

Guilford College

Title IX Policy and Grievance Procedures

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Title IX Policy and Grievance Procedures

Guilford College has a longstanding mission to provide a transformative, practical and excellent liberal arts education that produces critical thinkers in an inclusive, diverse environment, guided by Quaker testimonies of community, equality, integrity, peace and simplicity and emphasizing the creative problem-solving skills, experience, enthusiasm and international perspectives necessary to promote positive change in the world.

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, whether they take place in the facilities of a school or at an event sponsored by the school at another location. While perhaps best known for its application to program equity, such as in athletics, Title IX also applies to sexual harassment (including sexual assault) 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.

Title IX Coordinator:

Barbara J. Lawrence, Title IX Coordinator
Vice President of Diversity, Equity and Inclusion
King Hall
Phone: (336) 316-2432
Email: blawrenc@guilford.edu

Ms. Lawrence, the Title IX Coordinator, works with the individuals listed below, and others, to ensure that the College complies with Title IX. Regardless of which 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 determination. Where sex discrimination, harassment or violence is found to have occurred, the Title IX Coordinator oversees the College’s response. Her responsibilities also include coordinating training, education and prevention efforts; overseeing a centralized reporting process for all sexual harassment and misconduct allegations on campus; tracking and monitoring these allegations; and ensuring prompt and equitable resolution of complaints.

The Title IX coordinator is:

- Responsible for oversight of the investigation and resolution of sexual harassment, sexual assault, sexual exploitation, stalking and relationship violence involving students, staff and faculty;
- Knowledgeable and trained in College policies and procedures and relevant state and federal laws;

- Available to assist any individual, including a reporting party, a responding party, or a third party, about the courses of action available at the College, both formally and informally, and in the community;
- Available to provide assistance to any College employee regarding how to respond appropriately to a report of sexual harassment, sexual assault, sexual exploitation, stalking, or relationship violence;
- Responsible for monitoring compliance with all procedural requirements, record keeping, and timeframes outlined in this policy;
- Responsible for overseeing training, prevention, and education efforts and regular reviews of climate and culture; and
- Responsible for conducting and overseeing investigations of complaints against students.

Deputy Title IX Coordinators

The Deputy Title IX Coordinators assist the Title IX Coordinator as indicated below and in other ways as directed by the Title IX Coordinator. Any person wishing to bring a concern forward may notify a Deputy Coordinator or the Title IX Coordinator directly.

Alisa T. Quick, Title IX Deputy Coordinator for Employment

Human Resources Director

King Hall, 101

Phone: (336) 316-2135

Email: quickat@guilford.edu

Deputy Coordinator Alisa T. Quick is responsible for Title IX compliance for matters involving faculty and staff, including training, education, communication, and administration of the grievance procedure for all complaints against faculty and staff, including those complaints filed by students.

Stephanie Flamini, Deputy Coordinator for Gender Equity in Athletics

Assistant Athletic Director, Senior Women's Administrator, Head Coach Women's Basketball

Ragan Brown, 212

Phone: (336) 316-2344

Email: sflamini@guilford.edu

Deputy Coordinator Stephanie Flamini is the Senior Women's Administrator and is responsible for ensuring equity in the college's athletics program.

Steve Mencarini, Title IX Deputy Coordinator for Student Life

Associate Dean of Students

Founders Hall, 201

Phone: (336) 316-2465

Deputy Coordinator Steve Mencarini is responsible for matters involving students, including allegations of student misconduct.

Retaliation

Reporting incidents of discrimination is integral to Title IX enforcement and would be discouraged if retaliation against those who report it goes unaddressed. Retaliation against a reporting party, responding party, or witnesses involved in a complaint under Title IX is prohibited at Guilford College and is a separate violation of policy.

Sexual Discrimination and Misconduct Policy

I. 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, sexual harassment, sexual assault, sexual exploitation, domestic and dating violence, stalking, and retaliation. This document may use the term "sexual misconduct" to refer to any or all of those prohibited behaviors.

All forms of sexual discrimination, including sexual harassment, sexual assault, sexual exploitation, domestic and dating violence, stalking, and retaliation are an affront to human dignity and fundamentally at odds with Guilford College's mission and core values. The College community has a responsibility to maintain an environment free from all forms of sexual discrimination and other sexual misconduct. Guilford College prohibits sexual discrimination and other sexual misconduct in all its forms, including harassment, sexual assault and sexual violence, and it is committed to taking all appropriate steps to eliminate this prohibited conduct, prevent its recurrence, and address its effects.

The College promotes a climate free from sexual discrimination or other sexual misconduct through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of complaints. 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.

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.

As stated above, the College will not tolerate retaliation against any individual who makes a report, participates in a resolution process, or assists as a bystander to prevent sexual misconduct. Retaliation destroys the sense of community and trust that is central to a respectful environment. Community members engaging in retaliation will be subject to disciplinary action.

II. Scope of Policy

This policy addresses all forms of sexual misconduct, including sexual discrimination, sexual harassment, sexual exploitation, sexual assault, dating or domestic violence, stalking, and retaliation. It prohibits these behaviors against Guilford community members of any gender,

gender identity, gender expression, or sexual orientation. This policy also prohibits failure to provide equal opportunity in admissions or any term or condition of the educational process, as well as hiring, promotion or any term or condition of employment.

This policy applies to all members of the Guilford community, including students, faculty, and staff, as well as consultants, volunteers, vendors, and others engaged in business with the College. Visitors to and guests of Guilford College are both protected by this policy and subject to its prohibitions. Visitors and guests may report violations of this policy to the Title IX Coordinator or otherwise as provided herein. Visitors and guests who are found to have violated this policy may be restricted or permanently forbidden from entering any part of the campus or attending any Guilford sponsored events.

This policy applies from the time a person enrolls 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 volunteer's services for the College 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, such as (but not limited to) domestic or international academic programs, field trips, spring term coursework, study-abroad programs; or
3. Off campus conduct that affects a student's educational opportunities.

This policy also applies to behavior conducted online, including via e-mail. 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. The College does not regularly search for this information, but the College may take action if and when such information is brought to the attention of the College.

Where the date of the reported sexual misconduct precedes the effective date of this policy, the definitions of sexual misconduct in existence at the time of the alleged incident(s) will be used. However, the procedures set forth in this policy will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

III. Notice of Non-Discrimination and Statement of Compliance with Relevant Laws

As an institution that is grounded in the relentless pursuit of core values that include equality and justice for all, the College adheres to Title IX and to all other federal and state civil rights laws prohibiting discrimination in private institutions of higher education.

Guilford College does not discriminate on the basis of sex/gender, race, color, creed, religion, national origin, sexual orientation, gender identity, disability, genetic information, military status, veteran status, or any other protected category under applicable local, state or federal law, ordinance or regulation. The prohibition of discrimination applies to any and all programs or activities that Guilford College operates, including but not limited to admissions; educational programs; scholarships, loans and other financial aid; and athletic and other school-administered

programs, services, and activities. The prohibition on discrimination also applies to applicants or employees with respect to employment.

Guilford College complies with Title IX which prohibits sexual discrimination and sexual harassment, including acts of sexual violence.

Inquiries regarding the application of this policy or Title IX, and its implementing regulation, may be referred to:

The College's Title IX Coordinator:

Barbara J. Lawrence, Title IX Coordinator
Vice President, Office of Diversity, Equity, and Inclusion
King Hall
Telephone: (336) 316-2432
Email: blawrenc@guilford.edu

Or to:

The Assistant Secretary,
U.S. Department of Education, Office for Civil Rights
Washington, DC (Metro)
400 Maryland Avenue, SW
Washington, DC 20202-1475
Telephone: 202-453-6020
TDD: 800-877-8339
Email: OCR.DC@ed.gov

Guilford College, as an educational community, will promptly and equitably respond to reports of sexual discrimination, sexual harassment, sexual exploitation, sexual assault, domestic and dating violence, stalking, and retaliation in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.

All College proceedings are to be conducted in compliance with the requirements of Title IX, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); the Family Educational Rights and Privacy Act (FERPA); and all other applicable federal and state laws, regulations, and guidance.

IV. 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 Education 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 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.

Community members wishing to seek confidential assistance may speak with counselors in the Counseling Center, health service providers at Eagle Physicians, local health providers, off-campus rape crisis resources, counseling resources available to employees through the Employee Assistance Network, or members of the clergy, all of whom will maintain confidentiality. More information about confidential resources can be found in Section VIII (B).

Reporting on Campus: It is important to understand that any College employee who is not designated as a confidential resource cannot maintain the confidentiality of a report or information concerning an alleged violation of this policy, and all employees are expected to share any report of sexual misconduct with the Title IX Coordinator. More information about how to report to campus authorities can be found in Section IX (B).

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.

Only as permitted by the Family Educational Rights and Privacy Act (FERPA) and/or other applicable law and College Policy will Guilford notify the parents or guardians of students regarding any conduct situation, including disciplinary probation, loss of housing, suspension, and dismissal.

V. 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 employment.

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

- Sexual Discrimination
- Sexual Harassment
- Non-Consensual Sexual Penetration
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Domestic and Dating Violence
- Stalking
- Retaliation

A. Sexual Discrimination

Unequal treatment based on an individual's sex, sexual orientation, gender identity or gender expression that is sufficiently serious to unreasonably interfere with or limit the individual's opportunity to participate in or benefit from employment with the College, or a College educational program or activity, or that otherwise adversely affects a term or condition of an individual's education, employment or living environment.

