

**Council on Postsecondary Education
State of Rhode Island**

Policy Number(s)

P17, effective August 1, 2024

S17, effective August 1, 2024

Policy Title

Title IX Sex Discrimination Policy and Procedures

Policy History

CPE Approved (07-09-2024)

Legal Citation

34 CFR Part 106

Title IX Sex Discrimination Policy and Procedures

I. Policy Statement

It is the Policy of the Council on Postsecondary Education (“CPE”), its constituent institutions of higher education (specifically, Rhode Island College and the Community College of Rhode Island) and the Office of the Postsecondary Commissioner (collectively referred to as the “Covered Entities”) to prohibit Sex Discrimination occurring within the Covered Entities’ Education Program or Activity, as those terms are defined herein.

Sex Discrimination, as defined herein, is prohibited in Education Program or Activity by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”) (see 34 C.F.R. § 106 et seq.). Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as defined herein, are also prohibited under the Violence Against Woman Reauthorization Act of 2022 (“VAWA”).

A Covered Entity with knowledge of conduct that reasonably may constitute Sex Discrimination in its Education Program or Activity must respond promptly and effectively to address Sex Discrimination in its Education Program or Activity.

This policy applies to conduct that occurs on or after August 1, 2024. The Council on Postsecondary Education’s 2020 Title IX Sexual Harassment Policy and Procedures applies to conduct that occurred on or before July 31, 2024.

II. Purpose and Goals of Policy

- A. Define the conduct that is prohibited at the Covered Entities;
- B. Set forth the reporting options and procedures pertaining to such conduct that is witnessed, experienced, learned about by, or reported to Students and Employees of the Covered Entities;
- C. Set forth the process to investigate and adjudicate Complaints of Sex Discrimination

- encompassed within this Policy;
- D. Provide contact information for the Title IX Coordinator at each Covered Entity; and
- E. Ensure individuals who experience, witness, or are accused of acts of Sex Discrimination are provided current internal and external resources.

III. **Applicability & Scope**

All Employees and Students at all Covered Entities must comply with this Policy to help foster an inclusive and safe academic and work environment. This Policy applies to the perpetration of Sex Discrimination by one member of the Covered Entity's community against another. The Policy may also apply where one of the involved or affected parties is a visitor, volunteer, or a contractor performing work on behalf of the Covered Entity.

This policy applies to conduct that occurs under the Covered Entity's Education Program or Activity.

In the event a Title IX Coordinator receives a report alleging Sex Discrimination over which another Covered Entity may have jurisdiction, the Covered Entity that has both jurisdiction over the incident and disciplinary authority over the Respondent shall handle the Complaint resolution process. The Complainant's Title IX Coordinator, however, shall retain all rights and abilities to implement Supportive Measures. The Title IX Coordinator with oversight for the impacted educational or work environment shall retain all rights and abilities to implement Supportive Measures and address a hostile environment.

This Policy does not apply to Sex Discrimination that occurs off-campus, and outside the scope of a Covered Entity's Education Program or Activity. Such behavior may be prohibited by a Covered Entity's Student Code of Conduct if committed by a Student or employment policies if committed by faculty or staff.

Complaints involving allegations of Sex Discrimination that do not fall under this Policy may be investigated and adjudicated in accordance with the Council for Postsecondary Education Non-Discrimination Policy and Complaint Procedures or in accordance with procedures described in the Covered Entities' respective Student or Employee conduct policies.

IV. **Definitions**

- A. "Coercion" is direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesced in an act to which one would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person's words or conduct alone cannot amount to coercion for purposes of this Policy unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.
- B. "Complainant" means (1) a Student or Employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination under Title IX; or (2) a person other than a Student or Employee who is alleged to have been subjected to

conduct that could constitute Sex Discrimination under Title IX and who was participating or attempting to participate in the Covered Entity's Education Program or Activity at the time of the alleged Sex Discrimination.

- C. "Complaint" means an oral or written request to the Covered Entity that objectively can be understood as a request for the Covered Entity to investigate and make a determination about alleged discrimination under Title IX.
- D. "Confidential Employee" means (1) an employee of a Covered Entity whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for the purposes of this policy, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; (2) an employee of a Covered Entity whom the Covered Entity has designated as confidential under this policy for the purpose of providing services to persons related to Sex Discrimination. If the employee also has a role or duty not associated with providing those services, the employee's confidential status is only with respect to information received about Sex Discrimination in connection with providing those services; or (3) an employee of a postsecondary institution who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex Discrimination- but the employee's confidential status is only with respect to information received while conducting the study. Each Covered Entity shall maintain a list of Confidential Employees on their respective institutional website.
- E. "Consent" is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through manipulation, Complainant, or any kind of physical force or weapon, and requires having cognitive ability to agree to participate. Consent requires an outward demonstration, through mutually understandable words, conduct, or action, indicating that an individual has freely chosen to engage in the specific sexual acts.

Incapacitation may make consent impossible.

Silence or an absence of resistance does not imply consent, and consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act. Consent may be withdrawn at any time. When consent is withdrawn, sexual activity that continues may be nonconsensual.

- F. "Disciplinary Sanctions" means consequences imposed on a Respondent following a determination under Title IX that the Respondent violated a Covered Entity's policy on Sex Discrimination.
- G. "Education Program or Activity" refers to all of the operations of a Covered Entity, including, but not limited to, admission, in-person and online educational instruction, employee recruitment, hiring, employment, promotion, termination, research activities, extracurricular activities, athletics, residential life, dining services, performances, and community engagement and outreach programs in the United States.

