **Formal Grievance Process** means a method of formal resolution designated by Guilford College to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 C.F.R. §§ 106.45 and 106.46) and the Violence Against Women Act § 304.
- **Informal Resolution** a complaint resolution agreed to by both of the Parties and approved by the Title IX Coordinator that occurs prior to the formal Final Determination/Hearing Outcome being reached. To resolve this complaint, the Informal Resolution Facilitator will meet separately with each party to gather relevant information and discuss possible ways to resolve the complaint. The goal is to find a way to address the concerns raised by the complaint, repair any harm, and prevent future issues. If the parties agree to a resolution, the Informal Resolution Facilitator will draft a Resolution Agreement to be reviewed and signed by both parties.
- **Investigator** means the person(s) authorized by Guilford College to gather facts about an alleged violation of this Policy, assess the relevance and credibility, synthesize the evidence, and compile this information into an investigative report.
- **Mandated Reporter** means a Guilford College employee who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or their supervisor.
- **Parties** means the Complainant(s) and Respondent(s), collectively.
- **Preponderance of the evidence:** means that the evidence must show that the respondent is more likely than not engaged in the alleged prohibited conduct in order to be found responsible.
- **the College (Guilford College or “the College”)** means a postsecondary education program that receives federal funding.
- **Relevant Evidence** means related to the allegations of sex discrimination under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex

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discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred. The College retains the discretion to exclude questions or evidence that it determines to be irrelevant, and is not required to follow legal standards of admissibility of evidence.

- **Remedies** means measures provided, as appropriate, to any other person the Guilford College identifies as having had their equal access to the education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the education program or activity after a the College determines that sex discrimination occurred.
- **Respondent** means a person who is alleged to have violated the the College's prohibition on sex discrimination.
- **Retaliation** means intimidation, threats, coercion, or discrimination against any person by the the College, a student, or an employee or other person authorized by the the College to provide aid, benefit, or service under the the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX 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 this part, including in an informal resolution process.
- **Sanction** means consequences imposed on a respondent following a determination under Title IX that the respondent violated the the College's prohibition on sex discrimination.
- **Student** means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains a current and ongoing educational relationship with Guilford College.
- **Supportive Measures** Title IX supportive measures are free, non-punitive help offered to the parties involved in a sex discrimination or harassment case. Supportive Measures aim to keep students, staff and faculty safe and ensure equal access to school. You can get them with or without filing a formal complaint.
- **Title IX Coordinator** is at least one official designated by Guilford College to ensure compliance with Title IX and Guilford College Title. References to the Coordinator throughout this policy may also encompass a designation of the Coordinator for specific tasks.

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- **Title IX Team** refers to the Title IX Coordinator and its supporting Title IX staff as defined in Section I(D).

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I. Introduction

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex in any educational programs or activities that receive federal funding, which includes locations, events, or circumstances, whether on or off campus, over which the College has substantial control and includes any building owned or controlled by a student organization that is officially recognized by the College. Title IX applies to sex-based discrimination and sex-based harassment that prevents students from participating fully and equitably in educational opportunities. Guilford College is committed to upholding the principles of Title IX by responding promptly and thoroughly to all complaints/reports of sex discrimination, harassment or violence and retaliation.

A. Purpose and Statement of Intent

This policy prohibits a broad continuum of behaviors, all of which constitute a form of sexual or gender-based harassment or discrimination, sexual assault, or dating or domestic violence. Prohibited conduct that may violate this policy includes sexual discrimination, Sex-Based Harassment, sexual assault, sexual exploitation, domestic and dating violence, stalking, and retaliation. The College community has a responsibility to maintain an environment free from all forms of sexual discrimination and other sexual misconduct.

The College encourages all members of its community to participate in creating a safe, welcoming, and respectful environment on campus. Ultimately, all members of the community are expected to assume responsibility for their conduct, to report behaviors that may violate this policy, and to take reasonable and prudent actions to prevent acts of sexual discrimination or other sexual misconduct.

In compliance with Title IX, the College will address reported violations of Sex-Based Harassment covered under Title IX. The College is also committed to addressing acts that violate our community standards and are not covered under Title IX but fall within the definitions of College-defined sexual misconduct.

The College will respond according to the severity or pervasiveness of the offense and the threat it poses to an individual and the community. Individuals who are found responsible for violating this policy may face disciplinary sanctions up to and including suspension or dismissal from the College and/or termination of employment.

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B. Scope of Policy

This policy applies to all members of the Guilford community, including students, faculty, employees, and third parties participating in the institution's programs or activities when the alleged conduct took place. This policy applies from the time a person has gained admission at the College or accepts employment or volunteer duties (including academic term breaks and periods between terms and semesters) until the student withdraws or graduates, the employee ceases employment, or the third party's participation in the College's services end. This policy pertains to acts of sexual misconduct committed by or against students, employees, and third parties when:

- 1) The conduct occurs on the campus or other property owned or controlled by the College; or
- 2) The conduct occurs in the course of College-related business travel or off-campus programs in the United States that are subject to the College's disciplinary authority, such as domestic academic programs, field trips, spring term coursework (some study abroad programs).¹

This policy also applies to behavior conducted online, including via email. Postings on blogs, web page entries, social media sites, and other similar online postings can subject an individual or group to allegations of violations of this policy. While the College may not regularly search for this information, the College may take action if and when such information is brought or comes to the attention of the College.

C. Training

Guilford College requires students and employees to complete annual training to ensure they understand this policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination.

Guilford College is committed to the prevention of harassment and discrimination through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation. Returning students and existing employees receive ongoing training and related education.

¹ Conduct occurring in a study abroad program outside of the United States is generally not governed by this policy unless the student returns to the United States and the conduct that occurred in the study abroad program contributes to a hostile environment in the United States.

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D. Notice of Nondiscrimination and Title IX Coordinator

The Title IX Coordinator works with the individuals listed below, and others, to ensure that the College complies with Title IX. Regardless of which Guilford College employee or administrator investigates or adjudicates any particular complaint, the Title IX Coordinator maintains oversight of the process. The Title IX Coordinator receives written notice of the complaint, the investigative report and any outcome determination. Where sex discrimination, harassment or violence is found to have occurred, the Title IX Coordinator oversees the College's response. The Title IX Coordinator's responsibilities also include coordinating training, education and prevention efforts; overseeing a centralized reporting process for all sex-based discrimination and harassment and misconduct allegations on campus; tracking and monitoring these allegations; and ensuring prompt and equitable resolution of complaints.

The following individuals comprise the Title IX team:

Title IX Coordinator
Director of Human Resources
105 Bauman
Phone: (336) 316-2135
Email: titleix@guilford.edu

Shay Harger
Director of Title IX
124 King Hall
Phone: (336) 316-2124
Email: harger@guilford.edu or titleix@guilford.edu

The Title IX Coordinator acts with independence and authority free from bias and conflict of interest. The Title IX Coordinator oversees all resolutions under this Policy and procedures. The members of the Title IX Team are trained to ensure they are not biased for or against any party in a specific complaint, or for or against Complainants and/or Respondents, generally. To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the Guilford College President. Concerns of bias, misconduct, discrimination, or potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Questions regarding the application of this policy or Title IX, and its implementing regulation, may be referred to the Title XI Coordinator or a member of the Title IX team.

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E. Prohibition of Retaliation

Reporting incidents of harassment or discrimination are integral to Title IX enforcement and would be discouraged if retaliation against those who report it goes unaddressed. Retaliation against a complainant, respondent, or witnesses by student or employee involved in a complaint under Title IX is prohibited at Guilford College and is a separate violation of policy. No one may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege under this Policy, or because the individual made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group and that all parties to a complaint, including the complainant or respondent, as well as third parties such as witnesses may be the subject of retaliation by another individual.

F. Privacy and Confidentiality

The College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct to the extent possible consistent with its compliance responsibilities and duties to the College community. Consequently, the College will make efforts to protect the privacy of all individuals involved in a manner consistent with the need for an investigation and careful assessment of the allegation, and any necessary steps to eliminate the misconduct, prevent its recurrence, and address its effects.

Privacy and confidentiality have distinct meanings under this policy.

Privacy means that information related to a report of sexual misconduct will be shared only with those limited College employees who have a need to know in order to investigate, adjudicate and remediate a complaint. Care will be given with respect to the requirements of the Family Educational Rights and Privacy Act (FERPA) and applicable federal and state laws.

Confidentiality means that, absent extraordinary circumstances, information shared by an individual with designated campus or community professionals will not be revealed to any other person without the express permission of the individual. Those professionals include medical providers, mental health care providers, ordained clergy, and off-campus rape crisis counselors, all of whom have privileged confidentiality recognized by law. These individuals are prohibited from breaking confidentiality unless

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there is an imminent threat of harm to self or others, the conduct involves suspected abuse of a minor under the age of 18, or as otherwise authorized by state and federal law.

Confidential Employee: the following individuals are confidential employees: (1) a member of the clergy at the Friends Center or (2) a therapist at the Milner Student Health and Guilford Counseling Services. If a student makes a report to a confidential employee, the confidential employee is not required to report that information to the Title IX office unless the reporting party requests that the report is made. Any other employee of the College is not considered a confidential employee and has mandatory reporting obligations.