B. Sexual Harassment (Hostile Environment and Quid Pro Quo Harassment)

Any unwelcome conduct of a sexual nature (sexual advances, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature) or unwelcome conduct based on sex, sexual orientation, gender identity, or gender expression, when one or more of the following conditions are present:

- Submission to or rejection of the unwelcome conduct is an expressed or implied condition of an individual's employment, evaluation of academic work, or any aspect of a College program or activity;
- Refusal to submit to unwelcome conduct resulted in a tangible academic or employment detriment; or
- The unwelcome conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating or hostile academic or work environment under both an objective (a reasonable person's view) and subjective (the reporting party's view) standard.

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.

A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical. The determination of whether an environment is hostile must be based on all the circumstances. In determining whether sex discrimination or sexual harassment/violence against a student or employee resulted in a sexually hostile environment, the College will consider the conduct in question from both a subjective and objective perspective. The effects of off-campus

sex discrimination or sexual harassment/violence will be considered when evaluating whether a hostile environment exists on campus or in an off-campus education program or activity.

Circumstances to consider may include, but are not limited to:

- The degree to which the conduct affected one or more person's education or employment;
- The type, frequency, and duration of the conduct;
- The nature and severity of the conduct;
- The relationship between the responding party and the reporting party;
- Whether the conduct was physically threatening;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct; and/or
- Whether the conduct deserves the protections of academic freedom.

Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat, or a reprisal, or may be subtle and indirect, with a coercive aspect that is unstated;
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents;
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context;
- May be committed by a stranger, an acquaintance, or someone with whom the reporting party has an intimate or sexual relationship;
- May be committed by or against an individual or may be a result of the actions of an organization or group;
- May occur in the classroom, in the workplace, in residential settings, over electronic or social media (including the Internet, telephone, and text), or in any other setting.

Examples of conduct that may constitute sexual harassment as defined above may include, but are not limited to, a severe, persistent, or pervasive pattern of unwelcome conduct that includes one or more of 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.
- Visual displays of suggestive, erotic, or degrading, sexually oriented images that are not pedagogically appropriate.
- Written conduct: letters, notes or electronic communications, including social media, containing comments, words, or images described above.
- Quid pro quo conduct:
 - 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.

C. Non-Consensual Sexual Penetration

Sexual penetration with another individual without consent.

Sexual penetration includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth-to-genital contact.

D. Non-Consensual Sexual Contact

Sexual contact with another individual without consent.

Sexual contact includes any intentional, and non-accidental touching of the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.

E. 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:

- 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;
- Recording, streaming, or photographing private sexual activity and/or a person's nudity, or distribution of such without the consent of all parties involved;
- Prostituting another individual; and/or
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

F. Domestic and Dating Violence

Domestic violence means violence committed by:

- A current or former spouse or intimate partner of the reporting party;
- A person with whom the reporting party shares a child in common;

- A person who is cohabitating with or has cohabitated with the reporting party as a spouse or intimate partner;
- Any other person against a reporting party 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 committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the reporting party; and
- Where the existence of such a relationship shall be determined based on (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Domestic and/or dating violence includes sexual or physical abuse or the threat of that abuse.

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 sexual 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 reporting party.

G. Stalking

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

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

"Course of conduct" means two or more acts.

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

Examples of stalking may include, but are not limited to:

- Unwelcome/unsolicited communication including in-person communication, telephone calls, voice messages, text messages, e-mail messages, social networking site postings, instant messages, postings, written letters, gifts or other communications;
- Following, pursuing, waiting or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a reporting party;
- Surveillance and other types of observation, whether by physical proximity or electronic means;
- Trespassing;
- Vandalism;
- Non-consensual touching;

- Direct physical and/or verbal threats against a reporting party or someone close to the reporting party;
- Gathering of information about a reporting party from family, friends, or co-workers and/or classmates;
- Manipulative and controlling behaviors such as threats to harm oneself;
- Defamation or slander against the victim; or
- Using a third party or parties to accomplish any of the above.

H. Retaliation

Retaliation includes intimidating, threatening, coercing, or in any way discriminating against any person or group for exercising rights under this policy.

Actions are considered retaliatory if they (1) are in response to a good faith disclosure of real or perceived College-related misconduct, participation in an investigation of College-related misconduct, or engaging in bystander intervention of sexual misconduct, and (2) would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or participating in the complaint processes under this policy.

Retaliation may be present even where there is a finding of "Not Responsible" on the allegations of misconduct prohibited by this policy. Community members engaging in retaliation will be subject to disciplinary action. The College will act to stop retaliation immediately, to provide remedies to victims of retaliation, and to sanction the perpetrators of retaliation as appropriate. For employees, the Director of Human Resources, the Provost (formerly Vice President for Academic Affairs) or a department head will handle discipline for retaliation. For students, the Associate Dean of Students has the discretion to address retaliation by taking administrative actions, disciplinary or otherwise, or referring the matter for a formal conduct charge. Anyone handling complaints of retaliation must be impartial and free of any conflict of interest. Notwithstanding the foregoing, and regardless of the manner in which any alleged retaliation is addressed, before any discipline is imposed, the person accused of retaliation will receive notice and an opportunity to be heard, as appropriate under the circumstances. In all instances, the Title IX Coordinator will oversee the investigation and adjudication of complaints and the disciplinary action imposed pursuant to this policy.

VI. Understanding Consent: Force, Coercion, Incapacitation, and Alcohol

A. Consent

Individuals who choose to engage in sexual activity of any type must first obtain the consent of the other party. Consent 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 indicate 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 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 of will to choose whether or not to participate in sexual activity. There is no requirement that a party resist a forced sexual advance, 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: (1) frequency of the application of pressure; (2) intensity of the pressure, (3) isolation of the person being pressured; and (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.

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

(1) Who initiated the sexual contact? (2) Was either party incapacitated? (3) If so, did the initiator know that the reporting party was incapacitated? (4) If not, would a sober, reasonable

person in the same situation have known that the other party was incapacitated based on objectively and reasonably apparent indications of impairment?

In the event both parties, responding party and reporting party, are intoxicated, consent may be unclear, and the adjudicators will be required to consider the totality of the other circumstances to determine by a preponderance of the evidence what occurred and whether a disciplinary response is appropriate.

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.

E. Alcohol or Other Drugs

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 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.

VII. Prohibited Relationships by Persons in Authority

The faculty-student relationship is one of trust in the institution and the faculty member, who 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.

Except in the case of marital or other legally recognized committed relationships, consensual relationships, defined as a romantic or sexual relationship to which both parties have given their consent) between College employees (except student 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.

Please refer to the Provost for faculty, and the Human Resources Director for staff, if there are questions about this policy, its application, or its enforcement.

VIII. Resources for Reporting Parties and Responding Parties

A first step for any reporting party or third-party witness may be choosing how to proceed following an incident of sexual misconduct. The College provides two distinct institutional resources:

Confidential Resources do not involve notifying the College of the incident unless the reporting party requests such action. See Section VIII(B).

Reporting Resources notify the College of the incident and begin the Title IX assessment and ultimate resolution of the report. See Section IX (B).

It is also important to note that emergency medical, Guilford Public Safety, and/or local law enforcement assistance are available both on and off-campus. All individuals are encouraged to contact law enforcement and seek medical treatment immediately following an incident when such assistance is desired or necessary under the circumstances.

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 reporting party, a responding party, 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. 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. Emergency and Community Resources

The first priority for any individual should be personal safety and well-being. The College encourages all individuals who have experienced sexual misconduct to seek assistance by contacting Guilford Public Safety, calling 911, contacting local law enforcement, and/or visiting a medical facility immediately after an incident when such assistance is desired or necessary under the circumstances.

All individuals are encouraged to make a prompt report to law enforcement and/or to seek immediate medical treatment in response to an incident when such assistance is desired or necessary under the circumstances in order to address immediate safety concerns and to allow for the preservation of evidence and an immediate investigative response. Forensic evidence exams (SANE exams) are available at the hospitals listed below and should be completed within three days after an incident. The College will assist in these reporting options by arranging for or providing transportation to the hospital, coordinating with local law enforcement (including assisting with filing a police report and obtaining a protective order), and informing a reporting party about the College's resources and complaint processes.

24-hour support services:

- Emergency: 911 (in a true emergency requiring immediate assistance, call 911)
- Guilford Public Safety: 336-316-2909
- Moses Cone Hospital: 336-832-7000
- Wesley Long Hospital: 336-832-1000
- Student Affairs Office by calling Campus Public Safety: 336-316-2909 to connect with the Administrator on Call 24/7

In addition, Guilford College provides support services on campus through the following offices:

Wellness Coordinator
King Hall 128
336-316-2879
Student Health and Counseling Center
Milner Student Health
1203 Rachel Carson Court
336-316-2163
wellness@guilford.edu

Off campus support resources include:

Victim Advocates through Family Justice Center
201 S. Greene Street, 2d floor
Greensboro, North Carolina 27401
(336) 641-7233
[Family Justice Center](#)

Legal Aid of North Carolina – Greensboro Office
122 North Elm Street
(336) 272-0148
www.legalaidnc.org

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

B. 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. They may, however, submit non-identifying information about the incident for purposes of making a statistical report under the Clery Act.

Students wishing to obtain confidential support or resources on campus are encouraged to contact the College Student Health and Counseling Center. The counseling professionals who staff the center are bound by duties 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.

Confidential Resources include any of the following:

- Guilford Student Health and Counseling Center: 336-316-2163
- Eagle Physicians: 336-286-3385
- Wellness Coordinator: wellness@guilford.edu
- Employee Assistance Program (EAP): Employees wishing to make a confidential report are encouraged to contact the Employee Assistance Network whose staff are

professionals bound by rules of confidentiality. Contact information is available in Human Resources.