Conduct that occurs under the Covered Entity's Education Program or Activity

includes, but is not limited to, conduct that occurs in a building owned or controlled by a student organization that is officially recognized by a Covered Entity and conduct that is subject to the Covered Entity's disciplinary authority. The Covered Entity is obligated to address a sex-based hostile environment under its Education Program or Activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the Covered Entity's Education Program or Activity or outside the United States.

This term applies to all activity that occurs on campus or on other property owned or occupied by the Covered Entity. It also includes off-campus locations, events, or circumstances over which the Covered Entity exercises substantial control over the Respondent and the context in which the Sex Discrimination occurs.

- H. "Employee" shall be defined according to the definition of employee maintained by each Covered Entity. The term employee encompasses individuals who are paid wages to perform services for the Covered Entity; volunteers and independent contractors are not employees.
- I. "Incapacitation" is a state where an individual cannot make an informed and rational decision to Consent to sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the "who, what, where, when, why or how" of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give Consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a reasonable person. One's own intoxication is not an excuse for failure to recognize another person's incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual's:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act

No single factor is determinative of incapacitation from the use of alcohol and/or drugs. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

- J. "Parental Status" for the purposes of this Policy means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:
 1. A biological parent;
 2. An adoptive parent;

3. A foster parent;
 4. A step-parent;
 5. A legal custodian or guardian;
 6. In loco parentis with respect to such a person; or
 7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- K. "Party" means a Complainant or Respondent.
- L. "Peer Retaliation" means retaliation by a Student against another Student.
- M. "Pregnancy or Related Conditions" means:
1. Pregnancy, childbirth, termination of pregnancy, or lactation;
 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- N. "Relevant" means related to the allegations of Sex Discrimination that are subject to investigation and adjudication as part of the Complaint procedures under this Policy. Questions are relevant when they seek evidence that may aid in showing whether the alleged Sex Discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Sex Discrimination occurred.
- O. "Remedies" means measures provided, as appropriate, to a Complainant or any other person the Covered Entity identifies as having had their equal access to the Covered Entity's Education Program or Activity limited or denied by Sex Discrimination. These measures are provided to restore or preserve that person's access to the Covered Entity's Education Program or Activity after the Covered Entity determines that Sex Discrimination occurred.
- P. "Respondent" means a person who is alleged to have violated the Covered Entity's policy on Sex Discrimination. Requirements related to a respondent apply only to Sex Discrimination Complaints alleging that a person violated this Policy. When a Sex Discrimination Complaint alleges that a Covered Entity's policy or practice discriminates on the basis of sex, the Covered Entity is not considered a respondent. In this instance, the respondent will be the individual with authority and/or control over the policy or practice at issue.
- Q. "Retaliation" means intimidation, threats, Coercion, or discrimination against any person by the Covered Entity, a Student, or an Employee or other person authorized by the Covered Entity to provide aid, benefit, or service under the Covered Entity's Education Program or Activity, for the purpose of interfering with any right or privilege under Title IX, or because the person has reported information, made a Complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including in an informal resolution process, in Complaint procedures, and in any other actions taken by a Covered Entity in response to Sex Discrimination. Nothing in this definition precludes a Covered Entity from requiring an Employee or other person authorized by a Covered Entity to provide aid, benefit, or service under the Covered Entity's Education Program or Activity to participate as a witness in, or otherwise assist with,

an investigation, proceeding, or hearing under this part.

R. "Sex-based Harassment" prohibited by this policy is a form of Sex Discrimination and includes sexual harassment and other harassment on the basis of sex, that is:

1. "Quid Pro Quo Harassment" occurs when an Employee, agent or other person authorized by the Covered Entity to provide an aid, benefit or service under the Covered Entity's Education Program or Activity explicitly or impliedly conditions the provision of an such an aid, benefit, or service of the Covered Entity on an individual's participation in unwelcome sexual conduct;
2. "Hostile Environment Harassment" is unwelcomed sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Covered Entity's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the Complainant's ability to access the Covered Entity's Education Program or Activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties' ages, roles within the Covered Entity's Education Program or Activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred
 - e. Other Sex-based Harassment in the Covered Entity's Education Program or Activity;
3. Specific Offenses
 - a. "Sexual Assault" consists of one or more of the following:

Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving Consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of Consent.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is unable to give Consent because of age or temporary or permanent mental or physical incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Rhode Island law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of Consent as defined by Rhode Island law.

- b. "Dating Violence" meaning violence committed by a person:
 - i. A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

- ii. B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (a) The length of the relationship;
 - (b) The type of relationship; and
 - (c) The frequency of interaction between the persons involved in the relationship
 - c. “Domestic Violence” meaning felony or misdemeanor crimes committed by a person who:
 - i. Is a current or former spouse or intimate partner of the victim under the family or Domestic Violence laws of the jurisdiction of the Covered Entity, or a person similarly situated to a spouse of the victim;
 - ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - iii. Shares a child in common with the victim; or
 - iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction;
 - d. “Stalking” meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - i. Fear for the person’s safety or the safety of others; or
 - ii. Suffer substantial emotional distress.
 - e. “Non-Consensual Sexual Contact” includes any touching, however slight, with any part of the body or other object, by any person upon another, without Consent, for the purpose of sexual gratification.
 - f. “Sexual Exploitation” refers to purposefully taking sexual advantage of another person without Consent. Sexual exploitation may include, but is not limited to, voyeurism; disseminating, streaming, or posting pictures or videos of another in a state of undress or of a sexual nature without the person’s Consent; creating and/or distributing sexualized imagery without one’s Consent or knowledge, or exposing one’s genitals to another person without their Consent, including by use of technology.
- S. “Sex Discrimination” means discrimination on the basis of sex. Discrimination on the basis of sex includes, but is not limited to, discrimination on the basis of Sex Stereotypes, Sex Characteristics, Pregnancy or Related Conditions, sexual orientation, and gender identity. This term includes Adverse Treatment Sex Discrimination and Policy or Practice Discrimination and all forms of Sex-Based Harassment.
 - 1. “Adverse Treatment Sex Discrimination” means material, adverse action taken against a person where the motivating factor for the action is Sex-Based except where such action is permitted by law. The adverse action need not be sexual in nature to constitute Adverse Treatment Sex Discrimination.
 - 2. “Policy or Practice Discrimination” means a Covered Entity policy, practice, or condition that has the effect of excluding or limiting a person from participating in the Covered Entity’s Education Programs or Activities on a Sex-Based category or that results in inequitable access to the Covered Entity’s Education Programs or Activities on a Sex-Based category except