The College reserves the right to involve law enforcement if the sex-based harassment is an imminent threat to the campus health or safety.

Reporting on Campus: It is important to understand that any College employee who is not designated as a confidential employee cannot maintain the confidentiality of a report or information concerning an alleged violation of this policy. More information about how to report to campus authorities can be found in Section V (Campus Reporting Resources).

Release of Information: No information shall be released from proceedings under this policy except as required or permitted by law and by College policy.

Pursuant to and as required by the Clery Act, if a report of misconduct indicates a serious and immediate threat to the campus community, the College will issue a timely notification to the community to protect its health or safety.

Pursuant to and as required by the Clery Act, anonymous statistical information must be shared with Public Safety. Annual Clery reporting to the U.S. Department of Education is required of educational institutions for certain offenses that have been reported at campus locations or certain off-campus locations controlled by the institution. The information contained in the Clery report tracks the number of Clery-reportable offenses occurring at such locations and does not include the names or any other identifying information about the persons involved in the incident. The College may also share non-personally identifying information about reports received in aggregate form, including data about outcomes and sanctions.

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The College will not notify the parents or guardians of students regarding any conduct situation, including Title IX actions and sanctions, unless permitted by the Family Educational Rights and Privacy Act (FERPA) and/or other applicable law.

II. Prohibited Conduct

Guilford prohibits and will not tolerate sexual misconduct in any form. Such violations are subject to any combination of sanctions, including suspension, dismissal, or termination of the student relationship.

The following behaviors fall under the broad definition of sexual misconduct and are prohibited:

- Sex-Based Harassment (Hostile Environment, Quid Pro Quo)
- Sexual Assault (Non-Consensual Sexual Penetration)
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Domestic and Dating Violence
- Stalking
- Retaliation

A. Sex-Based Harassment

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

- (1) A school employee conditioning education benefits on participation in unwelcome sexual conduct (quid pro quo); or
- (2) Unwelcome conduct that a reasonable person would determine is so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the school's education program or activity; or
- (3) Sexual assault (as defined in the Clery Act), dating violence, or stalking as defined in the Violence Against Women Act.

1. Quid Pro Quo

Quid pro quo sex-based harassment occurs when an employee of Guilford College conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

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Examples of quid pro quo harassment may include:

- Offering employment or academic benefits in exchange for sexual favors.
- Making submission to or rejection of sexual advances an actual or implied condition of employment, work status, promotion, grades or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose.
- Making or threatening reprisals after a negative response to sexual advances.

2. Hostile Environment Harassment

Hostile environment sex-based harassment means 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 denies or limits a person's equal access to the College's education or a College program or activity.

Conduct is unwelcome if the individual did not request or invite it and regarded the conduct as undesirable or offensive. Acquiescence in the conduct or the failure to complain does not always mean that the conduct was welcome.

Sexually harassing behaviors differ in type and severity and can range from verbal harassment to unwelcome physical contact. A wide range of behaviors may fall within the general definition of sexual harassment depending on the circumstances. Examples of hostile environment harassment may include the following:

- Physical conduct
 - Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements.
 - Unwanted sexual advances.
- Verbal conduct
 - Making or using derogatory comments, epithets, slurs, or humor.
 - Verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes, or invitations.
 - Offensive comments of a sexual nature, including sexually explicit statements, questions, jokes, or anecdotes.
- Visual conduct:
 - Leering; making sexual gestures; displaying suggestive objects or pictures, cartoons, or posters in a public space or forum.

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- o Visual displays of suggestive, erotic, or degrading, sexually oriented images that are not pedagogically appropriate.
- Online conduct
 - o Unwelcome comments on social media platforms such as sex-based derogatory name-calling.
 - o Non-consensual distribution of intimate images (including authentic images and images that have been altered or generated by artificial intelligence technologies).
 - o Cyberstalking.
 - o Sending sex-based pictures or cartoons.
- Written conduct
 - o Letters, notes or electronic communications, including social media, containing comments, words, or images described above.

Whether a hostile environment has been created is a fact-specific inquiry based on the totality of the circumstances that includes consideration of the following:

- The degree to which the conduct affected or limited access to education;
- The type, frequency, and duration of the conduct;
- Parties' ages, roles, and previous interactions;
- Location and context of the conduct; and/or
- The nature and severity of the conduct.

B. Sexual Assault Non-Consensual Sexual Penetration

Sexual Assault, also known as non-consensual sexual penetration, is penetration or attempted penetration, no matter how slight, of the vagina or anus with any body part (e.g., penis, tongue, finger, hand) or object, or oral penetration (mouth to genital contact) or attempted penetration by a sex organ of another, without the consent of the Complainant.

C. Non-Consensual Sexual Contact

Sexual contact is the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the Complainant, including the intentional contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without that person's consent. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.

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D. **Sexual Exploitation**

Taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual activity for any non-legitimate purpose. Examples of sexual exploitation include, but are not limited to, the following:

- 1) Observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the consent of all parties involved in a place where the individual being observed would have a reasonable expectation of privacy;
- 2) Recording, streaming, or photographing private sexual activity and/or a person's nudity, or distribution of such without the consent of all parties involved;
- 3) Prostituting another individual; and/or
- 4) Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

E. **Domestic and Dating Violence**

Domestic violence means violence, including sexual or physical abuse or threat of such abuse, committed by:

- 1) A current or former spouse or intimate partner of the complainant;
- 2) A person with whom the complainant shares a child-in-common;
- 3) A person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner;
- 4) Any other person against a complainant who is protected from that person's acts under the domestic or family violence laws of North Carolina, which includes parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents, grandchildren, and in-laws.

Dating violence means violence, including sexual or physical abuse or threat of such abuse, committed by a person:

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the complainant; and
- 2) Where the existence of such a relationship shall be determined based on
 - a) The Complainant's statement
 - b) the length of the relationship;
 - c) the type of relationship; and

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- d) the frequency of interaction between the persons involved in the relationship.

Domestic and/or dating violence may involve one act or an ongoing pattern of behavior.

The College will not tolerate domestic or dating violence. The College recognizes that sex-Based Harassment, sexual assault, stalking, and retaliation all may be forms of domestic or dating violence when committed by a person who is or has been involved in a sexual, dating, or other social relationship of a romantic or intimate nature with the complainant.

F. Stalking

Stalking means engaging in a pattern of behavior or course of conduct (2 or more acts) directed at a specific person that would cause a reasonable person to:

- 1) Fear for the person's safety or the safety of others; or
- 2) Suffer substantial emotional distress.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking can occur in person or using technology, and the duration, frequency and intensity of the conduct should be considered. Stalking can include, but is not limited to, online activity, unwanted contact, property invasion or damage, following or lying in wait for a victim, hacking accounts, surveillance and other types of observation, manipulative and controlling behaviors such as harm to oneself, threats, violence, sabotage, and attacks.

G. Retaliation

Reporting incidents of harassment or discrimination are integral to Title IX enforcement and would be discouraged if retaliation against those who report it goes unaddressed. Retaliation against a complainant, respondent, or witnesses by student or employee involved in a complaint under Title IX is prohibited at Guilford College and is a separate violation of policy. No one may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege under this Policy, or because the individual made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. The College recognizes that retaliation can take many forms, may be

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committed by or against an individual or a group and that all parties to a complaint, including the complainant or respondent, as well as third parties such as witnesses may be the subject of retaliation by another individual.

III. Understanding Consent: Force, Coercion, and Incapacitation

A. Consent

Individuals who choose to engage in sexual activity of any type must first obtain the consent of the other party. Consent must be knowing and voluntary and is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity.

Additional Guidance about Consent:

- Consent to one form of sexual activity does not, by itself, constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- A verbal "no" is a clear demonstration of the lack of consent.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicated a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise free will to choose whether or not to have sexual contact. See Paragraphs (B) and (C) of this Section for further discussion.

An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware, or otherwise physically

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helpless is considered unable to give consent. See Paragraph (D) of this Section for further discussion.

B. Force

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom to choose whether or not to participate in sexual activity. There is no requirement that a party resists a sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

C. Coercion

Coercion is the use of unreasonable and persistent pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. Coercion may be emotional, intellectual, psychological, or moral. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. In evaluating coercion, the College will consider the following:

- 1) frequency of the application of pressure
- 2) intensity of the pressure
- 3) isolation of the person being pressured
- 4) duration of the pressure

Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

D. Incapacitation

An individual who is incapacitated cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

In other words, a person may be considered unable to give valid consent due to incapacitation if the person is not able to understand the who, what, where, when, why, and/or how of a sexual interaction.

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In evaluating whether consent was present in cases of alleged incapacitation, the College asks three questions:

- (1) Was the complainant incapacitated?
- (2) If so, did the respondent know that the complainant was incapacitated?
- (3) If not, would a sober, reasonable person in the same situation have known that the complainant was incapacitated based on objectively and reasonably apparent indications of impairment?

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of giving consent is in violation of this policy.