Other Confidential Resources:

National Domestic Violence Hotline (NDV)

(800) 799-7233 (SAFE)

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

www.thehotline.org

Rape, Abuse and Incest National Network (RAINN)

(800) 656-4673

A confidential, anonymous national sexual assault hotline.

www.rainn.org

Descriptions:

Counseling Center (336-316-2163)

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 Counseling Center is located in the Milner Student Health and Counseling Center. The hours are 8:30am-5pm 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 Susan Smith at ssmith@guilford.edu. The services are free of charge and confidentiality is carefully observed.

Public Safety (336-316-2909)

The [Public Safety office](#) is located in the lower level of the Bauman Telecommunications Center. The department, staffed by professional personnel, provides 24-hour service that safeguards the College's population, facilities and property. 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, 9am-5pm. The phone number to reach Public Safety is 336-316-2909 or email security@guilford.edu. For emergencies call 911.

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

Student Health Services

Eagle Physicians (1210 New Garden Road, 336-294-6190) 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 8am-5pm weekdays. Eagle After Hours Care (same location) will see students on a walk-in basis from 5:30pm-8:45pm Monday–Friday and 9am-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 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 Continuing Education/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 Continuing Education/adult students.

After hours, contact your Residential Assistant (RA) or Public Safety for emergency procedures. There are two hospitals with emergency facilities available: Wesley Long Hospital (336-832-1000) and Moses Cone Hospital (336-832-7000). In a true emergency requiring immediate assistance, call 911.

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.

Off-Campus Emergency 911

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.

IX. Reporting

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 preservation of evidence and to begin a timely response by law enforcement and/or the College. Reporting parties 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.

Making a report means telling a Reporting Resource (someone in authority, see Section IX (B)) what happened--in person, by telephone, in writing, or by e-mail. At the time a report is made, a reporting party does not have to decide whether or not to request any particular course of action, nor does a reporting party need to know how to label what happened. The College provides support to each individual in making these important decisions, and to the greatest extent possible, will respect an individual's autonomy in deciding how or whether to proceed. 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.

Any individual who reports sexual misconduct can be assured that the College will assess each report and resolve it in a fair and impartial manner, as appropriate under the circumstances. All individuals involved can expect to be treated with dignity and respect. In every report, the College will make an immediate assessment of any risk of harm to the College or to the broader campus community and will address those risks, including taking interim measures to provide for the safety of the individual and the campus community.

A. Reporting to Law Enforcement

The College encourages reporting parties to pursue criminal action for incidents of sexual misconduct that may also be crimes under state criminal statutes. Reporting parties have the right to notify or decline to notify law enforcement authorities. The College will assist a reporting party, at the reporting party'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 reporting party decides to pursue the criminal process. Reporting parties 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:

- 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)

The College's policy, definitions, and burden of proof differ from those that apply in criminal law. A reporting party 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 responding party nor the outcome of any criminal prosecution determines whether sexual misconduct has 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 should report all incidents of sexual misconduct or retaliation directly to the Title IX Coordinator or to any Deputy Title IX Coordinator. See Campus Reporting Resources, below.

The College recognizes that a reporting party has multiple avenues available to report a concern. For example, a student may choose to confide in an associate dean, a resident adviser, a faculty member, a director, or a coach. Similarly, an employee may choose to confide in a supervisor or a colleague. Unless designated as a confidential resource (see Section VIII(B)), no Guilford employee may promise confidentiality, and all Guilford employees have a duty to report such information immediately to the Title IX Coordinator or a Deputy Title IX Coordinator.

Guilford has identified certain groups of employees as "Responsible Employees" for purposes of complaints of sexual misconduct. A Responsible Employee is required to report to a Title IX Coordinator 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 a Responsible Employee is not confidential. All Responsible Employees are trained on how to identify sexual misconduct and on their duties.

Only the Title IX Coordinator and those designated to act on her behalf has the authority to redress complaints of sexual violence or sexual misconduct. All employees are Responsible Employees, except for employees in the counseling center, the Wellness Coordinator and members of the clergy. All Responsible Employees are required to report complaints of sexual misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator immediately upon receipt. Responsible employees include, but are not limited to:

- Athletic Director, Associate and Assistant Athletic Directors
- Athletic Team Coaches, Assistant Coaches, and Athletic Trainers
- Sustainability Director and College Farmer
- All Faculty and staff, including those accompanying students on off-campus programs or other College-related trips, within and outside the United States
- Undergraduate Faculty Department Chairs, Program Directors, faculty advisers
- Resident Advisers and Community Assistants
- Experiential learning program directors and staff (e.g., Bonner, Multicultural Education, Quaker Leadership Scholars, Principled Problem-Solving Scholars, etc.)
- Student Affairs senior staff
- Academic Affairs senior staff
- Community Directors
- Accessibility Resource Director

Students and employees should report information about any incident of sexual misconduct to any of the Responsible Employees or to the reporting resources listed below:

Campus Reporting Resources

Barbara J. Lawrence, Title IX Coordinator
Vice President of Diversity, Equity and Inclusion
King Hall
Phone: (336) 316-2432
Email: blawrenc@guilford.edu

Alisa T. Quick, Title IX Deputy Coordinator for Employment
Human Resources Director
King Hall, 101
Phone: (336) 316-2135
Email: quickat@guilford.edu

Stephanie Flamini, Deputy Coordinator for Gender Equity in Athletics
Assistant Athletic Director, Senior Women's Administrator, Head Coach Women's Basketball
Ragan Brown, 212
Phone: (336) 316-2344
Email: sflamini@guilford.edu

Steve Mencarini, Deputy Coordinator for Student Life
Associate Dean of Students
Founders Hall, 201
Phone: (336) 316-2465
Phone: 336-316-2133
Email: mencarinism@guilford.edu

Department of Public Safety
Phone: 336-316-2909
Available 24 hours a day/ 7 days a week/365 days a year

C. Anonymous Reporting

Any individual may make an anonymous report of sexual misconduct. An individual may report the incident without disclosing his or her name, identifying the responding party, 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.

The Anonymous Sexual Misconduct Reporting Form can be found on the College intranet at: https://intranet.guilford.edu/?page_id=678 The Guilford Buzz provides a daily link to the form.

The Title IX Coordinator or a Deputy 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

A bystander is a person who (either directly or indirectly) has an opportunity to prevent or respond to a situation that they know to be damaging to another person or the community, and does not do so, either by choice or inability to act. The harmful role of bystanders during acts of disruption, prejudice, or violence toward others and oneself (i.e., overconsumption of substances) is receiving an increasing amount of attention across the nation. This is particularly true in cases of sexual violence but can include situations where students are witnessing a peer consume harmful quantities of substances, abusive relationships, or cruel or bullying behavior toward others.

Students are being asked to recognize that they always have a choice: To “stand up” and call for help, report, or take action when they see situations that could potentially become violent or unsafe for those involved; or to stand by, remain passive, and take no action. The conversations that occur during the student conduct process will include an intention to raise awareness of the issues of the role of bystanders in the well-being and health of our community. For every incident that occurs on our campus, there are multiple levels of responsibility. This includes direct and indirect contributions to the situation.

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. The College provides mandatory bystander training for all entering students. Anyone interested in additional training should contact the Wellness Coordinator at: wellness@guilford.edu.

E. Reporting Considerations

1. Timeliness of Report, Location of Incident

Reporting parties 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 responding party is no longer a student or employee, the College may not be able to take disciplinary action against the responding party, but it will investigate and take the actions available to it to provide support for a reporting party and take 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 reporting party 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 process 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.

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, reporting parties, third-party witnesses, or responding parties 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. The College reserves the right to notify a student's parent or guardian if, in its determination, such notification is appropriate.

3. Statement Against Retaliation

Retaliation is a violation of College policy and will result in disciplinary action. See Section V(H) above for more information.

4. False Reporting

The College takes the validity of information very seriously, as a charge of sexual misconduct may have severe consequences.

A reporting party 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.

5. Protection of Minors and Mandatory Reporting of Suspected Child Abuse

Any persons employed by the College who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, are required to report the matter immediately to child protective services. The College also requires that the information be immediately shared with the Office of Public Safety so that the College can ensure timely compliance with this law and enhance the protection of children. The College will report all suspected child abuse and neglect, including sexual assault, to law enforcement.

The College will act quickly regarding all suspected child abuse. For the purposes of this reporting obligation, a child is any individual under the age of 18, and the suspected abuse may involve physical, sexual, or other forms of abuse or neglect, regardless of the identity of the suspected perpetrator. The duty to report is triggered by reasonable suspicion or belief. There is no requirement that evidence of abuse be presented, nor is it the responsibility of any employee, student, or volunteer to investigate suspected child abuse on his/her own. The Department of Social Services and/or law enforcement authorities are best positioned to conduct any such investigation and make appropriate determinations.

A report should be made as follows:

- If a child is in immediate danger, call the police (911).
- If there is no immediate danger, call the Guilford College Office of Public Safety (336-316-2909).
- If an employee is unable to reach the Office of Public Safety, he or she may alternatively report the suspected abuse to one of the following:
 - The local department of Social Services in the city where the child lives or the city where the abuse/neglect is believed to have occurred.
 - If an employee reports to the State or Local Department of Social Services, he or she must also provide the same information to Public Safety as soon as possible.