where such action is permitted by law.

- T. "Sex Characteristics" include a person's physiological sex characteristics and other inherently sex-based traits. Discrimination based on sex characteristics may involve anatomy, hormones, chromosomes, and other traits that may differ from expectations generally associated with male and female bodies.
- U. "Sex Stereotypes" are fixed or generalized expectations regarding a person's aptitudes, behavior, self-presentation, conformity or nonconformity to stereotypical or cultural notions of masculinity and femininity, or other attributes based on sex.
- V. "Student" means a person who has gained admission to the Covered Entity's Program or Activity.
- W. "Student with a Disability" means a Student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B), or a child with a disability as defined in the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3).
- X. "Supportive Measures" means individualized measures offered as appropriate, as reasonably available without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:
 - 1. Restore or preserve that Party's access to the Covered Entity's Education Program or Activity, including measures that are designed to protect the safety of the parties or the Covered Entity's educational environment, or
 - 2. Provide support during the Covered Entity's Complaint procedures, and if applicable, during the informal resolution process.
- Y. "Title IX" means Title IX of the Education Amendments of 1972, as amended.

When more than one Complainant or more than one Respondent is involved, references in this Policy to a "Party," "Complainant," or "Respondent" include the plural, as applicable.

V. **Remedies for Sex Discrimination**

The Title IX Coordinator must, upon being notified of conduct that reasonably may constitute Sex Discrimination or Retaliation under Title IX, take the actions outlined in this Policy to promptly and effectively end any Sex Discrimination in its Education Program or Activity, prevent its recurrence, and remedy its effects.

An individual who is found responsible for committing Sex Discrimination is subject to a range of discipline including, but not limited to, verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; permanent separation or removal from the institution; physical restriction from the Covered Entity's property; cancellation of contracts; and any combination of the same. Disciplinary sanctions for violations of this Policy are imposed in accordance with applicable policies and collective bargaining agreements.

A Covered Entity will provide persons who have experienced Sex Discrimination ongoing Remedies as reasonably necessary to restore or preserve access to the Covered Entity's Education Program or Activity.

An offense of Sex Discrimination can be charged as or combined as pattern offenses, in which case the Notice of Allegation and Investigation will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

VI. Presumption of Non-Responsibility

The Respondent is presumed not responsible for the alleged Sex Discrimination until a determination is made at the conclusion of this policy's procedure for Complaints of Sex Discrimination.

VII. Reporting Sex Discrimination

Any person may report Sex Discrimination or Retaliation to the Covered Entity's Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

The Title IX Coordinator must monitor the Education Program or Activity for barriers to reporting information about conduct that reasonably may constitute Sex Discrimination or Retaliation under Title IX and take steps reasonably calculated to address such barriers.

The name and contact information for each Covered Entity's Title IX Coordinator is attached hereto as Exhibits A and B.

VIII. Amnesty

The health and safety of every Student is of utmost importance. The Covered Entities recognize that Students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an incident of Sex Discrimination or Sex-Based Harassment occurs, including, but not limited to, Domestic Violence, Dating Violence, Stalking, or Sexual Assault may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The Covered Entities strongly encourage Students to report incidents of Sex Discrimination or Sex-Based Harassment to institution officials. The reporting Party, a bystander or witness acting in good faith, or a reporting individual acting in good faith, who discloses any incident of Sex Discrimination or Sex-Based Harassment to the Covered Entity or law enforcement will not be subject to the Covered Entity's Student conduct code for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the incident of Sex Discrimination or Sex-Based Harassment.

IX. **Employee Reporting Obligations**

Obligation to Refer Pregnant Students to Title IX Coordinator

When a Student, or a person who has a legal right to act on behalf of the Student, informs any Employee of the Student's Pregnancy or Related Conditions, unless the Employee reasonably believes that the Title IX Coordinator has been notified, the Employee must promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent Sex Discrimination and ensure the Student's equal access to the Covered Entity's Education Program or Activity.

Obligation to Report Sex Discrimination to Title IX Coordinator

Any Employee who is not a Confidential Employee and who either has authority to institute corrective measures on behalf of the Covered Entity or has responsibility for administrative leadership, teaching, or advising in the Covered Entity's Education Program or Activity is required to notify the Title IX Coordinator when the Employee has information about conduct that reasonably may constitute Sex Discrimination under Title IX regardless of whether the information is related to an Employee, a Student, or a third party.

- Employees with authority to institute corrective measures includes, but is not limited to, any Employee with supervisory authority over other Employees, Student Employees, and/or Students.
- Administrative leadership includes, but is not limited to, deans, including assistant or associate deans, coaches, including assistant coaches, athletic trainers, campus police, and directors of programs or activities.
- Employees engaged in teaching includes, but is not limited to, full-time, part-time, adjunct, and graduate Students with responsibility for teaching and grading.
- Employees engaged in advising includes, but is not limited to, academic advisors, Employees who serve as advisors for clubs, fraternities and sororities, or other programs offered or supported for Students.