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, common warning signs that a person may be incapacitated or approaching incapacitation as a result of alcohol or drug use or consumption may include, but not be limited to, one or more of the following: slurred speech, vomiting, unsteady gait, odor of alcohol, incontinence, combativeness, or emotional volatility. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct, and does not diminish one's responsibility to obtain consent.

IV. Prohibited Relationships by Persons in Authority

The employee-student relationship is one of trust in the institution and an employee has the professional responsibility for being a mentor, educator, and evaluator. Faculty-student and employee-student romantic and/or sexual attention, interaction, or relationships, even mutually consenting ones, interfere with a student's unfettered pursuit of learning and the integrity of the academic and workplace environment.

Consensual relationships, defined as a romantic or sexual relationship to which both parties have given their consent) between College employees and students are prohibited. Failure to take notice of this prohibition could subject the person in authority to disciplinary action, up to and including dismissal from employment by the College.

V. Resources for Complainants and Respondents

The College encourages all individuals to seek assistance from a medical provider and law enforcement immediately after an incident of sexual misconduct when such assistance is desired or necessary under the circumstances, regardless of whether or not the individual plans to pursue criminal action. This is the best option to ensure

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preservation of evidence and to begin a timely response by law enforcement and/or the College. Complainants are strongly encouraged to take immediate steps to preserve all evidence that might support a future report to the College, a protective order, or an investigation by law enforcement.

The College is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual misconduct, whether as a complainant, a respondent, or a third party, will have equal access to support consistent with their needs and available College resources.

The College recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The College encourages any individual who has questions or concerns to seek the support of campus and community resources attached in the Addendum to this policy. These professionals can provide information about available resources and procedural options and other assistance to either party in the event that a report and/or disciplinary proceedings are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

A. On Campus Confidential Resources and Support

For individuals who are seeking confidential consultation, several resources provide confidential support, both on campus and in the local community. The trained professionals designated below can provide counseling, information, and support under legally protected confidentiality.

1. Confidential Employees

Confidential employees include (1) members of the clergy at the Friends Center and (2) Therapists at the Milner Student Health and Counseling Center. These confidential employees are bound by confidentiality and will not report any acts of sexual misconduct to the Title IX office unless the student or employee requests it. Confidential Employees can provide students with information about how to contact the Title IX Office and that the Title IX Office may be able to offer and coordinate supportive services.

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2. On Campus Confidential Resources for Students

Students wishing to obtain resources on campus are encouraged to contact the College Student Health and Counseling Center or clergy at the Friends Center.

The Milner (Guilford College) Counseling Center is staffed by therapists and a receptionist who are bound by separate laws of confidentiality and will not share the report with other members of the College. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, the conduct involves suspected abuse of a minor under the age of 18, or as otherwise authorized by state and federal law.

Guilford College Counseling Center (CONFIDENTIAL)

Phone: (336)-316-2163

Email: counseling@guilford.edu

The hours are 8:30 a.m.-5:00 p.m. Monday-Friday. To make an appointment, please call 336-316-2163 or email: counseling@guilford.edu. The services are free of charge and confidentiality is carefully observed. The College maintains a Student Health Services office located on campus in the Milner Student Health and Guilford College Counseling Center. While no medical care is available there, this office maintains required immunization records and a staff member is available to assist students and parents with questions and support.

Friends Center at Guilford College

The Friends Center is staffed by members of the clergy who are also confidential resources. The Friends Center provides programs and support that nurture the Quaker ethos and commitments of the College by working closely with students, staff, faculty, alumni, and building partnerships in the community. Friends Center does this by supporting “the whole person” both at Guilford College and in the wider community through Quaker-inspired, as well as broader multifaith, activities that are grounded in prayer, informed by Friends’ faith and practice, nourished by worship and spiritual formation, and brought to fullness in a committed community.

Friends Center at Guilford College (CONFIDENTIAL)

Campbell House

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B. On-Campus Non-Confidential Emergency Resources

In a true emergency requiring immediate assistance, call 911. After hours, contact your Residential Assistant (RA) or Public Safety for emergency procedures. In the event of an after-hours emergency, please call Public Safety at 336-316-2909. Public Safety is able to contact the staff member on duty when necessary.

Guilford College Public Safety (P-Safe)

336-316-2909 (x2909 from a campus phone)

The Public Safety office is located in the lower level of the Bauman Telecommunications Center. The department provides 24-hour service that safeguards the College's population, facilities and property. It is staffed by professional personnel. The College encourages the active involvement of all community members in keeping the campus a safe and secure environment for education. Office hours: Monday-Friday, 9:00 a.m.-5:00 p.m. The phone number to reach Public Safety is 336-316-2909 or email security@guilford.edu.

Blue Light Telephones

The blue light telephone network exists for the purposes of the safety and convenience of the Guilford community. Phone locations are marked by a blue light above the phone. In an emergency, callers can press the red button to automatically dial the on-duty public safety officers. Once the button is pushed, the Public Safety officers will be able to communicate with the caller. Callers are asked to stay by the box and talk to officers unless their safety is at risk. The locations of blue lights on campus are:

- Lower South Apartment Parking Lot
- Binford / Hendricks Hall Parking Lot
- Bryan Parking Lot

C. Off-Campus Confidential Medical Resources

There are two hospitals with emergency facilities available: Wesley Long Hospital (336-832-1000) and Moses Cone Hospital (336-832-7000). In addition, the College offers off-campus Student Health Services through Eagle Physicians.

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Student Health Services

Eagle Physicians

Address: 1210 New Garden Road Need new number

Phone: (336)-294-6190

Web: <http://www.eaglemds.com>.

Eagle Physicians is the sole provider of the College's student health services for traditional students. Their office is located adjacent to campus and easily accessible by way of the sidewalk along New Garden Road. Traditional students may go to Eagle and be seen for many illnesses at no charge. A list of these services may be found on the Student Health webpage.

Eagle will accept many insurance plans (including Guilford's student health insurance through United Healthcare) for treatment of more complicated issues and for medical tests not included in the list of covered services. Some of these services will require an appointment. Students going to be seen at Eagle will need to present their Guilford College ID and a copy of their insurance card at check-in. It is also important that students have means (credit/debit/cash) to pay their co-pay or any charges that may be incurred due to an illness or testing not covered by our agreement with Eagle Physicians.

Eagle Physicians will provide services by appointment (unless serious or acute illness/symptoms) from 8:00 a.m.-5:00 p.m. weekdays. Eagle After Hours Care (same location) will see students on a walk-in basis from 5:30 p.m.-8:45 p.m. Monday–Friday and 9:00 a.m.-5:45 p.m. on Saturday and Sundays. More information about Eagle Physicians can be found on the website: <http://www.eaglemds.com>.

D. Additional On and Off Campus Resources

Please consult the Addendum to this policy for a complete list of available resources.

VI. Reporting

Any person may report a Title IX violation (including sex discrimination and sex-based harassment), in person, by mail, by telephone, or by email to a Campus Reporting Source (see Section B below) or on Guilford's website. Title IX reports can be made 24 hours 7 days a week on the Guilford website: www.guilford.edu/TitleIX: Report An Incident.

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***Please note:** Guilford's website and Title IX Reporting mechanism is not a crisis response. Reports and/or information submitted to the Title IX Office outside normal business hours (Monday through Friday 8:00 a.m.-5:00 p.m.) may not be reviewed until the next business day. **If you are experiencing an emergency, or if there is an imminent risk to your well-being or that of another person, contact 911 or P-Safe at 336-316-2907 or 2909.**

In this process, the College will balance the individual's interests with its obligation to provide a safe and non-discriminatory environment for all members of the College community. The college will respond promptly to a Title IX report in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances.

A. Reporting to Law Enforcement

Making a report to law enforcement does not constitute making a Title IX report to Guilford College unless the report is made to Guilford College Public Safety (P-Safe). Complainants have the right to notify or decline to notify law enforcement authorities. The College will assist a complainant, at the complainant's request, in contacting local law enforcement; filing a report, or obtaining a protective order. The College will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process. Complainants have the right to participate or decline to participate in any investigation to the extent permitted under state or federal law.

Local law enforcement information:

- 911 Emergency
- Greensboro Police Department: 336-373-2222 (non-emergency)
- Guilford County Sheriff's Office: 336-641-3694
- North Carolina State Police: 919-733-7952 (main line)

A Complainant may seek resolution through the College's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination regarding whether to prosecute a respondent nor the outcome of any criminal prosecution determines whether sexual misconduct has

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occurred in violation of this policy. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

B. Campus Reporting Resources

Guilford community members are encouraged to report Title IX violations as soon as possible. Unless designated as a confidential resource, no Guilford employee may promise confidentiality, and all Guilford employees have a duty to report such information immediately to the Title IX Office.

1. Reported to Title IX Coordinator or Title IX Team

Guilford College has a designated Title IX Coordinator and Title IX Team to oversee compliance with Title IX, which prohibits discrimination on the basis of sex in education Programs or Activities. The Title IX Team will provide you with a written explanation of your rights and options under this Policy, including resources and services available to you, your option to request assistance or supportive measures, and an explanation of the College's internal complaint resolution procedures.