X. Title IX Assessment, Interim Measures and Requests Not to Proceed

Although a report may arrive through many sources, the Title IX Coordinator ensures consistent application of the policy to all individuals to allow the College to respond promptly and equitably to eliminate the harassment, prevent its recurrence, and remedy its effects.

Reporting parties and responding parties can expect the following under these procedures:

- Prompt and equitable resolution of allegations of sexual misconduct;
- Privacy in accordance with the policy and any legal requirements;
- Reasonably available interim measures as described in section B below;
- Freedom from retaliation for making a good faith report of sexual misconduct or participating in any proceeding under this policy;
- The responsibility to refrain from retaliation directed against any person for making a good faith report of sexual misconduct or participating in any proceeding under this policy;
- The responsibility to provide truthful information in connection with any report, investigation, or resolution of sexual misconduct under the policy;
- The opportunity to articulate concerns or issues about proceedings under the policy;
- Notice of any meeting or proceeding that the party may attend;
- The opportunity to have an advisor;
- Written notice when an investigation is undertaken, including notice of the allegations and potential policy violations;
- The opportunity to offer information, present evidence, and identify witnesses during an investigation;
- The right to participate or decline to participate in the complaint resolution process, with the acknowledgement that not participating, either totally or in part, may not prevent the process from proceeding with the information available;
- Equal access to information that will be used during resolution proceedings;
- Written notice of any extension of timeframes; and
- Written notice of the complaint outcome, including of any disciplinary proceeding,

A. Title IX Assessment

Upon receipt of a report of sexual misconduct, the College will conduct an initial Title IX assessment. The goal of this assessment is to determine the appropriate path for responding to the

report and to ensure an integrated and coordinated response to reports of sexual misconduct. The assessment will consider the nature of the report, the safety of the individual and of the campus community, the reporting party's expressed preference for resolution, and the necessity for any interim remedies or measures.

As part of the initial assessment of the facts the College will:

- Assess the nature and circumstances of the allegation to include an assessment of whether the allegation, if true, would constitute sexual harassment, and whether such harassment rises to the level that it denies or limits an individual's ability to participate in or benefit from the College's programs based on sex;
- Address immediate physical safety and emotional well-being;
- If applicable, notify the reporting party of the right to contact law enforcement and seek medical treatment;
- Take appropriate steps to ensure preservation of evidence to the extent practicable;
- Communicate with appropriate College officials to assess whether the reported conduct triggers any Clery Act obligations, including the need for a timely warning under the Clery Act and entry of the report in daily crime log;
- Provide information about on- and off-campus resources as appropriate;
- Consider and implement appropriate interim measures;
- Provide the reporting party with an explanation of the procedural options, including remedies-based/informal resolution and disciplinary resolution/formal complaint;
- Assess for pattern evidence or other similar conduct by either the reporting party or the responding party;
- Discuss the reporting party's expressed preference for manner of resolution and any barriers to proceeding;
- Explain the College's policy prohibiting retaliation; and
- Determine whether the allegation is one of "sexual violence" that may have been committed against a student attending the College. If so, the Title IX Coordinator will convene the three-person College Review Committee (which includes the Title IX Coordinator, a representative from public safety and a representative from student affairs) to determine whether disclosure must be made to law enforcement to protect the health and safety of the student or other individuals. This committee will meet within 72 hours of the initial report to the Title IX Coordinator to make this determination.

The initial assessment will include an evaluation of the safety of all of the individuals involved and of the campus community. During the initial assessment, the College will ensure that the reporting party receives a written explanation of available resources and options. At the conclusion of the initial assessment, if the reporting party has expressed a desire to participate in an investigation, the College will determine whether to begin the process. If the College determines that it is appropriate to begin an investigation pursuant to this policy, both parties will receive a written notification of this determination and the process outlined in Section XI(c) below will begin. If the reporting party has requested not to participate in an investigation, the Title IX Coordinator or Deputy Coordinator, with others as necessary, will determine the appropriate resolution following the guidelines in Paragraph C of this section.

B. Interim Measures

1. Overview

Upon receipt of a report of sexual misconduct, the College will impose reasonable and appropriate interim measures. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the reporting party or the College, and regardless of whether or not the reporting party chooses to report to local law enforcement, in order to ensure the preservation of the reporting and responding parties' educational, work or volunteer experience and the overall safety of the College environment. The imposition of an interim measure assumes no determination of responsibility and is not a form of discipline.

When implementing interim measures, the College will seek to minimize the burden on the party seeking the measures. For example, if the parties share the same residence hall, the College will not, as a matter of course, remove the party seeking the protective measure from the class or residence hall while allowing the other party to remain, without carefully considering all options and circumstances. The College will maintain as private any interim 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 interim 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. For employees or volunteers, the Director of Human Resources, the Provost's office, or a department head will handle alleged violations of interim measures. For students, the Associate Dean of Students has the discretion to address alleged violations of interim measures by taking administrative actions, disciplinary or otherwise, or referring the matter for a formal conduct charge. Anyone handling alleged violations of interim measures must be impartial and free of any conflict of interest. In all cases the Title IX Coordinator oversees this process.

2. Range of Measures

The College, at its discretion, will implement interim measures. Interim measures are intended to be protective and/or remedial for one or both parties, may be temporary or permanent, and may be modified by the College as circumstances change. Potential measures, which may be applied to the reporting party and/or the responding party 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;
- 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;
- Change in work schedule 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;
- Providing academic support services, such as tutoring;
- Working in conjunction with student affairs to impose a behavioral agreement;
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

3. College-Imposed Interim Administrative Leave of Absence

If the Title IX Coordinator, after consultation with the Associate Dean of Students, Director of Public Safety, and/or others, as advisable, decides at any point that the health and safety of a student or of the community is at stake, an interim administrative leave of absence may be imposed on any student. In addition, interim administrative leaves of absence may be used to preserve College property; pursue an investigation and/or disciplinary proceeding; and prevent disruption of, or interference with, the normal operations of the College. Interim administrative leaves of absence will be used for short periods of time pending resolution of a report. The use of an interim administrative leave does not require, and has no bearing on, a determination of responsibility.

During an interim administrative leave of absence, a student may be denied access to College housing, which includes Residence Halls, Theme Houses, and/or the College's campus or programs. As determined appropriate by the Title IX Coordinator (or designee), this restriction includes classes and/or all other College activities or privileges for which the student might otherwise be eligible.

At the discretion of the Title IX Coordinator, and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the impacted party.

Similarly, if at any point in a complaint process, the President or her designee determines that it would facilitate the investigation or resolution of a complaint, or if an employee who is suspected of violating this policy represents a danger to individuals or disruption to campus operations, the employee may be placed on administrative leave pending the outcome of the complaint and appeals. Such leave will be structured at the College's discretion.

C. Reporting Party Autonomy and Request to *Not* Proceed

In the event that a reporting party does not wish to proceed with an investigation or a complaint, the Title IX Coordinator will determine, based on the available information, whether the investigation and/or hearing should nonetheless go forward. The Title IX Coordinator will assess any barriers to proceeding and will reassure the reporting party that Title IX prohibits retaliation and that the College will take strong responsive action to protect the reporting party.

In determining whether the College can comply with a reporting party's request not to proceed, the Title IX Coordinator will consider a range of factors that bear on the safety and welfare of the College community, including but not limited to:

- The severity and impact of the conduct, including whether a weapon was used;
- Whether the reporting party is a minor under the age of 18;
- Whether prior reports of sexual misconduct have been made against the responding party;

- Whether the responding party threatened further violence or other violence against the reporting party or others;
- Whether the college possesses other means to obtain relevant evidence of the alleged sexual misconduct (security cameras, video recordings, photographs or other evidence); and,
- The extent of prior remedial methods taken with the responding party.

After evaluating the appropriate factors, if the reporting party's request not to proceed is allowed, the College will take all reasonable steps to respond to the complaint consistent with the request, but its ability to do so may be limited based on the nature of the request by the reporting party. Examples of potential non-disciplinary responses are provided in paragraph B above. Other potential responses include targeted or broad-based educational programming or training; heightened monitoring/security; in cases involving nonstudents, informal resolution as described in Section XII(B) below; and/or indirect action by the Title IX Coordinator, Deputy Title IX Coordinators, or other individuals brought in to handle indirect action with consent of the reporting party.

Where the College is unable to take action consistent with the request of the reporting party, the Title IX Coordinator will notify the reporting party of the College's chosen course of action. To the extent possible, the College will avoid taking action that would reveal the identity of the reporting party.

A reporting party 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.

XI. Investigation and Resolution for Complaints Against Students

The following procedures will be used if the responding party is a student at the time of the report. If the responding party is both a student and an employee:

- The student resolution procedures will apply if the responding party is a full-time student but not a full-time employee;
- The employee resolution procedures will apply if the responding party is a full-time employee but not a full-time student; or
- If there is a question as to the predominant role of the responding party, the Title IX Coordinator will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the conduct).

A. Overview of Procedural Options

Following the Title IX assessment, the College, through its Title IX Coordinator, may (1) seek a remedies-based resolution that does not involve disciplinary action against a responding party; or, (2) at the reporting party's request or otherwise, initiate an investigation to determine if a charge should be issued. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to support a charge against a responding party.

Each resolution process is guided by the same principles of fairness and respect for all parties. If an investigation is initiated, or if a remedies-based resolution without anonymity will be sought, the responding party will be provided with a statement of the allegations and the identity of the reporting party at this time.