All individuals employed by the Office of the Postsecondary Commissioner are required to notify the appropriate Title IX Coordinator when they have information about conduct that may constitute Sex Discrimination under Title IX.

In accordance with federal regulation, all other Employees who are not Confidential Employees must provide the contact information of the Title IX Coordinator and information about how to make a Complaint of Sex Discrimination or Retaliation to any person who provides the Employee with the information about conduct that reasonably may constitute Sex Discrimination or Retaliation under Title IX.

The above requirements do not apply to an Employee who has personally been subject to conduct that reasonably may constitute Sex Discrimination or Retaliation under Title IX.

Failure of an individual to comply with their obligations under this section can be subject to disciplinary action.

All Employees are required to report known or suspected cases of child abuse and/or neglect to the Rhode Island Department of Children, Youth and Families (DCYF) within 24 hours of becoming aware of such abuse/neglect. DCYF has a single, statewide toll-free hotline that operates twenty-four (24) hours per day, seven (7) days per week. The number is 1-800-RI-CHILD (1-800-742-4453).

Dual Status Persons

A Covered Entity must reasonably determine and specify whether and under what circumstances a person who is both a Student and an Employee is subject to the requirements of this Reporting Obligations section. The Title IX Coordinator will determine the individual's status for purposes of this section. Such determination shall be made after a fact-specific inquiry that includes consideration of Relevant circumstances, including whether the individual's primary relationship to the Covered Entity is to receive an education or to work, and in what capacity the person was acting (or failing to act) with regard to the events in question.

An individual whose primary relationship to the Covered Entity is that of a Student, but who has Student employment obligations in connection with programs offered or supported for Students (e.g., residence life, admissions ambassadors, etc.), is required to notify their supervisor when that individual has received information, in the context of their employment, about conduct that may reasonably constitute Sex Discrimination under Title IX.

Confidential Employees

A Covered Entity must notify all participants in the Covered Entity's Education Program or Activity of how to contact its Confidential Employees.

A Confidential Employee must explain to any person who informs the Confidential Employee of conduct that reasonably may constitute Sex Discrimination under Title IX:

- 1) The Employee's status as confidential for purposes of this part, including the circumstances in which the Employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination
- 2) How to contact the Covered Entity's Title IX Coordinator and how to make a Complaint of Sex Discrimination;
- 3) That the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an informal resolution process or an investigation under the Complaint procedures.

Public Awareness Events

If a Covered Entity's Title IX Coordinator is notified of information about conduct that reasonably may constitute Sex-based Harassment or Retaliation under Title IX that was provided by a person during a public event to raise awareness about Sex-based Harassment that was held on campus or through an online platform sponsored by the Covered Entity, the Covered Entity is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a Complainant, any Students, employees, or other persons.

In all cases, the Covered Entity must use this information to inform its efforts to prevent Sex-based Harassment, including by providing tailored training to address alleged Sex-based Harassment in a particular part of its Education Program or Activity or at a specific location when information indicates there may be multiple incidents of Sex-based Harassment.

Nothing in Title IX obligates the Covered Entity to require its Title IX Coordinator or any other Employee to attend such public awareness events.

X. Receipt of Report/Complaint and Intake

When a Title IX Coordinator receives a report or Complaint of Sex Discrimination, and the Complainant's identity is known, the Title IX Coordinator will either promptly contact the Complainant, or upon intake with the Complainant, discuss the availability of Supportive Measures, discuss and consider the Complainant's wishes with respect to such Supportive Measures, inform the Complainant of the availability of such Supportive Measures with or without filing a Complaint, and explain the process for filing and pursuing a Complaint. The Complainant will also be provided options for filing Complaints with law enforcement and information about resources that are available on campus and in the community.

XI. Supportive Measures

A Title IX Coordinator must offer to and coordinate Supportive Measures for the Complainant, as appropriate. In addition, if the Covered Entity has initiated the Complaint procedure, or offered an informal resolution process to the Respondent, the Title IX Coordinator must offer and coordinate Supportive Measures, as appropriate, for the Respondent.

Contemporaneously with the Respondent being notified of a Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the Covered Entity will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The Covered Entity will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Complaint, if the Respondent requests such measures.

For allegations of Sex Discrimination other than Sex-based Harassment or Retaliation, a Covered Entity's provision of Supportive Measures does not require the Covered Entity, its Employee, or any other person authorized to provide aid, benefit, or service on the Covered Entity's behalf to alter the alleged discriminatory conduct for the purpose of providing a supportive measure.

Supportive Measures may vary depending on what the Covered Entity deems to be reasonably available. These measures may include but are not limited to: counseling, extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Sex-based Harassment.

Supportive Measures must not unreasonably burden either Party and must be designed to protect the safety of the parties or the Covered Entity's educational environment, or to provide support during the Covered Entity's Complaint procedures, or during the informal resolution process. A Covered Entity must not impose such measures for punitive or disciplinary reasons.

A Covered Entity may, as appropriate, modify or terminate Supportive Measures at the conclusion of the Complaint procedures or at the conclusion of the informal resolution process, or the Covered Entity may continue them beyond that point.

The Covered Entity must not disclose information about any Supportive Measures to persons other than the person to whom they apply, including informing one Party of Supportive Measures to another Party, unless necessary to provide the supportive measure to restore or preserve a Party's access to the Education Program or Activity, or when an exception otherwise applies.