Title IX Office
Title IX Office: King Hall 124
Business Hours: Monday through Friday 8AM to 5PM
Contact: titleix@guilford.edu
Phone: (336) 316-2124
Email: titleix@guilford.edu

Any individual can make a Title IX Report 24 hours 7 days a week at:
www.guilford.edu/titleix **REPORT AN INCIDENT**

See Section I(D) above for contact information for individual members of the Title IX Team.

2. Report to Guilford College Public Safety

The Guilford College Public Safety Office has staff trained in how to respond to a report of sexual harassment, dating violence, domestic violence and/or stalking. Public Safety can assist you with personal safety, seeking medical attention, preserving evidence, or filing a police report. Although the College strongly encourages all members of its community to report violations of this Policy to law enforcement, it is your choice

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whether or not to make such a report and you have the right to decline involvement with the police.

Director Of Public Safety

College Office of Campus Safety

818 Quadrangle Drive

Phone: (336) 316-2909 (x2909 from a campus phone)

3. Report to a College Employee

Employees are required to report to the Title IX Office all relevant details (obtained directly or indirectly) about an incident of sexual misconduct, including dates, times, locations, and names of parties and witnesses. Information brought to the attention of an employee is not confidential. All employees are trained on how to identify sexual misconduct and on their duty to report.

4. Reporting to a Confidential Employee or Resource

Speaking to a confidential employee or confidential resource on or off campus does not constitute making a report to Guilford College or Title IX.

Confidential employees include one of the following on-campus, employed services: (1) a member of the clergy of the Friends Center or (2) an employee of the Milner Student Health and Counseling Center. Although individuals that work in these locations are employees of Guilford, they are not required to report discussions about Title IX to the Title IX office unless a student or employee asks that the information be reported. Unless an employee falls into one of those two categories, the employee is not a confidential employee and has a mandatory reporting requirement.

For individuals who are seeking confidential consultation, see Section V(A) above and the Addendum to this policy for additional information.

C. Anonymous Reporting

Any individual may make an anonymous report of sexual misconduct. An individual may report the incident without disclosing their name, identifying the respondent, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited or impossible.

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The Anonymous Sexual Misconduct Reporting Form can be found on the College intranet at: www.guilford.edu/titleix [REPORT AN INCIDENT](#)

The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate and in compliance with all federal and state legal obligations.

D. Bystanders

The College encourages all community members to take reasonable and prudent actions to prevent an act of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who assist under these circumstances will be supported by the College and protected from retaliation.

E. Reporting Considerations

1. Timeliness of Report, Location of Incident

Complainants and third-party witnesses are encouraged to report incidents of sexual misconduct as soon as possible in order to maximize the College's ability to respond promptly and effectively. However, there is no time limit on reporting violations of this policy. If the respondent is no longer a student or employee, the College may not be able to take disciplinary action against the respondent, but it will still seek to comply with its Title IX obligation by providing support for a complainant and taking steps to end the harassment, prevent its recurrence, and remedy its effects.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that occurs in connection with College programs or events may also be covered, as may off-campus conduct that may have a continuing adverse effect on the complainant while on campus or other property owned or controlled by the College or in any College employment or education program or activity. The College will assess all Title IX complaints regardless of where the conduct occurred to determine whether the conduct occurred in the context of its educational program or has continuing adverse effects on campus or in an off-campus program or activity.

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2. Amnesty for Personal Use of Alcohol or Other Drugs

The College seeks to remove any barriers to reporting. It is in the best interest of this community that all individuals who have been the subject of sexual misconduct report the behavior to the College, and that witnesses share what they know. To encourage reporting, complainants, third-party witnesses, or respondents will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. Students may be required to engage in non-disciplinary substance abuse or awareness measures. While students will be protected from disciplinary action, the use of alcohol or other drugs may be relevant to any subsequent Title IX investigation or hearing.

3. False Reporting

The College takes the validity of information very seriously, as a charge of sexual misconduct may have severe consequences. Anyone who makes a report that is later found to have been intentionally false or made maliciously without regard for truth, or anyone proven to have acted in bad faith to intentionally give false information during the course of an investigation may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation and/or hearing decision. An allegation of false reporting cannot be investigated or heard until the underlying allegations have been resolved. Similarly, a party or witness who is later proven to have intentionally given false information during the course of an investigation or resolution may be subject to disciplinary action.

VII. Title IX Assessment, Preservation of Evidence, Supportive Measures and Requests Not to Proceed

After a report is made, the initial assessment will include an evaluation of the safety of the individual and of the campus community. During the initial assessment, the College will ensure that the complainant receives a written explanation of available resources and options. At the conclusion of the initial assessment, if the complainant chooses to file a complaint, the College will begin the grievance process. If the complainant has requested not to proceed with an investigation, the Title IX Office with others as necessary, will determine the appropriate resolution following the guidelines in this section.

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A. Preservation of Evidence

The preservation of evidence is important and often time sensitive. In its initial meeting, the University will inform the Complainant (and Respondent once the Resolution Process is initiated) of the importance of preserving evidence, including through the process of prompt medical examinations and assistance as well as preserving electronic data, social media postings, messages, and other documentary evidence. The parties will also be informed about the importance of preserving evidence in the written Notice of Investigation and Allegations.

B. Supportive Measures

Upon receipt of a report of sexual misconduct, the College will impose reasonable and appropriate supportive measures through the investigation and grievance process with the purpose of providing equal access to education. Supportive Measures are individualized services to restore or preserve equal access to the university's education program or activity without unreasonably burdening the other party, including measures that are designed to protect the safety of the Parties or the university's educational environment, or measures intended to provide support during the grievance or informal resolution process.

Supportive measures can be provided to any member of the College community affected by sexual misconduct whether the complainant, respondent, or third party. Supportive measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the College, and regardless of whether or not the complainant chooses to report to local law enforcement and may be extended or imposed beyond the complaint resolution procedures.

Supportive measures are voluntary and may be modified or discontinued at any time. Supportive measures are separate from any disciplinary action imposed after sanctions are issued through the grievance process and are not disciplinary in nature.

When implementing supportive measures, the College will seek to minimize the burden on the party seeking the measures. The College may consider the following factors when considering supportive measures: the age of the parties involved; the nature of the allegations and their continued effect on the complainant or respondent; whether the parties continue to act directly in the school's education program or activity; and whether steps have been taken to mitigate the harm from the parties' interactions, such as implementation of a protective order. The College will maintain as private any

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supportive measures provided, to the extent that maintaining such privacy would not impair the ability of the College to provide those measures.

All individuals are encouraged to report concerns about the failure of another individual to abide by the terms of any imposed supportive measure. The College will take immediate action to enforce a previously implemented measure. The College can impose disciplinary sanctions for failing to abide by a College-imposed measure.

A. **Range of Measures**

The College, at its discretion and through its Title IX coordinator, will implement supportive measures. Potential measures, which may be applied to the complainant and/or the respondent to the extent reasonably available and warranted by the circumstances, include but are not limited to:

- Access to counseling services and assistance in setting up initial appointment, both on and off-campus;
- **Imposition of a no-contact directive;** Each person is instructed to have no further contact with the other(s) including but not limited to speaking to them in person, through friends/acquaintances, via telephone or text message, via e-mail or any other form of social media, or in writing. Additional parameters may be stipulated in the directive. If any party violates this request to refrain from contact, it will result in a referral to the Office of Student Conduct for students, or the Office of Human Resources for employees.
- Rescheduling of exams and assignments;
- Providing alternative course-completion options;
- Change in class schedule, including the ability to transfer course sections or withdraw from a course without penalty;
- Alteration of office arrangements;
- Access to counseling services and related release time;
- Providing an escort to ensure safe movement on campus;
- Change in work schedule, work location, or job assignment;
- Change in student's College-controlled housing;
- Assistance from College support staff in completing housing relocation;
- Limit of an individual's or organization's access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Arranging a meeting with law enforcement or College Public Safety;
- Providing medical services;

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- Providing academic support services, such as tutoring;
- Working in conjunction with student affairs to impose a behavioral agreement with the respondent;
- College-imposed interim administrative leave of absence; and
- Any other measure that can be tailored to the involved individuals to achieve the goals of this policy.

If a party would like to challenge a supportive measure applicable to them, they must file a written request to the Title IX team, outlining the basis for the challenge. The parties can seek modification or reversal of the school's decision to provide, deny, modify or terminate supportive measures.

B. Complainant Autonomy and Request Not to Proceed

Where the Complainant requests that the complaint not proceed, the College may choose to honor that request. However, Title IX Office may initiate a complaint if the conduct presents an imminent and serious threat to someone's health or safety or prevents the College from ensuring equal access based on sex to its education program or activity.

Where the College is unable to take action consistent with the request of the complainant, the Title IX Office will notify the complainant of the College's chosen course of action and address reasonable safety concerns. To the extent possible, the College will avoid taking action that would reveal the identity of the complainant.

A complainant who initially requests that the College not proceed with an investigation or disciplinary action may later request that an investigation be conducted. Additionally, the Title IX Coordinator, after granting a request not to proceed, may proceed with an investigation or disciplinary action if any new or additional information becomes available.