B. Remedies-Based Resolution

Remedies-based resolution is a non-disciplinary approach designed to eliminate a reported hostile environment without initiating potential disciplinary action against a responding party. Where the conclusion from the Title IX assessment is that remedies-based resolution is appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maintain both the reporting party and, as appropriate, the responding party's access to the educational, extracurricular, employment or volunteer activities at the College. Examples of protective, non-disciplinary remedies are provided in Interim Measures, Section X(B). Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the responding party, mediation, and/or indirect action by the Title IX Coordinator or the College. Depending on the form of remedies-based resolution used, it may be possible to maintain anonymity.

The College will offer mediation or direct confrontation for appropriate cases, but it will not compel a reporting party to engage in mediation or to directly confront the responding party. Mediation and direct confrontation, even if voluntary, will not be used in cases involving sexual assault or violence.

Participation in remedies-based resolution is voluntary, and either party can request to end remedies-based resolution at any time and participate in an investigation and potential disciplinary action. Likewise, a reporting party may request remedies-based resolution at any time prior to a hearing, provided that the College determines that the reporting party's request is consistent with the College's obligations under Title IX to ensure the safety and welfare of the college community (e.g. pursuant to factors such as those in Section X(C)).

The Title IX Coordinator will maintain records of all reports and conduct resolved by remedies-based resolution. If mediation or direct confrontation is used, it will typically be completed within forty-five (45) business days of the initial report, absent extraordinary circumstances. Written notice of the outcome will be provided to the parties.

C. Investigation

To conduct an investigation, the College will designate one or more investigators 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 twenty-four (24) hours after the responding party is notified of the complaint and the need for investigation.

During a pending investigation and disciplinary proceeding, both the reporting party and the responding party may have an Advisor (see paragraph G(3) of this section). The Advisor may be present at any meeting or proceeding related to the investigative or disciplinary process in which the individual to whom the Advisor is assigned is present. The Advisor may observe but may not speak on behalf of the individual to whom the Advisor is assigned, or otherwise, during any interview or hearing.

The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case. He or she will coordinate the gathering of information from the reporting party, the responding party, 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 reporting party and responding party will have an equal opportunity to be heard, to submit information, 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 investigation is designed to provide a fair and reliable gathering of the facts. It will be thorough, impartial, and fair, and all individuals will be treated with respect. The investigation is a neutral fact-gathering process. The responding party 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 responding party violated the policy. As described in Section IV, the investigation will be conducted in a manner that respects individual privacy concerns to the extent permitted by applicable law and College policy.

The College will seek to complete the investigation within thirty (30) calendar days from the start of the investigation, but this time frame may be extended depending on the complexity of the circumstances of each case. 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. The College will nevertheless communicate with the reporting party and the responding party, regarding Title IX rights, procedural options, and the implementation of necessary interim measures to assure the safety and well-being of all affected individuals. If applicable, the College will promptly resume its Title IX fact gathering as soon as law enforcement permits it to do so.

Information the College gathers during the review or investigation will be used to evaluate the responsibility of the responding party, to provide for the safety of the reporting party and the College community, and to take appropriate measures to end any misconduct, prevent its recurrence, and address its effects.

The Title IX Coordinator will retain copies of all reports generated as a result of investigations. The College will keep these records private to the extent permitted by law.

Although all witnesses, the reporting party, and the responding party are expected to participate in the investigative process, neither party is 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.

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 investigator while proceedings are pending.

1. Review of Investigation Report

It is the College's intention that, to the extent practicable, each investigation be conducted with due attention to a completion date within 30 days of its start date. 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 not include statements of personal opinion but may include observations regarding behaviors that may bear on credibility.

Before the investigative report is finalized, the reporting party and responding party will have the opportunity to review it. The College reserves the right to provide a summary of the investigative report and/or to redact names or other sensitive information, as it deems necessary, prior to providing it to the parties. The investigative report (or any summary) provided to the parties for review may not be copied or distributed, but each party may share it with his/her College Conduct Process Advisor. The reporting party and responding party may submit any additional comments, request changes, or request further investigation from the investigator. The timeframe for this review is necessarily short (a day or two) in order to keep the process moving forward. If either party requires additional time, such request should be made in a succinct writing (e-mail is fine) stating the basis for the request and forwarded to the attention of the Title IX Coordinator.

After giving the parties the opportunity to comment on the report orally or in writing, the investigator will make changes to the report based on those comments at his or her discretion. He or she will then submit the report to the designated Title IX coordinator for dissemination to the Hearing Officers. 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.

D. Harassment and Sexual Misconduct Hearing

1. Hearing Officers

Guilford College uses two Hearing Officers who together determine responsibility and, if warranted, administer sanctions and/or discipline against a responding party. Each hearing officer is appointed by the Title IX Coordinator and is specially trained to adjudicate cases of sexual misconduct.

2. Role of the Hearing Officers

The Hearing Officers are selected from a pool of individuals trained to serve. Hearing Officers must be impartial and free of any conflict of interest. A pre-hearing conference is held prior to formally beginning. The Hearing Officers shall determine the order of the proceedings, the relevancy of witnesses and evidence, and the nature of questioning. 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 issues that may arise.

3. Determination to Proceed to a Hearing

Based on the investigation report, the Hearing Officers will determine whether to formally charge the responding party and will notify the parties. A charge will be issued if the reporting party's factual allegations are plausible and could constitute a violation of this policy. Absent extenuating circumstances, the decision whether to formally charge the responding party will be made within two (2) calendar days after the Hearing Officers receive the investigation report. The Title IX Coordinator reserves the right to overturn the Hearing Officers' decision with respect to whether to issue a charge.

The formal charge(s) will state the subject matter of the complaint, the name of the reporting party, and the approximate date and/or timeframe for the alleged conduct.

The Hearing Officers may deliver notice of the charge by one or more of the following methods:

- In -person or via a designated College administrator;
- Mailed to the local or permanent address of the individual as indicated in official College records; or
- Emailed to the individual's College-issued email account.

Once a formal charge has been issued, the responding party will answer the charge as "Responsible," "No Contest," or "Not Responsible." If the responding party answers "Responsible" or "No Contest," the Hearing Officers will review the charge and determine what additional information is necessary, if any, to determine an appropriate sanction. The responding party must answer the charge before or during the Pre-Hearing Conference, which is held, absent extraordinary circumstances, within seven (7) calendar days after the issuance of the formal charge document.

Upon the issuance of a formal charge, the investigation report and related appendices will be made available to the parties for their review.

4. Pre-Hearing Conference

The Hearing Officers will hold separate Pre-Hearing Conferences with the parties and their Advisors to address evidentiary or other matters before the hearing commences.

At the Pre-Hearing Conference, the parties may submit written questions that they request be asked by the Hearing Officers during the hearing (See "Hearing procedures," below).

The Hearing Officers will determine whether there is sufficient justification for asking a witness to attend in person or whether the witness statement adequately summarizes the information.

Absent extenuating circumstances, the Pre-Hearing Conferences will be held within seven (7) calendar days of issuance of the charge document.

5. Hearing Procedures

A hearing will be held in a timely manner; assuming no extraordinary circumstances, within fourteen (14) calendar days of issuance of the formal charge or completion of any modifications to the investigation report due to additional investigation that occurs as a result of the Pre-Hearing Conference, whichever is later.

All hearings are closed to the public and may not be audio or video-recorded. Although both the reporting party and responding party may be asked to be present at various times during the hearing, they are not usually required to appear at the same time. If either party would prefer not to be physically present during the hearing, the party can participate through electronic means. Neither party is required to participate in the hearing in order for the hearing to proceed. If either party is not in attendance, the hearing may still proceed, findings may still be made, and sanctions may still be imposed.

The Hearing Officers will review the investigation report prior to the hearing. During the hearing, the Hearing Officers may question the reporting party, the responding party, any witnesses called, and/or the investigator, and examine related information and evidence. The hearing officers shall restrict their questions to matters relevant to the specific case.

The parties may not verbally pose questions to each other or to witnesses. However, at the Pre-Hearing Conference in advance of the hearing, the parties may submit written questions to the hearing officers to ask on their behalf. The hearing officers will screen the questions and have discretion to determine whether to ask them. The Hearing Officers will not ask questions in violation of College policy and prior evidentiary decisions, or questions that are irrelevant or repetitive. Additionally, the adjudicators have discretion to change the wording of the question.

The parties may not request that witnesses be called or information presented at the hearing that could reasonably have been provided during the investigation. If information produced during the hearing discloses additional tangible evidence or witnesses with relevant information that could not have reasonably been provided during the investigation, the Hearing Officers, in their sole discretion, may obtain that evidence or call those witnesses to testify.

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.

After considering all of the relevant information, the hearing officers will deliberate and make findings of fact supported by a preponderance of the evidence. From those facts, the Hearing Officers will reach conclusions as to whether the responding party is responsible for conduct in violation of this policy. The two (2) officers must agree "responsible" for a finding of responsibility. A deadlock will result in a finding of "not responsible."

At any time during the hearing process, the responding party may choose voluntarily to agree to a finding of responsibility relating to some or all of the charged conduct and proceed to the disciplinary stage of the process.

6. Imposition of Sanction

If the responding party is found "Responsible" or agrees to a finding of responsibility, the hearing officers, following consultation with the Title IX Coordinator, will recommend sanction(s) 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. If the hearing officers disagree as to the appropriate sanction, the Title IX Coordinator will make the determination. In all instances, the Title IX Coordinator is responsible for ensuring that the process is followed and that sanctions are appropriate.

The reporting party and responding party, and other affected parties, as appropriate, will each have the opportunity to present a statement about the impact of the violation and/or requested sanctions. The hearing officers will review these statements only if they find, or the responding party accepts, that the responding party is responsible for one or more violations.