Students with a Disability

If the Complainant or Respondent is an elementary or secondary student with a disability, the Covered Entity must require the Title IX Coordinator to consult with one or more members, as appropriate, of the Student's Individualized Education Program (IEP) team, 34 CFR 300.321, if any, or one or more members, as appropriate, of the group of persons responsible for the Student's placement decision under 34 CFR 104.35(c), if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of Supportive Measures.

If the Complainant or Respondent is a postsecondary Student with a Disability, the Title IX Coordinator may consult, as appropriate, with the individual or office that the Covered Entity has designated to provide support to Students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of Supportive Measures.

Right to Challenge Supportive Measures

If a Party is affected by the Title IX Coordinator's decision to provide, deny, modify, augment, or terminate Supportive Measures, and wishes to seek a modification or reversal of the decision, the Party may challenge the matter with the Covered Entity's authorized official, as determined by the Title IX Coordinator, who will hear the Supportive Measures challenge. Challenges must be made in writing, submitted to the Title IX Coordinator, and generally must be made within seven (7) business days of the date the Party is notified of the decision that the Party wishes to appeal. The official may hear appeals made outside the seven (7) business day window for good cause shown, after considering all the facts and circumstances.

The official must be someone other than the Employee who made the challenged decision and must have authority to modify or reverse the decision, if the official determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of Supportive Measures.

If the Supportive Measures at issue in an appeal are ones that may affect the other

Party, the official will notify the potentially affected Party and allow that Party to submit a written response prior to deciding the appeal. The decision of the official is final and not subject to further review.

If a Supportive Measure burdens a Party, the Party will be given an opportunity to appeal the imposition of the Supportive Measure prior to the Supportive Measure(s) taking effect unless such pre-imposition challenge is impractical, in which case the Party will be given an opportunity to challenge as soon as possible after the Supportive Measure has taken effect.

A Title IX Coordinator must also provide a Party with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

XII. Emergency Removal and Administrative Leave

At any time after receiving a report of Sex Discrimination or Retaliation, the Covered Entity may remove a Student Respondent from one or more of the Covered Entity's Education Program or Activity on an emergency basis if the Covered Entity undertakes an individualized safety and risk analysis, and determines that an immediate and serious threat to the health or safety of a Complainant or any Students, Employees, or other persons arising from the allegations of Sex Discrimination or Retaliation justifies removal. In the event the Covered Entity imposes an emergency removal, the Title IX Coordinator must provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

In the case of a Respondent who is an Employee, the Covered Entity may, in consultation with Human Resources, place the Respondent on administrative leave from employment responsibilities during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, the Covered Entity retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sex Discrimination or Retaliation.

This section must not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or Title II of the Americans with Disabilities Act.

XIII. Advisor of Choice

The Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings and proceedings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be and is not limited to, an attorney or a union representative.

The advisor will play a passive role and is not permitted to communicate on behalf of a Party, insist that communication flow through the advisor, or communicate with the Covered Entity about the matter without the Party being included in the communication. In the event a Party's advisor of choice engages in material violation of the parameters

specified in this Policy, the Covered Entity may preclude the advisor from further participation, in which case the Party may select a new advisor of their choice.

The Covered Entity is not required to provide a Party with an advisor. The Covered Entity may prohibit its employees from serving as advisors where such service would interfere with the employee's work or other obligations to the Covered Entity or where such employee's service would create a conflict of interest.

As a general matter, the advisor described in this section is the only person who may accompany a Party to meetings, interviews, and hearings. To the extent the Covered Entity deviates from this rule and allows a Party to be accompanied by one or more persons in addition to an advisor (e.g., union representative), the same right shall be extended to the other Party.

To the extent an applicable collective bargaining agreement gives advisors greater participation rights than what is described in this policy, equivalent participation rights will be given to the other Party's advisor.

XIV. **Evaluation**

Upon receipt of a report or Complaint of Sex Discrimination or Retaliation, the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of the Policy; and
- Whether the conduct, as reported, constitutes or could constitute Sex Discrimination.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the Policy, and/or could not constitute Sex Discrimination, even if investigated, the Title IX Coordinator will close the matter and may notify the reporting Party if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA"). The Title IX Coordinator may refer the report to other offices, as appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of the Policy, and/or could constitute Sex Discrimination, if investigated, the Title IX Coordinator will proceed to the next stage of the Complaint process.

Collateral misconduct refers to potential violations of other Covered Entity policies not incorporated into the Council on Postsecondary Education 2024 Sex Discrimination Policy and Procedures that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all charges. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these procedures. In such circumstances, the Title IX Coordinator may consult with Covered Entity officials who typically oversee such conduct (e.g. Human Resources, Student Conduct, Academic Affairs) to solicit their input as needed on what charges should be filed, but the exercise

of collateral charges under these procedures is within the discretion of the Title IX Coordinator. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in other relevant Covered Entity policies.

XV. Complaint

The following persons have the right to make a Complaint of Sex Discrimination, including Complaints of Sex-based Harassment, requesting that the Covered Entity investigate and make a determination about alleged discrimination under Title IX:

- a Complainant;
- a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; and
- the Title IX Coordinator, after making the appropriate determinations as described below.

With respect to Complaints of Sex Discrimination other than Sex-Based Harassment, the persons included above and the following persons have the right to make a Complaint:

- Any Student or Employee
- Any person other than a Student or Employee who was participating or attempting to participate in the Covered Entities Education Program or Activity at the time of the alleged Sex Discrimination.

A Complainant may make a Complaint with the Title IX Coordinator in person, by mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the Complaint.