VIII. Title IX Grievance Process: Rights of Parties, Evaluation of Complaint/Dismissal, Notice of Complaint, Advisors, Informal Resolution, and Formal Investigation

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

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hearing model. The Title IX Coordinator must comply with the requirement for the Title IX personnel to be free from conflicts of bias, meaning that the decisionmaker cannot be the same person as the Title IX Coordinator or investigator.

Rights of Parties

- The right to participate or to decline to participate in the process.
- Information about applicable support and resources.
- Equitable procedures that provide both parties with a prompt and impartial process conducted by officials who receive annual training on conduct prohibited by the Policy.
- Written statement of the allegations and the Policy provisions alleged to have been violated.
- Written notice of the date, time, and place of investigative interviews prior to the interview.
- Equal opportunity to access and provide evidence to the Investigator.
- Reasonable accommodation(s) for students and employees
- To be accompanied to any process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
- The opportunity to receive and respond to the information related to the charge(s). Both parties have the right to review and respond to information submitted to the Title IX Office, the Investigator and or Hearing Officers by either party.
- Equal opportunity to identify relevant witnesses and other evidence
- Written, final outcome of the formal process, including level of responsibility for each Policy violation and information on the appeals process.
- The right to notification, in writing, of the resolution, including the outcome of any appeal.

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A. Complaint to Begin Grievance Process/Dismissal

1. Formal Complaint²

A complaint is defined a written request reported to the Title IX Team alleging respondent(s) has engaged in Title IX sex discrimination or sex-based harassment and requesting the school investigate the allegation of sexual harassment. It is helpful for the complaint to outline the time, location, witnesses, and other factual details that are helpful to evaluate the validity of a potential claim. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity by the College.

A formal complaint may be filed with the Title IX Office in person, by mail, or electronic mail by using the contact information list for the Title IX Office and by any other method designated by the Guilford College. In addition, the Title IX Coordinator can bring a complaint in the case of an unwilling complainant if the conduct as alleged prevents an imminent and serious threat to the health or safety of a person or prevents the school from ensuring equal access to an education program or activity. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during the grievance process and must comply with the requirement for the Title IX personnel to be free from conflicts of bias.

2. Dismissals

If the allegations in a formal complaint that even if proven, does not meet the definition of sexual harassment, or did not occur in the school's education program or activity against a person in the United States, the Final Rule clarifies that the College **must dismiss** such allegations for purposes of Title IX but may still address the allegations in any manner the college deems appropriate under the school's own Student Code of Conduct. These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

Guilford College **must** dismiss a complaint for sex discrimination if:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined, even if proved; and/or

² A formal complaint is different from a report of conduct that potentially violates Title IX outlined in Section VI. Reports, unless to a confidential employee or resource, will be referred to the Title IX office for further review and discussion with the complainant.

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- 2) The conduct did not occur in an educational program or activity controlled by Guilford College (including buildings or property controlled by recognized student organizations), and/or Guilford College does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States;

Guilford College may dismiss a complaint for sex discrimination if:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The respondent is no longer enrolled or employed by Guilford College;
- 3) Specific circumstances prevent Guilford College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein

A written notice to the complainant and respondent (if notified of the allegations) regarding the basis for the dismissal and appeal rights will be provided. This dismissal decision is appealable by any party under the procedures for appeal.

Notice

Once a complaint is received and if it is not dismissed, the College will provide notice of the allegations to the respondent. The notices of allegations must include the following:

- The College's grievance procedures, including the option for informal resolution if applicable;
- Sufficient information to allow parties to respond, including conduct alleged and dates/times of alleged incidents;
- Statement on prohibition of retaliation; and
- Statement that the parties are entitled to equal opportunity to access relevant, not impermissible evidence.

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If the investigation reveals additional allegations that are not included in the initial notice, the College must provide an amended notice.

B. Advisors

If an investigation of prohibited conduct is initiated, the complainant and respondent will be invited to bring an Advisor of their choice to their interview and/or to the hearing as a source of support. The Advisor can be any person: friend, mental health professional, attorney, parent, an individual at the College, etc. If either a complainant or respondent is in need of an Advisor, a list of individuals trained as advisors is available from the Title IX Office.

The Advisor may be present at any meeting or proceeding related to the investigative or disciplinary process in which the complainant or respondent is present. Advisors may not speak on behalf of a complainant or respondent. Advisors may not write correspondence or appeals for the complainant or the respondent. Any Advisor (attorney or not) who does not follow the College's policies, procedures, or practices relating to the advisor's role in the resolution process will be warned once. If the advisor continues to disregard the College's policies, procedures, and/or practices or disrupts or otherwise fails to respect the limits of the role, such advisor will be required to leave the meeting, hearing, or other proceeding at the discretion of the investigator, Hearing Officers, or Appeal Panel, as applicable. When an advisor is removed from a meeting, hearing, or other proceeding, the meeting or proceeding will continue without the advisor's presence. In the case of a hearing, another advisor will be provided by the College.

Guilford College cannot guarantee equal Advisory rights, meaning if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Guilford College is not obligated to provide an attorney.

All advisors are expected to maintain the privacy of any records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College or by the applicable law. The College may restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

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C. **Formal Complaint and Informal Resolution**

Where the Title IX assessment concludes that informal resolution does not present a future risk of harm to others, the College may offer the parties the option to resolve the complaint through an informal resolution process. Both parties must voluntarily consent to the informal resolution process. Under an informal resolution process:

1. The parties will be informed in writing of the offer and their rights and responsibilities in the informal resolution process:

- The allegations
- The requirements of the informal resolution process
- Prior to agreeing to the resolution any party has the right to withdraw from the informal resolution process and to initiate or resume the grievance process
- The parties agreement to a resolution process would preclude the parties from initiating or resuming the grievance process arising from the same allegations.

2. The Informal Resolution Facilitator will be selected by the Title IX Coordinator. The Facilitator must be trained in Title IX, impartial and free from conflicts of interests. The Facilitator will not be the same person as the investigator in the formal resolution process if initiated.

3. To resolve this complaint, the Informal Resolution Facilitator will meet separately with each party to gather relevant information and discuss possible ways to resolve the complaint. The goal is to find a way to address the concerns raised by the complaint, repair any harm, and prevent future issues. If the parties agree to a resolution, the Informal Resolution Facilitator will draft a Resolution Agreement to be reviewed and signed by both parties. In an Informal Resolution process, there is no Investigation, Adjudication or Formal Resolution (finding of Responsible or Not Responsible).

4. The Facilitator and/or the parties may recommend any remedies including, but not limited to, changes to work or housing assignments, campus accompaniment services, no-contact orders, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Remedies, unlike supportive measures, may be punitive or disciplinary and need not avoid burdening the respondent. The Title IX Coordinator, or their designee, will be responsible for the effective implementation of the remedies.

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5. The College will also take other appropriate, prompt and effective steps to ensure that sex discrimination or sex-based harassment does not continue or recur within the education program or activity, including an assessment of any additional supportive measures that may be needed.

6. Once the agreement is signed by each party, it is final and is not subject to appeal and will not be subject to the Title IX Grievance Procedure (Investigation, adjudication and resolution). Once agreed upon and signed by both parties, the Informal Resolution Agreement will go into effect immediately.

A complainant and/or respondent can request to end Informal Resolution at any time. A grievance process will not be initiated unless or until a complaint is filed by the complainant. Therefore, the withdrawal from participation in the Informal Resolution does not automatically initiate an investigation and adjudication process. A complainant must submit a formal complaint to the Title IX Coordinator to initiate the grievance process.

The Title IX Office will maintain records of all reports and conduct resolved by Informal Resolution. Informal Resolution will typically be completed within sixty (60) business days of the initial report, absent extenuating circumstances.

D. Formal Complaint Resolution and Investigation

To conduct an investigation, the College will designate an investigator who has specific training and experience investigating allegations of sexual misconduct. Any investigator must be impartial and free of any conflict of interest.

Typically, an investigation will begin after the Complainant and Respondent are notified through the issuance of the written Notice of investigation of the complaint and the need for investigation. The investigator will coordinate the gathering of information from the complainant, the respondent, and any other individuals who may have information relevant to the determination. The investigator will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate.

The complainant and respondent will have an equal opportunity to be heard, to submit information and questions, to respond to evidence and to identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident; they cannot be participating solely to speak about an individual's character. The investigator will objectively evaluate all evidence that is

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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.

Although all witnesses, the complainant, and the respondent are expected to participate in the investigative process, neither party or witnesses are required to participate in the investigation under these procedures. If a party chooses not to participate in an investigation, the investigation and potential disciplinary proceedings may still proceed.

The College will attempt to ensure privacy when feasible throughout the investigation process. In order to protect the integrity of the investigation, none of the parties involved in the investigation should discuss with any witness or potential witness what was shared with the investigator while proceedings are pending.

The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case and in a reasonably prompt manner. The College will seek to complete the investigation within sixty (60) days from the start of the investigation, but this time frame may be extended for good cause such as the complexity of the circumstances of each case or unforeseen delays due to the availability of witnesses. At the request of law enforcement, the College may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation.