Written Notice of the outcome (responsibility and sanction) will generally be provided within two calendar days of the hearing.

Sanction Guideline Matrix

Prohibited Behavior	Range of Sanctions
Nonconsensual Sexual Penetration; Non-Consensual Sexual Contact; Sexual Harassment; Sexual Discrimination; Sexual Exploitation; Stalking; Dating Violence; Domestic Violence; Retaliation	Dismissal; Suspension; Probation (not in good standing); Community Service; Educational/Counseling Consultation; Loss of Privileges (denial of the use of certain College facilities or the right to participate in certain activities or to exercise certain privileges for a designated period of time); On Campus Residential Relocation; Changing Academic Schedule; fine; assessment of points, apology or other remediation to reporting party.

If the responding party is no longer a student at the time of sanctioning, the hearing officers may impose any of the permissible sanctions set forth in Section XII.H that apply to complaints against nonstudents, either in addition to or in lieu of the sanctions set forth above.

If a party withdraws during the process, the process will still be followed to completion, and sanctions, if warranted may still be imposed.

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

- The responding party's prior discipline history;
- 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 reporting party;
- The impact of the conduct on the community, its members, or its property;
- Whether the responding party has accepted responsibility;
- Whether the responding party 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; and
- Any other mitigating or aggravating circumstances, including the College's values.

7. Notice of Outcome

Within two (2) calendar days of the decision, the Hearing Officers shall provide to the parties a copy of the written report of the Hearing Officers' decision.

If applicable, the hearing officers will inform the responding party of any sanctions, the date by which the requirements must be satisfied, and the consequences of failure to satisfy the requirements. The hearing officers also will inform the reporting party of any sanctions that directly relate to the reporting party or are required by federal law to be disclosed to the reporting party in the case of certain sexual offenses, including sexual assault, domestic/dating violence, and stalking.

Within two calendar days of the decision, the hearing officers will also provide each party with an outcome letter containing their appeal options. The College will also notify those College employees necessary to implement the outcome and/or sanctions.

Either party may appeal the finding of responsibility/no responsibility and/or sanction within 72 hours of receipt of the written decision.

8. Additional Remedies

Upon a finding of responsibility, additional remedies, in addition to the issued sanction, may be available to a reporting party or a responding party. Examples of potential remedies are provided in Section X(B). Other potential remedies include targeted or broad-based educational programming and/or training. The Title IX Coordinator, in consultation with others as necessary, will determine any appropriate additional remedies.

E. Mandatory Transcript Notations

For each student who has been suspended for, permanently dismissed from, or withdraws from the College while under investigation for an offense involving sexual violence (defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent), the College will make or cause to be made a notation on the student's academic transcript.

The College shall remove from a student's academic transcript any notation placed on such transcript due to a student's suspension if the student (1) completed the term of the suspension and any conditions thereof and (2) has been determined by the institution to be eligible to return to the College.

F. Appeal

Either party may appeal the finding of a policy violation/non-violation and/or a sanction within seventy-two (72) hours of receipt of the written hearing report. Appeals must be in writing, specifying in detail the basis for the appeal, and addressed to the Title IX Coordinator. The decision whether to grant or reject the request for appeal will be resolved by the Title IX Coordinator within five calendar days after the receipt of the request for an appeal. The President will appoint an Appeal Panel to review these matters. The Chair of the Appeal Panel will be someone who was not involved in the original hearing. The Appeal Panel will be comprised of three (3) members of the Guilford College community who do not have a conflict of interest in the case and who have received training on Title IX, the College's policy and the Appeal process.

For an appeal to be granted, at least two (2) members of the Appeal Panel must vote to grant appeal. Appeals, if granted, do not constitute a re-hearing of the case and the Appeal Panel will defer to decisions of the hearing officers unless one or more of the reasons for granting the appeal are satisfied. The Appeal Panel will review the entire written hearing record, the written appeal and other documents it deems relevant. Upon completion of this review, the Appeal Panel may grant or reject a request for appeal based on one or more of the following grounds if it reasonably determines the ground(s) could more likely than not impact the underlying decision:

- A procedural irregularity so substantial as to deny the responding student a fair hearing
- New evidence that could not have been known or presented at the time of the original hearing that is so substantial as to have likely impacted the outcome of the original hearing
- Disproportionate sanctioning for the violation in question

If the Appeal Panel decides to grant an appeal, it may: (1) affirm the finding of the hearing officers; (2) decide whether a party is responsible differently based upon the hearing record, the written appeal, and other evidence it deems relevant (giving due weight to credibility determinations of the hearing officers); or (3) remand the case to the original hearing officers for further consideration; or (4) alter a sanction based on its evaluation of the evidence. In all events the Appeal Panel will adhere to the “preponderance of the evidence” standard of proof.

The Chair of the Appeal Panel will oversee the process. The President will accommodate any conflicts that may arise with members constituting the panel. The Appeals Panel will confer with the Title IX coordinator on matters relating to consistency of sanctions and adherence to the College’s policy. The College will endeavor to resolve appeals within ten calendar days from the time the appeal is granted.

G. Additional Considerations for Complaints against Students

1. Time Frames for Resolution

Guilford will endeavor to successfully resolve all reports within sixty (60) calendar days from the date that the investigation begins. The sixty (60) 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 sixty (60) 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 reporting party and responding party can expect that the process will proceed according to these time frames.

- Once the investigation begins, it will be completed within thirty (30) calendar days.
- The Hearing Officers will decide whether to charge the responding party within two (2) calendar days after receiving the investigation report.
- The Pre-Hearing Conference will be held within seven (7) calendar days after formal charge.
- The hearing will be held within fourteen (14) calendar days after the formal charge.
- Notice of outcome will be provided within two (2) calendar days of the hearing decision.
- Either party may appeal the finding of a policy violation/non-violation and/or a sanction within seventy-two (72) hours of receipt of the written hearing report
- If there is a request for appeal, the decision whether to grant or reject the request for appeal will be resolved within five (5) calendar days after the receipt of the request for an appeal.
- If a request for appeal is granted, the appeal will be resolved within ten (10) calendar days from the time the 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 will receive

periodic status updates on the progress of the complaint and are welcome to contact the Title IX Coordinator or a Deputy Coordinator to discuss the status of their case at any time.

2. 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 an 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.

3. College Conduct Process Advisors

If an investigation of prohibited conduct is initiated, the reporting party and responding party will be invited to bring a College Conduct Process Advisor to their interview and/or to the hearing as a source of support. A list of individuals trained as College Conduct Process Advisors is available from the Title IX Coordinator.

While College Conduct Process Advisors may accompany the reporting party and responding party at interviews or hearings, they may not present evidence, question witnesses, or otherwise actively participate in the interview or hearing. Parties may request a brief recess to consult with their advisors, which will be granted at the discretion of the investigators, Hearing Officers, or Appeal Panel, as applicable.

Any College Conduct Process Advisor who does not follow the College's policies, procedures, or practices relating to the advisor's role in the resolution process will be excused from 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 proceeding will continue without the advisor's presence.

Parties may choose to share their copy of the investigation report with their advisor. Neither a party nor an advisor may duplicate the investigation report. All College Conduct Process 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.

The College expects all College Conduct Process Advisors to adjust their schedules to allow them to attend College meetings when scheduled. The College does not typically change scheduled meetings to accommodate an advisor's inability to attend. The College will, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

The College will not recognize or enforce agreements between a College Conduct Process Advisor and the reporting party/responding party that are reached outside of these procedures.

4. Prior Sexual History

In general, the prior sexual history of either party with other individuals is not relevant, may have a prejudicial effect on the proceedings and, unless a presumption of irrelevance can be overcome, will not be admitted or considered as evidence during an investigation and/or hearing. However, where there is a current or ongoing relationship between the reporting party and the responding party, and the responding party alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

5. 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 responding party or reporting party. 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.

6. Medical Records Evidence

The College will not release any individual's medical or counseling records used 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, but unless necessary in a legal action against the College or otherwise pursuant to court order, the College will not release any medical or counseling records to third parties, 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.

7. Consolidation of Investigation

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

8. Records

The Title IX Coordinator will retain records of all reports, allegations, and complaints. Complaints resolved by remedies-based resolution are not part of a student's conduct file.

Affirmative findings of responsibility in matters resolved through a hearing are part of a student's conduct 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. In general, the College will maintain records for the duration of the responding party's relationship with the College and may retain them for up to seven (7) years following the responding party's departure from the College. In allegations involving child abuse, the College may keep the records indefinitely.

If the Hearing Officers do not find the responding party responsible, the student's conduct file will reflect that finding.

XII. Investigation and Resolution for Complaints against Faculty, Staff, and Other Non-Students

Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that apply when determining whether disciplinary action is appropriate necessarily differ in some respects. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report.

The procedures set forth below will be applied when the responding party is a member of the faculty, staff, or other non-student at the time of the report. If the Responding party is both a student and an employee:

- The student resolution procedures will apply if the Responding party is a full-time student but not a full-time employee
- The employee resolution procedures will apply if the Responding party is a full-time employee but not a full-time student; or
- If there is a question as to the predominant role of the Responding party, the Title IX Coordinator will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the conduct).

A. Definitions of Terms and Acronyms

1. Chair

The Title IX Coordinator and the Deputy Coordinator for Employment shall serve as co-chairs of the Investigation and Review Officers (IROs). As described fully below, the Co-Chairs will appoint the investigator(s), review panel, and appeal panel (as needed), communicate with the parties at various stages in complaint proceedings, and determine the sanction when a policy violation is found.