In the event a Complainant files a Complaint against the Title IX Coordinator's direct supervisor, the Title IX Coordinator shall designate a Title IX Coordinator from a different Covered Entity to handle all aspects of that Complaint resolution process.

In the absence of a Complaint of Sex Discrimination or Retaliation or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator shall determine whether to initiate a Complaint of Sex Discrimination or Retaliation that complies with the Complaint procedures:

- a) To make this fact-specific determination, the Title IX Coordinator must consider, at minimum, the following factors:
 - i) The Complainant's request not to proceed with initiation of a Complaint;
 - ii) The Complainant's reasonable safety concerns regarding initiation of a Complaint;
 - iii) The risk that additional acts of Sex Discrimination would occur if a Complaint is not initiated;
 - iv) The severity of the alleged Sex Discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
 - v) The relationship and age of the parties, including whether the Respondent

- is an Employee of the Covered Entity;
 - vi) The scope of the alleged Sex Discrimination, including information suggesting a pattern, ongoing Sex Discrimination, or Sex Discrimination alleged to have impacted multiple individuals;
 - vii) The availability of evidence to assist a decisionmaker in determining whether Sex Discrimination occurred; and
 - viii) Whether the Covered Entity could end the alleged Sex Discrimination and prevent its occurrence.
- b) If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the Covered Entity from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.
- i) If initiating a Complaint, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety and/or the safety of others, including by providing Supportive Measures; and
 - ii) Regardless of whether a Complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the Remedies provided to an individual Complainant, if any, to ensure that Sex Discrimination does not continue or recur within the Covered Entity's program or activity

In a case where the Title IX Coordinator files a Complaint, the Title IX Coordinator will not act as a Complainant for purposes of the investigation and adjudication processes.

A Title IX Coordinator is not required to act on information that is alleged to constitute Sex Discrimination if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute Sex Discrimination under Title IX.

Once the Complaint of Sex Discrimination or Retaliation is filed, and is not otherwise dismissed, the Covered Entity will commence an investigation and proceed to adjudicate the matter as specified in these procedures. In all cases where a Complaint is filed, the Complainant will be treated as a Party, irrespective of the Party's level of participation.

XVI. Consolidation of Complaints

The Title IX Coordinator may consolidate Complaints of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of Sex Discrimination arise out of the same set of facts or circumstances.

A Complaint of Retaliation may be consolidated with a Complaint of Sex Discrimination.

XVII. Dismissal of Complaints

A Covered Entity may dismiss a Complaint of Sex Discrimination at any point after the Complaint is made through its Complaint procedures for any of the following reasons:

- The Covered Entity is unable to identify the Respondent after taking reasonable

- steps to do so;
- The Respondent is not participating in the Covered Entity's Education Program or Activity and is not employed by the Covered Entity;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint in writing, the Title IX Coordinator declines to initiate a Complaint, and the Covered Entity determines that without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex Discrimination even if proven; or
- The Covered Entity determines the conduct alleged in the Complaint, even if proven, would not constitute Sex Discrimination under Title IX. Prior to dismissing the Complaint, the Covered Entity must make reasonable efforts to clarify the allegations with the Complainant.

In the event the Title IX Coordinator determines the Complaint should be dismissed pursuant to this section, the Title IX Coordinator must promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Covered Entity must provide the parties, simultaneously, with written notice of the dismissal and the basis for the dismissal.

A Title IX Coordinator that dismisses a Complaint, must, at minimum:

- Offer Supportive Measures to the Complainant as appropriate;
- In cases in which the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate;
- Take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue to recur within the Covered Entity's Education Program or Activity.

The Title IX Coordinator must notify the Complainant in writing that a dismissal of a Complaint may be appealed. If the dismissal occurs after the Respondent has been notified of the allegations, the Title IX Coordinator must also notify the Respondent that the dismissal may be appealed.

The Title IX Coordinator may refer the subject matter of the Complaint to other offices and procedures, as appropriate.

XVIII. **Notice of Allegations**

Upon initiation of the Covered Entity's Complaint procedures and with sufficient time for the parties to prepare a response before any initial interview, but in any case not more than 5 business days after receipt of the Complaint, the Title IX Coordinator must provide written notice of the allegations to the parties whose identities are known. Notice must include:

- A physical or electronic copy of this Policy;
- Information about the Covered Entity's informal resolution process, when applicable;
- Sufficient information available at the time to allow the parties to respond to the allegations. Sufficient information ~~to~~ includes the identities of the parties involved in the incident(s), the conduct alleged to constitute Sex Discrimination and/or Sex-based Harassment under Title IX, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the to the Covered Entity;
- A statement that Retaliation is prohibited;

- A statement that the Respondent is presumed not responsible for the alleged Sex Discrimination and/or Sex-based Harassment until a determination of whether Sex Discrimination and/or Sex-based Harassment occurred is made at the conclusion of the Complaint procedures and that prior to the determination, the parties will have an opportunity to present Relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- A statement that the parties may have an advisor of their choice and that the advisor may be, but is not required to be, an attorney;
- A statement that the parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence or to an investigative report that accurately summarizes this evidence; and if the postsecondary institution provides access to an investigative report, the parties are entitled to an equal opportunity to access to the Relevant and not otherwise impermissible evidence upon the request of any Party; and
- Any provision in the Covered Entity's relevant code(s) of conduct or policies, including this Policy, that prohibits knowingly making false statements or knowingly submitting false information during the Complaint procedure.
- Information about resources that are available on campus and in the community.

If, in the course of an investigation, the Covered Entity decides to investigate additional allegations of Sex Discrimination and/or Sex-based Harassment by the Respondent toward the Complainant that are not included in the written notice provided, or that are included in a Complaint that is consolidated, the Covered Entity must provide written notice of the additional allegations to the parties whose identities are known.