1. Evidentiary Issues During Investigation

a. Interview Recording

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If the investigator(s) elect to audio and/or video record interviews, all involved parties should be made aware of and consent to audio and/or video recording.

b. Prior Sexual History

In general, the prior sexual history of either party is not relevant and will not be admitted as evidence during an investigation and/or hearing. However, where there is a current or ongoing relationship between the complainant and the respondent, and the respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties and to evaluate consent. As noted in other sections of this policy, however, the mere fact of a current or previous dating or

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sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the complainant or respondent with other individuals is generally not relevant and will not be permitted unless used to rebut that the respondent is the source of evidence, or cause of marks, bruises, and/or other injuries on or to the complainant or for pattern evidence.

c. Pattern Evidence

Where there is evidence of a pattern of sexual misconduct, either prior to or subsequent to the conduct in question, regardless of whether there has been an investigation or finding of responsibility, this information may be deemed relevant and probative to the Hearing Officers' determination of responsibility. The determination of relevance will be based on an assessment of whether (1) the previous incident was substantially similar to the present allegation; and (2) indicates a pattern of behavior and substantial conformity with that pattern by a respondent. Where there is a prior finding of responsibility for a similar act of sexual misconduct, there is a presumption of relevance. The Hearing Officers will make the determination as to whether or not they will consider the pattern evidence and in doing so will carefully review the relevancy and reliability of the alleged similar conduct.

d. Medical Records Evidence

Except as otherwise required by law, the College will not release any individual's medical or counseling records for purposes of the investigation, adjudication, or resolution of any allegation or complaint made under this policy absent such individual's written consent. An individual may disclose his or her medical and/or counseling records voluntarily and with written consent for use in the investigation, but the College will not require the release of any medical or counseling records, nor will the College require any individual involved in the processes set forth in this policy to release any such medical and/or counseling records.

b. Consolidation of Investigation

The Title IX Coordinator may consolidate multiple reports against a single respondent or group of respondents into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident(s).

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c. Review of Investigation Report

At the conclusion of the investigation, the investigator will prepare a written report that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties and any supporting information. The investigator should delete statements of personal opinion (other than as to credibility).

The complainant and respondent will have a minimum of ten (10) business days to review their individual statements. The complainant and respondent will have a minimum of ten (10) business days to review the investigation report that contains all the evidence and statements collected by the investigator. After reviewing, the complainant and respondent may submit in writing any additional comments, request changes, or request further investigation from the investigator.

After giving the parties the opportunity to comment on the evidence collected in the investigation report in writing, the investigator will conduct any additional investigation or make changes to the report based on those comments at their discretion. The investigator will submit the final investigation report to the Title IX Office for dissemination to the parties and their Advisors, if applicable. All copies of the investigation report (the original, copies bearing feedback from the parties, and the investigator's final report) should be identified and maintained in the case file.

E. Formal Charge and Notice of Hearing

Based on the investigation report, the Title IX Office will determine whether to formally charge the respondent or whether to dismiss any allegations against the respondent.³ A charge will be issued if the complainant's factual allegations are plausible and could constitute a violation of this policy. Absent extenuating circumstances, the decision whether to formally charge the respondent will be made within (5) business days after the Title IX Coordinator receives the final investigation report.

If a formal charge is approved, the formal charge(s) will state the subject matter of the complaint, the name of the complainant, and the approximate date and/or timeframe for the alleged conduct. The Title IX Office or the Hearing Officers will issue a written

³ In the event of a dismissal, the Complainant retains the right to appeal this decision within five (5) business days.

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Notice of Hearing to the parties and their Advisors with identified charges. Delivery of the Notice of Hearing may be:

- In -person or via hand delivery by a designated College administrator;
- Mailed by USPS to the local or permanent address of the individual as indicated in official College records; or
- Emailed on a secured platform to the individual's College-issued email account. (Advisors shall receive copies.)

Upon the issuance of a formal charge, the final investigation report and related appendices will be made available to the parties and their Advisors for review with the option to submit a written response to the report. All responses will be provided to the adjudicator/hearing officers before the hearing.

IX. Title IX Grievance Process: The Hearing Process

A. Burden of Proof

The respondent is presumed to be not responsible; this presumption may be overcome only where the Hearing Officers conclude that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the respondent violated the policy. The preponderance of the evidence standard of review means that the evidence must show that the respondent more likely than not engaged in the alleged prohibited conduct in order to be found responsible.

B. Hearing Officers

Guilford College has adopted the live hearing model and will either use a single adjudicator or select a panel of one (1) to three (3) Hearing Officers who will determine responsibility and, if warranted, administer sanctions and/or discipline against a respondent. All decision-makers, either a sole adjudicator or hearing officers, are appointed by the Title IX Coordinator and each is specially trained on Title IX and how to adjudicate cases of sexual misconduct. Hearing Officers must be impartial and free of any conflict of interest.

The Hearing Officers shall exercise reasonable discretion in adjudicating all matters not expressly covered under this Policy and shall have the authority to make the final determination as to all procedural questions or evidentiary issues that may arise.

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C. Pre-Hearing Conference

The Hearing Officers will hold Pre-Hearing Conferences with the parties and their Advisors to review the hearing process, roles and expected decorum for the proceedings, address any procedural questions or other matters before the hearing commences. The Hearing Officers shall determine the order of the proceedings. Attendance at the pre-hearing conference is optional for parties and advisors. Parties will be asked to submit the names of any witnesses they want to be present and available at the hearing on or by the date of the pre-hearing conference or at least five (5) business days prior to the hearing date, whichever is later.

Absent extenuating circumstances, the Pre-Hearing Conferences will be held seven (7) business calendar days prior to the hearing.

D. Hearing Procedures

A hearing will be held in a timely manner; assuming no extraordinary circumstances, within fourteen (14) business calendar days of issuance of the Notice of Hearing listing the formal charge(s). The Hearing Officers will review the final investigation report prior to the hearing and the responses of the parties if available. The Hearing Officers will identify the chair who will manage the hearing. Hearing Officers may adopt reasonable rules of decorum, procedure, and evidence.

All hearings will be virtual or live and will be recorded. It is strongly recommended that both parties attend the hearing; both advisors of the parties are required to attend the hearing. If either party is not in attendance, the hearing may still proceed, findings may still be made, and sanctions may still be imposed.

1. Questioning

Each party's Advisor will be allowed 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.

Parties may submit questions to the Hearing Officers to be asked to the other party. During the hearing, the hearing officer(s) may question the complainant, the respondent, any witnesses called, and/or the investigator, and examine related information and evidence. The Hearing Officers will identify the chair who will manage

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the hearing. Hearing Officers may adopt reasonable rules of decorum, procedure, and evidence.

Only questions that the Hearing Panel determines are relevant questions that are not impermissible may be asked of a party or witness by the Hearing Officers or a party's advisor. Direct cross examination between a complainant and respondent is not allowed. The Hearing Officers will determine whether a proposed question is proper before a question is posed and must explain any decision to exclude a proposed question. Unclear or harassing questions are not permitted, but the Hearing Officers must give the asking party an opportunity to clarify/revise a question. Additionally, the hearing officers have discretion to change the wording of the question with agreement of the questioning party. If a party or witness does not submit to cross-examination at the live hearing, it does not mean that the evidence gathered from that witness or party cannot be considered or is excluded; however, the hearing officer can evaluate the evidence and weigh the evidence accordingly based on all other available relevant information.

The Hearing Officers will determine whether a question is or is not relevant. The Hearing Officers will not ask questions or permit questions to be asked that are in violation of the College's policy about a complainant's prior sexual behavior that are protected under statutory rape shield, prior evidentiary decisions, or questions that are irrelevant or repetitive.

The Hearing Officers may choose to place less/no weight upon statements by a party/witness who refuses to respond to questions deemed relevant, not impermissible. The Hearing Officers may not draw inference that sex-based discrimination or harassment occurred solely on a party/witness's refusal to respond to a question.

2. Privacy

All hearings will be closed to the public, including parents of students. Hearing officers, investigators, and advisors are expected to maintain the privacy of the participants in these proceedings except where disclosure may be authorized or mandated by law or College policy.

E. Written Determination

The hearing officers must issue a written determination within five (5) business days of the conclusion of the hearing that will state the following:

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- Description of the alleged sex-based discrimination or harassment;
- Information about policies and procedures used;
- The Hearing Officers' evaluation of relevant, not impermissible evidence and determination whether sex-based discrimination or harassment occurred;
- The determination regarding responsibility and include the with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation;
- Any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant; and
- Information on appeals process.

The written determination must be sent simultaneously to the parties.

F. Hearing Recordings

In accordance with Title IX Regulations, Pre-Hearings and Hearings (but not deliberations) are recorded by Guilford College. These recordings may be used in review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Hearing Officer(s), the parties, their Advisors and appropriate administrators of Guilford College will be permitted to review the recording upon request to the Title IX Coordinator. No person will be given a copy or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

G. Imposition of Sanction

If the respondent is found "Responsible" or agrees to a finding of responsibility, the hearing officers, following consultation with the Title IX Office, will impose a sanction designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and complying with the College's Title IX obligations.

The complainant and respondent, and other affected parties, as appropriate, will each have the opportunity to submit a written statement about the impact of the violation and/or requested sanctions. The Hearing Officers will review these statements only if they find, or the respondent accepts, that the respondent is responsible for one or more violations.