2. College Conduct Process Advisors

When a formal complaint of sexual assault, domestic or dating violence, or stalking has been filed, both the reporting party and the responding party have the right to select a College Conduct Process Advisor. College Conduct Process Advisors are authorized to be present with either

party in College-related proceedings under this policy only when a formal complaint has been filed. The Title IX Coordinator has a list of available College Conduct Process Advisors. See XI(G)(3).

3. Investigation and Review Officers

Investigation and Review Officers (IROs") are a group of College administrators who are specially trained to investigate and review complaints of sexual misconduct against members of the faculty, staff, and other non-students. When a formal complaint of sexual misconduct is filed against a member of the faculty, staff, or other non-student under this policy, the Co-Chairs select the investigator(s), an Investigation and Review Panel ("IRP"), and (if needed) an Appeal Panel from the pool of the available IROs. The IROs consist of the following administrators:

- Provost
- Assistant Vice President of Enrollment Management / Director of Admissions
- Vice President of Marketing and Enrollment
- Vice President of Advancement
- Associate Academic Deans of the College
- Chief Technology Officer
- Director of Athletics
- Assistant Director of Athletics (Deputy Title IX Coordinator for Gender Equity in Athletics)
- Chief of Staff
- Director of Friends Center
- Department Chairs and Program Directors
- Accessibility Resource Center Director

Other faculty and staff representatives may be appointed to the IRO on an annual basis to be available, as needed, for service in this capacity. They will be full, participating members of any IRO group convened.

B. Informal Resolution

Where the Title IX assessment concludes that informal resolution is appropriate (see Section X(C)), the College will take corrective action through the imposition of individual and community remedies designed to maximize the reporting and responding parties' access to the educational, extracurricular, employment or volunteer activities at the College.

A Human Resources staff member (including the Deputy Title IX Coordinator for Employment), a staff supervisor or Associate Academic Dean (in his/her role as faculty supervisor), and/or the Title IX Coordinator may informally resolve concerns themselves or may bring in others (with the consent of the parties), as appropriate, to assist with resolution. The College or any party may opt to discontinue informal resolution and pursue the formal complaint process at any time. Any of the individuals listed above may also refer the matter for informal resolution to another individual given authority to assist with informal resolution. Once a matter has been informally resolved, referred, or the reporting party decides to pursue a formal complaint, the individual involved with the informal resolution will submit a written summary report to the Title IX Coordinator for review. A written notice of this outcome will also be provided to the parties.

The College will endeavor to complete this process and provide written notice of the outcome within 30 days from completion of the assessment process.

C. Formal Complaint

(Note: all time frames referenced in these formal complaint procedures are subject to extension by the appropriate Co-Chair for good reason.)

1. Initiation of Formal Complaint

A formal complaint against a member of the faculty, staff, or other non-student should be initiated through the Title IX Coordinator or Deputy Title IX Coordinator for Employment. A reporting party or any other concerned individual wishing to bring a formal complaint may contact the Title IX Coordinator directly, or the complaint may be referred to the Title IX Coordinator or Deputy Coordinator by another resource. A formal complaint should be submitted in writing to the Title IX Coordinator or Deputy Coordinator for Employment.

In cases where a formal complaint has been initiated alleging sexual assault, domestic or dating violence, or stalking, the Title IX Coordinator or the Deputy Title IX Coordinator for Employment through whom the formal complaint has been initiated should advise the reporting party of the right to be supported by an advisor. If the reporting party elects to use an advisor, the reporting party will advise the Title IX Coordinator or Deputy Title IX Coordinator for Employment of the identity and contact information for the advisor. The Title IX Coordinator or Deputy Coordinator for Employment will provide that information to the Co-Chairs.

2. Submission of Complaint / Notification to Responding party

The appropriate Co-Chair will promptly (within two (2) business days after being provided the complaint, if practicable) notify the responding party that a formal complaint has been initiated and make arrangements to meet with the responding party to provide the responding party with a written notice of the allegations at issue and outline the complaint process. The Co-Chair will advise the responding party of the College's non-retaliation policy and will inform the responding party of his/her right to choose an advisor and to submit to the Investigator(s), if desired, a written statement regarding the complaint to be included in the record. If the responding party chooses to submit a written statement, the responding party should do so within three (3) business days after being given written notice of the allegations at issue.

3. Preliminary Actions by Co-Chair

The appropriate Co-Chair will promptly appoint an IRO to serve as the investigator. In some cases, the Co-Chair may appoint a team of two investigators as the Co-Chair deems appropriate. The Co-Chair will then make a preliminary selection of two IROs to serve as the members of the Review Panel. If an IRO is the responding party or the reporting party, the process operates as otherwise set forth in this policy, except that an IRO who is the responding party will not be involved in any capacity other than as a party.

4. Complaint by or against an IRO Co-Chair

If one of the Co-Chairs is the responding party or reporting party, the President will serve in the role of that Co-Chair and the process will operate as otherwise set forth in this policy. In this situation, any appeal would go to the Chair of the Audit Subcommittee of the Finance Committee of the Board of Trustees ("Audit Subcommittee").

5. Complaint against the President and/or a Trustee

If the responding party is the President or a member of the Board of Trustees, a complaint must be filed directly with the Audit Subcommittee by delivery of a sealed written complaint to the Secretary of the College, Alumni Office labeled "Complaint to the Audit Subcommittee under the Sexual Discrimination and Misconduct Policy." The Secretary of the College will deliver the sealed written complaint intact to the Chair of the Audit Committee and the Audit Committee will handle or direct all further proceedings.

D. Investigation

The investigation is conducted solely by the appointed investigator(s), who will interview the parties and other witnesses as necessary. The reporting party and responding party will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. A party's advisor in cases alleging sexual assault, domestic or dating violence, or stalking may accompany the party during an interview if requested by the party as a support resource but may not participate in the interview. The investigator(s) will inform the parties and witnesses of the College's prohibition of retaliation against any person involved in a complaint process. In most cases, absent unusual circumstances, the investigation should be completed within thirty (30) business days after the investigator receives the complaint.

The investigation is a neutral fact-gathering process. The responding party is initially presumed to be not responsible; this presumption may be overcome when the Investigation and Review Panel conclude that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the responding party violated the policy.

E. Withdrawal of Complaint, Review of Parties' Proposed Resolution

1. Withdrawal of Complaint

At any time during the formal complaint process, the reporting party may request of the Co-Chair to withdraw his/her formal complaint. Before approving a withdrawal of the complaint, the Co-Chair will meet with the reporting party and his/her advisor, if desired, to discuss the request. The Co-Chair retains the discretion to reject the request for withdrawal and to proceed with the formal process, with or without the further participation of the reporting party, if the Co-Chair believes it prudent and appropriate to do so in the best interest of the College community, based on all relevant information. The Co-Chair will consider factors including but not limited to: the severity and impact of the conduct, including whether a weapon was used; whether the reporting party is a minor under the age of 18; whether the responding party has a pattern of similar conduct; whether the responding party threatened further violence or other violence against the victim or others; whether the College possesses other means to obtain relevant evidence of the alleged sexual misconduct (security cameras, video recordings, photographs or other evidence); and the extent of prior remedial methods taken with the responding party. Regardless of the Co-Chair's decision a reporting party is not required to participate in an investigation or hearing.

2. Review of Parties' Proposed Resolution

If, after the initiation of a formal complaint but before the issuance of the investigative report, the responding party acknowledges inappropriate conduct and proposes a resolution/sanction agreeable to the reporting party, an IRP will be appointed to review the conduct acknowledged and the proposed resolution/sanction. If the IRP finds the resolution/ sanction reasonable, it will be recommended and sent to the appropriate Co-Chair for implementation. If the IRP finds the proposed resolution/sanction unreasonable given the nature and circumstances of the conduct acknowledged or alleged, it may reject the proposed resolution/sanction and conduct a normal

IRP review after issuance of the investigation report. The IRP will evaluate the matter and make a decision regarding the manner in which to proceed within 14 days of receipt of the matter.

F. Investigation Report; Party Responses; IRP Appointment

1. Investigation Report

Upon conclusion of the investigation, the investigator(s) will prepare and submit to the appropriate Co-Chair a written investigation report. The reporting party and responding party will each be provided with a version of the report (the College reserves the right to redact witness names and personally identifiable witness statements), not to be copied or distributed, but which the party may share with his/her Advisor in a case alleging sexual assault, domestic or dating violence, or stalking.

2. Party Responses to Investigation Report

The parties will each have three (3) business days from the day of their receipt of the investigation report to prepare and submit a written response to the appropriate Co-Chair for the record.

3. IRP Appointment

The appropriate Co-Chair will then promptly notify the parties of which IROs have been selected to make up the Investigation and Review Panel (IRP) and will designate one of them as IRP Chair. The parties must submit any concerns about the IRP composition to the Co-Chair in writing within one (1) business day of receipt of notice. The Co-Chair may follow-up with the parties and/or IRP members regarding any stated concerns, as needed. The Co-Chair will notify the parties and IRP members of any change to the composition of the IRP if the Co-Chair concludes that one or more of the designated IRP members should not serve on that panel. *Note: see section C(6) above regarding participation of Director of Human Resources/Deputy Title IX Coordinator for Employment when s/he has had any substantive role in efforts to informally resolve the complaint or the formal complaint process.*

G. IRP Review

The IRP will review the investigation report and the related record to determine if a violation of policy has occurred. In most cases, absent unusual circumstances, the IRP review should be completed within seven (7) business days of the date the IRP members receive the record from the Co-Chair.