To the extent the Covered Entity has reasonable concerns for the safety of any person as a result of providing this notice, the Covered Entity may reasonably delay providing written notice of allegations in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

XIX. Retaliation

Retaliation is prohibited in the Covered Entities Education Program or Activity.

Prohibited Retaliation includes but is not limited to:

- A. Initiating a disciplinary process against a person for a code of conduct violation that does not involve Sex Discrimination but arises out of the same facts and circumstances as a Complaint or information reported about possible Sex Discrimination, for the purpose of interfering with the exercise of any right or privilege secured by Title IX; and
- B. Peer Retaliation.

Complaints of Retaliation should be filed directly with the Title IX Coordinator. Any Complaint of Retaliation will be processed under this Policy in the same manner as a Complaint of Sex Discrimination.

Retaliation does not include requiring an Employee or person authorized by the Covered Entity to provide aid, benefit, or service under the Covered Entity's Education Program or Activity to participate as a witness in, or otherwise assist with, an investigation,

proceeding, or hearing under this Policy.

XX. **Investigation**

A. **Overview**

After the written notice of the Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence Relevant to the alleged misconduct.

Throughout the investigation, the Covered Entity must provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings, investigative interviews, proceedings or hearings with sufficient time for the Party to prepare to participate.

Although the length of each investigation may vary depending on the totality of the circumstances, the Covered Entity strives to complete each investigation within ninety (90) calendar days of the transmittal of the written notice of Complaint.

B. **Interviews and Evidence Collection**

The burden is on the Covered Entity– not the parties– to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination occurred. The investigator will not restrict the ability of the parties to gather and present Relevant evidence on their own.

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present fact witnesses (including expert witnesses), and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be duplicative and cumulative, if the witnesses do not have information Relevant to the allegations at issue, or if the witnesses are offered to render testimony that is impermissible.

The investigator will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance.

The investigator will provide each Party with an equal opportunity to access the evidence that is Relevant to the allegations of Sex Discrimination and not otherwise impermissible, as well as a reasonable opportunity to respond, in the following manner:

- (i) A Covered Entity must provide an equal opportunity to access either the Relevant and not otherwise impermissible evidence, or an investigative report that accurately summarizes the evidence. If the Covered Entity provides an investigative report that accurately summarizes the evidence, it must further provide the parties with an equal opportunity to access the Relevant and not otherwise impermissible evidence upon the request of any Party;

(ii) A Covered Entity must provide a reasonable opportunity to respond to the evidence, or an investigative report that accurately summarizes the evidence; and

(iii) A Covered Entity must take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the Complaint procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Sex Discrimination are authorized. Violations of this clause will be handled by the Covered Entity's codes of conduct or other policies that may apply.

The investigation is a Party's opportunity to present testimonial and other evidence that the Party believes is Relevant to addressing the allegations in the Complaint. A Party that is aware of and has a reasonable opportunity to present evidence and/or identify witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication.

C. Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the Parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

D. Draft Investigative Report

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigative report, the investigator will transmit to each Party and their advisor, in either electronic or hard copy form, a draft investigative report that includes all Relevant and not otherwise impermissible evidence obtained as part of the investigation.

Where the evidence may include intimate, explicit or graphic photographs, images or videos, an accurate summary of the evidence may be provided in lieu of the evidence itself. However, where an accurate summary of the evidence is provided to the Parties, the evidence must be made available to a Party upon request.

The parties will have ten (10) business days in which to submit to the investigator a written response to the draft report, which the investigator will consider prior to completing the final investigation report. This response may include questions a Party wishes to pose to the opposite Party or witnesses through the investigator, subject to any rules regarding relevance and impermissibility contained in this Policy.

The parties and their advisors are permitted to review the evidence solely for the purposes of the Complaint process and may not photograph or disseminate the evidence or disclose information and evidence obtained solely through the Complaint procedures without authorization or as otherwise allowed per this Policy.

E. Final Investigative Report

After the 10 business day period for the parties to provide any written response to the draft investigative report has expired, the investigator will complete a final investigative report that accurately summarizes the steps taken during the investigation, accurately summarizes the Relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigative report is complete, the investigator will transmit a copy to the Title IX Coordinator. The Title IX Coordinator will transmit the investigation report to each Party and their advisor, in either electronic or hard copy form. The parties and their advisors are provided the report for the purposes of this Complaint process and may not disseminate the report or disclose the report without authorization or as otherwise allowed per this Policy.

Upon receipt of the final investigative report, the Title IX Coordinator will refer the matter to the decisionmaker, who shall be appointed by the Title IX Coordinator.

XXI. Live Hearing

Role of the Decisionmaker

To reach a determination of whether Sex Discrimination occurred, the decisionmaker shall review the final investigative report, conduct a hearing, and consider all relevant and not otherwise impermissible evidence.

The decisionmaker will resolve disputed facts by reviewing the Relevant and not otherwise impermissible evidence using a preponderance of the evidence standard (i.e., “more likely than not”). The decisionmaker shall determine regarding whether there was a preponderance of the evidence to constitute one or more violations of the Policy as alleged in the Complaint and render a determination of responsibility for the allegations in the Complaint at the conclusion of the hearing process.

Hearing Notice

After the decisionmaker is appointed by the Title IX Coordinator, the Title IX Coordinator will promptly transmit written notice to the parties.