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If the respondent is no longer a student or employee at the time of sanctioning, the hearing officers may impose any of the permissible sanctions that apply to complaints against non-students, either in addition to or in lieu of the sanctions set forth above.

In considering the appropriate sanction, the hearing officers may consider the circumstances, including but not limited to the following factors:

- The respondent's prior discipline history;
- The respondent's personnel file or annual reviews;
- Any relevant criminal records;
- How the College has sanctioned similar incidents in the past;
- The nature and violence of the conduct at issue;
- The impact of the conduct on the complainant;
- The impact of the conduct on the community, its members, or its property;
- Whether the respondent has accepted responsibility;
- Whether the respondent is reasonably likely to engage in the conduct in the future;
- The severity of the sanction necessary to ensure that the conduct does not recur;
- Any other mitigating or aggravating circumstances, including the College's values.

A range of sanctions available to the Hearing Officers includes, but is not limited to, suspension or expulsion for students; written disciplinary action or termination for employees; an apology to persons or groups upon whose rights the respondent infringed; community service; counseling consultation; mandatory educational programming; restricted access of certain areas of campus or residential relocation; scheduling changes; or temporary leave of absence (paid or unpaid).

The Hearing Officers also will inform the complainant of any sanctions that directly relate to the complainant or are required by federal law to be disclosed to the complainant in the case of certain sexual offenses, including sexual assault, domestic/dating violence, and stalking. The College will also notify those College employees necessary to implement the outcome and/or sanction.

H. Remedies

Upon a finding of responsibility, remedies may be available to a complainant. Other potential remedies include targeted or broad-based educational programming and/or

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training. The Title IX Office, in consultation with others as necessary, will determine any appropriate additional remedies.

X. Title IX Grievance Process: Appeals

The Appeals Panel will hear appeals regarding cases investigated under the Guilford College Title IX Policy and Grievance Procedures. Both complainant and respondent will be afforded equal opportunity to submit appeals based on (1) a determination of outcome and/or (2) a dismissal of a complaint or any allegations in the complaint under the Title IX Policy and Grievance Procedures. The Appeals Panel is composed of faculty and staff members trained in both this policy and appeal process, and the issues related to sexual misconduct and gender-based violence. The Title IX Office receives, in writing, all requests for appeals and convenes a panel to review the case.

Appeals must be submitted, in writing, to the Title IX Office (titleix@guilford.edu) by 5:00 p.m. on the fifth (5th) business day after the issuance of an appealable decision. If neither party requests a timely appeal, any outcome imposed will take effect immediately at the end of the five (5) business day appeal timeline. Any exceptions to the timeline are made at the discretion of the Title IX Coordinator.

Appeal requests are subject to the procedures outlined below. The written appeal must be clear, specific, and contain a detailed statement regarding the grounds for appeal. Appeals are not re-hearings. The decision will be based solely on the investigation and hearing record, including the written appeal, the Investigative Report, and the Written Determination and included rationale, and any Hearing materials.

A. Basis of Appeals

Only appeals based on the following grounds will be considered by the Appeal Panel. Appeal requests that do not allege one of the following grounds will not be considered and will be summarily denied by the Appeal Panel:

1. New Evidence

Discovery of new material evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the original finding or outcome. Withholding information or declining to participate in the original investigation is not grounds for an appeal based on discovery of new evidence.

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If the appeal is based on substantial new evidence the request must outline the following:

- Source of new information and complete explanation of that information;
- Name(s) of who can present this information;
- Reason(s) why this information was not presented at the original investigation; and
- Reason(s) why this new evidence could affect the original finding or outcome

2. **Procedural Irregularity**

If it is believed there was an irregularity in the Title IX Process and Procedures (outlined above) that impacted the original finding or outcome (e.g. material deviation from established procedures that could affect the outcome of the hearing, etc.), the appeal request must outline the following:

- Citation of specific procedural errors with appropriate reference;
- Reason(s) why procedural error was not mentioned in the original investigation; and
- Reason(s) why the procedural irregularity affected the original finding or outcome.

3. **Conflict of Interest or Bias**

If there was an actual conflict of interest or bias exhibited by the Investigator, Title IX Coordinator, or Hearing Officer(s).

The appeal request must outline the follow:

- Citation of bias or actual conflict of interest exhibited by the Investigator, Title IX Coordinator, or Hearing Officer(s);
- Reason(s) why the bias or conflict of interest was not mentioned in the original investigation; and

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- Reason(s) why the bias or actual conflict of interest affected the original finding or outcome.

B. Appeal Procedures

Once a request for an Appeal is submitted, written notice will be provided to the other party sharing the submission and the appeal procedures. Each party will be given five (5) business days to submit a written response in support of or challenging the outcome, for consideration.

The panel is comprised of at least three members of the faculty and/or staff Guilford College community with the following requirements to serve:

- There is no conflict of interest or bias;
- They were not involved in the initial investigation in any way including the hearing; and
- They have been properly trained on Guilford College's Title IX Policy and Grievance Procedures and investigative process, the unique nature of incidents involving interpersonal violence and sexual misconduct, and appropriate appeals procedures.

Both parties will be provided names of potential Appeal panelists to address any potential conflicts of interest or bias. Potential Appeal panelists will also be provided the name of both students to address any potential conflicts of interest or bias, and panelists who feel they cannot make an objective determination must recuse themselves. Should any party object to any panelist, that party must raise all objections, in writing, to the Title IX Office immediately. Panelists will only be replaced if the Title IX Office concludes that they have a conflict of interest or bias that may preclude an impartial review of the appeal.

The Title IX and Appeals Panel has the authority to:

- Uphold the original decision;
- Uphold the original decision but change the outcome (i.e., adjust the sanction to be more or less severe);
- Remand the case to the original decision maker; or

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- Remand the case to the investigator(s).

The decision of the Appeal Panel is final and written notification of their decision will be sent to both parties along with a rationale for their decisions. The appeal process is typically completed within 30 business days from the time the final Appeals Panel receives the appeal. When the academic calendar or a complicated incident requires going beyond this timeline, both parties will be kept apprised of the process and next steps.

XI. Title IX Grievance Process: Additional Considerations

A. Time Frames for Resolution

Guilford will make every effort to successfully resolve all reports within ninety (90) business days from the date that the investigation begins. The ninety (90) day timeframe refers to the investigation process, hearing, and imposing sanctions and/or remedies. It does not include appeals. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames, including extension beyond ninety (90) days. Such circumstances may include, but are not limited to, the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a complainant and respondent can expect that the process will proceed according to these time frames.

- Once the investigation begins, it will be completed within sixty (60) business days.
- The Hearing Officers will identify and issue charges in the Notice of Hearing within five (5) business days after receiving the final investigation report.
- The Pre-Hearing Conference will be held prior to the hearing.
- The hearing will be held after the Notice of Hearing is issued.
- The Written Determination will be provided within five (5) business days of the hearing.
- Either party may appeal the finding of a policy violation/non-violation and/or a sanction within Appeals must be submitted, in writing, to the

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Title IX Office by 5pm on the (5th) fifth business day after the issuance of the written Outcome Determination Letter.

- If there is a request for appeal, the decision whether to grant or reject the request for appeal will be determined within five (5) business days after the receipt of the request for an appeal.
- If a request for appeal is granted, the appeal review and decision will be made within ten (30) thirty business days from the time the request to appeal was granted.

If the investigation and resolution exceed this time frame, the College will notify all parties in writing of the reason for the delay and the expected adjustment in time frames. The College will use its best efforts to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. All parties involved are entitled to periodic status updates on the progress of the complaint.

B. Group Infractions

When members of a student organization, team, or other group of individuals (a "group") act collusively in violation of this policy, they may be charged as a group, as individuals, or in both capacities, and an investigation may proceed against the group and/or against one or more involved individuals, as appropriate given the available information and the circumstances. The determination as to whether to investigate and/or charge those involved as individuals and/or as a group may be made by the Title IX Coordinator or the Hearing Officers, as appropriate under the circumstances.

Leaders or officers, members of a group, and/or the group as a whole may be held collectively and/or individually responsible when violations of this policy by the group or its members take place at a group-sponsored event, have received the consent or encouragement of the group or of the group's leaders or officers, were known or reasonably should have been known to the group's membership or its leaders or officers, or involve five (5) or more members of a particular group.

In any such action, determinations as to responsibility will be made and sanctions may be assigned collectively to those involved, individually in proportion to the involvement of each individual, and/or to the group as a whole. Notwithstanding the foregoing, no determination(s) made and/or sanction(s) issued under this policy to any individual or group shall preclude or prohibit any other administrative action from being taken, disciplinary or otherwise, or any other conduct body from making a determination and/or imposing sanctions consistent with its own policies, procedures, or practices.

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C. **Records Retention**

The Title IX Office will retain for seven (7) years records of any and all communications and decisions based on any Title IX sexual misconduct filed under this policy. All emails, reports, videos, allegations, complaints, grievance process, informal resolution process, appeals process and their outcomes shall be maintained as a part of the record.