The IRP may decide the case based on a thorough review of the entire record of the case including the investigation report and any written comments provided by either party. If the IRP has any questions, it may meet with the investigator(s) in person and/or may request that the parties separately meet with the IRP in which case, the parties' College Conduct Process Advisors in a case alleging sexual assault, domestic or dating violence, or stalking, if any, may be present but may not participate. If the IRP finds that any other follow-up is needed with witnesses, the investigator(s) will conduct the follow-up and submit an addendum to the written investigation report, which will be sent to the IRP. In such instances, the parties will be given an opportunity to review the addendum, consistent with the parties' opportunity to review the original investigation report.

Once the IRP has determined that it has sufficient information to make a decision, it will discuss the matter outside the presence of the investigator(s) and the parties. The IRP will then reach a

decision on whether this policy was violated by a preponderance of the evidence, and (if so) will make a written recommendation of sanctions to the appropriate Co-Chair. The IRP may also make recommendations to the Co-Chair for appropriate follow-up actions (including training, counseling, or other educational opportunities) in the absence of a finding of a violation of this policy.

H. Co-Chair's Notice to Parties of Final Decision, Sanction, and Remedies

The IRP's decision about whether this policy was violated is binding on the Co-Chair, but subject to appeal by either party. However, the Co-Chair has the discretion to determine the final sanction if the IRP has found a violation of this policy or to impose follow up actions in the absence of such a violation. The potential sanctions include:

- Verbal or written warning;
- Referral to the Employee Assistance Program or other mandatory conditions, which may include training, or some other professional development;
- A no contact directive;
- Modified employment duties;
- Suspension with pay;
- Suspension without pay;
- Nonrenewal or non-reappointment;
- Demotion in rank or pay;
- Loss of rank;
- Denial of salary increase;
- Transfer to another position;
- Relocation of office;
- Dismissal from academic course if responding party is taking a course at the College;
- Termination; and
- Trespassing responding party from the College.

If the responding party is a non-employee, sanctions include:

- Verbal or written warning;
- Trespassing the responding party from the College;
- Dismissal from academic course if responding party is taking a course at the College; or
- Modification or termination of the non-employee's relationship with the College.

Sanctions may be imposed in combination with one another. If the individual found to have violated this policy is a faculty member and the Co-Chair concurs with an IRP sanction recommendation of termination, the case will proceed in accordance with the "for cause" dismissal proceedings set forth in the Faculty Handbook where applicable.

Upon a finding of responsibility, additional remedies, in addition to the issued sanction, may be available to the parties. Examples of potential remedies are provided in Interim Measures, Section X(B). Other potential remedies include targeted or broad-based educational programming or training. The Title IX Coordinator, in consultation with others as necessary, will determine any appropriate additional remedies.

Within two (2) calendar days of the decision, the Co-Chair will provide simultaneous notification to the parties of the IRP report in the following manner: the first page (which contains the findings on the allegations of a policy violation) will be provided to each party; the second page (which contains the IRP-recommended sanction(s) or follow up actions and the Co-Chair's decision on sanction(s) or follow up actions) will be provided solely to the responding party, unless the sanctions or follow up actions are such that they directly involve the reporting party (e.g. a "no contact" directive) or where required by federal law to be disclosed to the reporting party in the case of certain criminal sexual offenses covered by the Clery Act, including sexual assault, domestic or dating violence, and stalking. Additionally, the Co-Chair will provide each party with an outcome letter. The outcome letter will review the prohibition against retaliation and the appeal process.

If, through informal resolution or Co-Chair decision upon a finding of no violation, a responding party has been advised to receive training, counseling, or some other professional development, or to take some other follow up action(s), the Co-Chair will oversee fulfillment of this obligation, though the Co-Chair may delegate coordination of the details to responding party's supervisor. If a responding party has been sanctioned for a violation of this policy, the appropriate Co-Chair will oversee fulfillment of the sanction.

If the responding party is taking courses at the College and part of the sanction mandates suspension or permanent dismissal, or where the responding party withdraws from taking courses while under investigation for a violation of this policy, a transcript notation will be made in the responding party's transcript. This transcript notation will read: "[Suspended or Dismissed] for a violation of Guilford College's set of standards." In cases of withdrawal, the notation will read: "Withdrew while under investigation for a violation of Guilford College's set of standards. This withdrawal as noted does not constitute a finding or admission of responsibility on the part of the student."

I. Appeals Process

Either the reporting party or responding party may appeal a finding of a violation or no violation of this policy and/or a sanction/follow up action of which they have been informed. Appeals must be in writing and conform to the requirements of Section XI(F). An Appeal Officer (comprised of an IRO who was not involved in the original investigation or panel) will be appointed by the other Co-Chair (who was not involved in the original review or sanctioning process). The appeal review will then be conducted as soon as possible. In most cases, absent unusual circumstances, the Appeal Officer's review should be completed, and a written decision issued to the Co-Chair within seven (7) business days of the date he or she receives the record from the Co-Chair.

The Appeal Officer will use the same preponderance of the evidence standard used to make the initial determination. If the Appeal Officer fully affirms a "no-violation" finding made by the IRP with or without recommended follow up actions, or affirms a finding of a violation and/or the sanction, the Appeal Officer will issue a brief written decision to that effect using part one of the Appeal Panel Report and will submit it to the Co-Chair who issued the original decision, who will then promptly (within two business days) advise the parties in writing of the Appeal Officer's decision, which is final.

If the Appeal Officer affirms a "no-violation" finding made by the IRP but does not affirm recommended follow up actions (or absence of such actions), the Appeal Officer will explain the

facts and analysis supporting its findings and recommendations in part two of the Appeal Report. The Co-Chair issuing the original decision will then review the recommendations regarding any follow up actions and issue the final decision on such measures. Within two business days from receipt of the Appeal Officer's decision, the Co-Chair will advise the parties in writing of the Appeal Officer's decision, which is final. The Co-Chair will advise only the responding party of any decision regarding follow up action(s) and will share part two of the Appeal Report only with the responding party, except for any part of such action(s) that directly involve(s) the reporting party or unless required by federal law to be disclosed to the reporting party in the case of certain criminal sexual offenses covered by the Clery Act, including sexual assault, domestic or dating violence, and stalking. The Co-Chair's decision on such follow up actions is final.

If the Appeal Officer overturns a "no-violation" finding, the matter is sent back to the appropriate Co-Chair for the original review proceeding, who will then make a decision on the sanction and promptly advise the parties and share the two-part Appeal Report. The first part (which contains the basis for the overturning of the "no-violation" finding) will be provided to both parties; the second part (which contains the Co-Chair's decision on sanction) will be provided only to the responding party, unless some part of the sanction directly involves the reporting party or unless required by federal law to be disclosed to the reporting party in the case of certain criminal sexual offenses covered by the Clery Act, including sexual assault, domestic or dating violence, and stalking. The Co-Chair's decision on sanction is appealable by the responding party and reporting party (if reporting party was made aware of the sanction because it directly involved the reporting party or required to be disclosed to the reporting party in cases of certain sexual offenses) within three (3) business days of receipt of the sanction decision. Such an appeal must be in writing, filed with the Co-Chair who issued the decision, and must specify in detail the basis for the appeal.

If the Appeal Officer concurs with a violation finding but finds a sanction is without reasonable basis, the Appeal Officer should first consult the appropriate Co-Chair to review the sanction. If no consensus decision can be reached, both the Appeal Officer and the appropriate Co-Chair will submit their separate recommendations in writing to the President, who will make the final determination by accepting one of the two recommendations and signing off on that recommended sanction. Thereafter, within two business days the Co-Chair will promptly advise the responding party in writing of the President's decision on the sanction(s) and will also advise the reporting party when the sanction involves the reporting party or when required by federal law in the case of certain criminal sexual offenses covered by the Clery Act, including sexual assault, domestic or dating violence, and stalking. The President's decision on the sanction(s) is final.

If the Appeal Officer overturns a violation finding, the matter is sent back to the appropriate Co-Chair for the original review proceeding, who will then remove the sanction(s) issued, decide any appropriate follow up action(s), and notify the parties in writing within five business days of the Appeal decision. The first part (which contains the basis for the overturning of the violation finding) will be provided to both parties; the second part (which contains the Co-Chair's removal of sanction and decision on any follow up actions) will be provided only to the responding party, unless some part of the sanction directly involves the reporting party or unless required by federal law to be disclosed to the Reporting party in the case of certain criminal sexual offenses covered by the Clery Act, including sexual assault, domestic or dating violence, and stalking J. Privacy and Recordkeeping

The facts about individual cases and their dispositions are to remain private to the extent possible. In order to protect the integrity of the investigation, anyone involved in the investigation should not discuss what they shared with the investigator(s) to any witness or potential witness during the pendency of the proceedings. Additionally, in order to protect the privacy of all involved, no one involved in a complaint process, besides the reporting party and responding party, should discuss any information regarding the case except with those who have a legitimate need to know. Any member of the campus community, who violates the privacy provisions of these procedures, and/or the privacy directives of the administrators handling complaints, will be subject to discipline.

The Title IX Coordinator will maintain the official written records of formal and informal complaints and resolutions under these procedures in accordance with applicable College record retention schedules.

XIII. Policy Review

The College, through a working group that will include the Title IX Coordinator, the College attorney, members of the Student Advisory Group, and the Vice President of Student Affairs and Dean of Students, will review and update this policy, as appropriate, by October 31 of each year. The College will evaluate, among other things, any changes in legal requirements and existing College resources. The President will certify to the Board of Trustees that this policy has been reviewed and updated, as appropriate, in accordance with all applicable federal and state laws.

End of Policy