Such records will be used in reviewing any further conduct or in developing sanctions and will remain a part of a student's conduct record. If the Hearing Officers do not find the respondent responsible, the student's conduct file or academic record will reflect that finding. In general, the College will maintain records for the duration of the respondent's relationship with the College, and may retain them for up to seven (7) years following the respondent's departure from the College.

D. Guilford College reserves the right to modify, amend, or terminate this Policy at any time. Nothing in this Policy shall affect the inherent authority of the College to take such actions as it deems appropriate to further its educational mission or to protect the safety and security of the Guilford students, faculty, and staff. Students, faculty, and staff are encouraged to check online for the most current version of all policies and procedures. If government regulations change in a way that impacts this document, this document will be constructed to comply with government regulations in their most recent form. This policy is reviewed yearly.

ADDENDUM TO TITLE IX POLICY: RESOURCES AND SUPPORT FOR STUDENTS AND EMPLOYEES

Included below is a list of confidential and non-confidential resources for students and employees both on campus and off-campus. It is important for individuals to understand that not all employees are confidential employees and, therefore, have mandatory reporting obligations to the College. If you are seeking a confidential employee or resource, please review the information carefully below.

For individuals who are seeking confidential consultation, several resources provide confidential support, both on campus and in the local community. The trained professionals designated below can provide counseling, information, and support under legally protected confidentiality. They may, however, submit non-identifying information about the incident for purposes of making a statistical report under the Clery Act. Confidential Employees must provide students

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with information about how to contact the Title IX Office and that the Title IX Office may be able to offer and coordinate supportive services.

A. CONFIDENTIAL EMPLOYEES ON CAMPUS

Individuals wishing to obtain confidential support or resources on campus are encouraged to contact the Milner Student Health and Guilford College Counseling Center or speak to a member of the clergy at the Friends Center. Individuals employed by the College at these locations are bound by separate laws of confidentiality and will not share the report with other members of the College. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, the conduct involves suspected abuse of a minor under the age of 18, or as otherwise authorized by state and federal law. If a student speaks to any other employee other than the confidential resources listed below, that employee is not considered confidential and will have a mandatory obligation to report to the Title IX office.

1. Milner Student Health and Guilford College Counseling Center (CONFIDENTIAL)

Phone: (336)-316-2163

Email: counseling@guilford.edu

The Counseling Center is staffed by professional psychotherapists and are available to talk about issues such as relationships, depression, anxiety, substance abuse/addictions, or negative behaviors which are causing you pain (such as cutting, procrastinating, or obsessive-compulsive behaviors). While there is no rigid limit on the number of sessions available to you, the length of your particular counseling will depend on many factors. When you meet with your therapist, you will decide together what makes sense for you, based on your needs and what we are able to offer. Many concerns can be addressed in relatively short-term counseling at the Counseling Center; however, if you would like to pursue longer-term therapy or need specialized treatment, the counselor will assist you in finding a therapist off-campus.

The Guilford College Counseling Center hours are 8:30 am-5:00 pm Monday-Friday. In the event of an after-hours emergency, please call Public Safety at 336-316-2909. Public Safety is able to contact the staff member on duty when necessary. To make an appointment, please call 336-316-2163 or email: counseling@guilford.edu. The services are free of charge and confidentiality is carefully observed.

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2. Friends Center at Guilford College (CONFIDENTIAL) Campbell Building

The Friends Center provides programs and support that nurture the Quaker ethos and commitments of the College by working closely with students, staff, faculty, alumni, and building partnerships in the community. Friends Center does this by supporting “the whole person” both at Guilford College and in the wider community through Quaker-inspired, as well as broader multifaith, activities that are grounded in prayer, informed by Friends’ faith and practice, nourished by worship and spiritual formation, and brought to fullness in a committed community. Members of the clergy are considered confidential employees.

B. OTHER CONFIDENTIAL RESOURCES OFF CAMPUS

1. Student Health Services

Eagle Physicians

Address: 1210 New Garden Road

Phone: (336)-294-6190

Web: <http://www.eaglemds.com>.

Eagle Physicians is the sole provider of the College’s student health services for traditional students. Their office is located adjacent to campus and easily accessible by way of the sidewalk along New Garden Road. Traditional students may go to Eagle and be seen for many illnesses at no charge. A list of these services may be found on the Student Health webpage.

Eagle will accept many insurance plans (including Guilford’s student health insurance through United Healthcare) for treatment of more complicated issues and for medical tests not included in the list of covered services. Some of these services will require an appointment. Students going to be seen at Eagle will need to present their Guilford College ID and a copy of their insurance card at check-in. It is also important that students have means (credit/debit/cash) to pay their co-pay or any charges that may be incurred due to an illness or testing not covered by our agreement with Eagle Physicians.

Traditional students will have ready access to board-certified physicians, as well as extended clinic hours. Eagle Physicians will provide services by appointment (unless serious or acute illness/symptoms) from 8:00 am-5:00 pm weekdays. Eagle After Hours Care (same location) will see students on a walk-in basis from 5:30 pm-8:45 pm Monday–Friday and 9:00 am-5:45 pm on Saturday and Sundays. More information about Eagle Physicians can be found on the website: <http://www.eaglemds.com>.

The College maintains a Student Health Services office located on campus in the Milner Student Health and Counseling Center. While no medical care is available there, this office maintains

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required immunization records and a staff member is available to assist students and parents with questions and support.

The on-campus Student Health Services office also maintains immunization compliance for CCE/adult students. Adult students may call 336-316-2163 for questions and assistance related to NC State immunization law requirements and compliance. The College does not offer medical care to CCE students.

2. Local Hospitals

There are two local hospitals that provide 24-hour medical support services:

- Moses Cone Hospital: 336-832-7000
- Wesley Long Hospital: 336-832-1000

3. Victim Advocates through Family Service of the Piedmont

24/7 Crisis Line: (336) 273-7273

Web: <https://www.fspscares.org/>

4. Family Justice Center

201 South Greene Street
Greensboro, NC

Phone: (336) 641-7233

Web: <https://www.guilfordcountync.gov/our-county/family-justice-center>

5. Legal Aid of North Carolina

Greensboro Office

122 North Elm Street

Web: <https://www.legalaidnc.org/>

Email: www.legalaidnc.org

Phone: (336) 272-0148

6. National Domestic Violence Hotline (NDV)

(800) 799-7233 (SAFE)

Web: www.thehotline.org

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The National Domestic Violence Hotline can provide advocacy, resources, referral, and legal assistance to victims of dating or domestic violence.

7. **Rape, Abuse and Incest National Network (RAINN)**
(800) 656-4673
Web: www.rainn.org

A confidential, anonymous national sexual assault hotline.

C. EMERGENCY SERVICES/NON-CONFIDENTIAL EMPLOYEES

1. Local Law Enforcement

In the case of a true emergency, please call 911. For non-emergent law enforcement services, please contact:

- Greensboro Police Department: 336-373-2222 (non-emergency)
- Guilford County Sheriff's Office: 336-641-3694

2. **Public Safety (P-Safe)**
(336-316-2909 x2909 from a campus phone)
[Public Safety \(P-Safe\) | Guilford College](#)

The Public Safety office is located in the lower level of the Bauman Telecommunications Center. The department provides 24-hour service that safeguards the College's population, facilities and property. It is staffed by professional personnel. The College encourages the active involvement of all community members in keeping the campus a safe and secure environment for education. Office hours: Monday-Friday, 9:00 am-5:00 pm. The phone number to reach Public Safety is 336-316-2909 or email security@guilford.edu. For emergencies call 911.

3. Residential Assistants (RAs)

After hours, contact your Residential Assistant (RA) or Public Safety for emergency procedures. For students living in residence halls, apartments, or houses on campus, Resident Advisors are on duty nightly in Bryan, Milner, the small halls and alternative houses, and the apartments. Duty schedules are posted outside each RA and Community Director's apartment door.

4. Blue Light Telephones

The blue light telephone network exists for the purposes of the safety and convenience of the Guilford community. Phone locations are marked by a blue light above the phone. In an

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emergency, callers can press the red button to automatically dial the on-duty public safety officers. Once the button is pushed, the Public Safety officers will be able to communicate with the caller. Callers are asked to stay by the box and talk to officers unless their safety is at risk. The locations of blue lights on campus are:

- Lower South Apartment Parking Lot
- Binford / Hendricks Hall Parking Lot
- Bryan Parking Lot

5. Administrator On Call 24/7

In addition to the 24-hour availability of Public Safety Office staff members, there is a Student Affairs staff person on call 24 hours a day. In a crisis, you may contact the Student Affairs staff person on call by calling Public Safety at 336-316-2909 to report a problem. The Public Safety officer will contact the on-call Student Affairs professional, as needed.

D. ADDITIONAL EMPLOYEE RESOURCES/CONFIDENTIAL

1. Employee Assistance Program

Counselors provided through the Employee Assistance Program (EAP) for Guilford College can help with many concerns and use of the EAP is held in strict confidence. Each employee (and his/her family members) are provided up to free sessions annually with an EAP counselor.

- Employee Assistance Program (800) 460-4374
- TDD (800) 697-0353
- Guidance resources.com WebID: EAPessentials