Written notice must include the date, time, location, participants and purpose of all meetings and proceedings, with sufficient time for the parties to prepare, and must further contain:

- Notice of the decisionmaker’s appointment, including their name and contact information;
- Notice that the parties may submit a written response to the investigative report within ten (10) business days of receipt of the hearing notice;
- Notice that the parties may submit questions to be posed to the other Party and/or witnesses through the decisionmaker during the live hearing within ten (10) business days of receipt of the hearing notice;
- The date, time, location, participants, and purpose of the pre-hearing conference;
- The date, time, location, participants, and purpose of the live hearing; and
- A copy of the Covered Entity’s Hearing Procedures.

Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) business days from the date of transmittal of the written notice of hearing.

Response to the Investigative Report

A Party may submit a written response to the investigative report within ten (10) business days of receipt of the hearing notice. If a Party chooses to submit a written response, it must be submitted to the Title IX Coordinator, who shall submit the document to the decisionmaker.

A Party's written response to the investigative report may include, but is not limited to, the following:

- Reasoning whether any of the allegations in the Complaint are supported by a preponderance of the evidence;
- Reasoning whether any of the allegations in the Complaint constitute Sex Discrimination;
- To the extent the Party agrees or disagrees with the investigation report, any reasoning or comments regarding such agreement or disagreement;
- Any reasoning that evidence should be excluded from consideration at the hearing;
- A list of any witnesses that the Party contends should be requested to attend the hearing pursuant to an attendance notice issued by the decisionmaker;
- Any accommodations that the Party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the Party at the pre-hearing conference and hearing.

Proposed Questions

A Party may submit questions to be posed to the other Party and/or witnesses through the decisionmaker during the live hearing within ten (10) business days of receipt of the hearing notice. If a Party chooses to submit questions in advance of the hearing, they must be submitted to the Title IX Coordinator, who shall submit the document to the decisionmaker.

The decisionmaker must determine whether a proposed question is Relevant and not otherwise impermissible prior to the question being posed and must explain any decision to exclude a question as not Relevant or otherwise impermissible. If a decisionmaker determines that a Party's question is Relevant and not otherwise impermissible, then the question must be asked except that the decisionmaker must not permit questions that are unclear or harassing of the Party or witness being questioned.

The decisionmaker must give a Party an opportunity to clarify or revise a question that the decisionmaker has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, the question must be asked. Parties asked to clarify or revise a question must submit their clarification or revision no later than 3 business days prior to the live hearing. A decisionmaker reserves the right to exclude a question that has not been clarified or revised.

Pre-Hearing Conference

Prior to the hearing, and in consultation and/or conjunction with the Title IX Coordinator, the decisionmaker will conduct a pre-hearing conference with the Parties and their advisors. During the pre-hearing conference, the decisionmaker will discuss the hearing procedures with the Parties, discuss the witnesses the Parties have requested be served with notices of attendance, and resolve any other matters that the decisionmaker determines, in the decisionmaker's discretion, should be resolved before the hearing.

Issuance of Notices of Attendance

After the pre-hearing conference, the Title IX Coordinator will transmit notices of attendance to any Covered Entity Employee (including administrator, faculty, or staff) or Student whose attendance is requested by the decisionmaker at the hearing as a witness. The notice will contain the date, time, location, participants and purpose of the hearing, shall be sent with sufficient time for the witness to prepare and advise the witness to contact the Title IX Coordinator immediately if there is a material and unavoidable conflict, or if the witness requires an accommodation to participate.

Witnesses who have received an attendance notice should notify any manager, faculty member, coach, or supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the witness of the obligation so that the witness may attend the hearing as specified in the notice.

Hearing

After the pre-hearing conference, the decisionmaker will convene and conduct a hearing. The hearing will be recorded (audio or audiovisual) or transcribed. The recording or transcript will be made available to the parties for inspection and review upon request, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. The hearing may be conducted virtually and will include the decisionmaker, the parties, the advisors, witnesses, and other necessary Covered Entity personnel.

During the hearing, the decisionmaker shall question parties and witnesses to adequately assess a Party's or witness's credibility to the extent credibility is both in dispute and Relevant to evaluating one or more allegations of Sex-based Harassment or Sex Discrimination. Credibility determinations must not be based on a person's status as a Complainant, Respondent, or witness.

Each hearing will include, at a minimum:

- Opportunity for each Party to address the decisionmaker directly and to respond to questions posed by the decisionmaker;
- Opportunity for each Party to pose questions and/or follow-up questions to the other Party and witnesses through the decisionmaker, after the decisionmaker has determined such questions are Relevant and permissible;
- Opportunity for each Party to answer questions and follow-up questions submitted by the opposite Party and posed by the decisionmaker after the decisionmaker has determined such questions are Relevant and permissible;
- Opportunity for each Party to make a brief closing argument.

Except as otherwise permitted by the decisionmaker, the hearing will be closed to all persons except the parties, their advisors, the investigator, the decisionmaker, the Title IX Coordinator, and other necessary Covered Entity personnel. Witnesses will be sequestered at the hearing.

While a Party has the right to attend and participate in the hearing with an advisor, a Party

and/or advisor who is disruptive and/or repeatedly violates the rules of the hearing, may be barred from further participation at the discretion of the decisionmaker.

Subject to the minimum requirements specified in this Policy, the decisionmaker will facilitate the hearing in accordance with the Covered Entity's Hearing Procedures. The decisionmaker will independently and, if necessary, contemporaneously screen questions for relevance, resolve any objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and the strict rules of evidence do not apply. The decisionmaker will have discretion to modify the Hearing Procedures, when good cause exists.

Hearsay

The decisionmaker may consider statements of persons who were not present at the hearing if such statements were (i) made against the interests of that person, (ii) made by a Party and the statement is offered by the opposing Party, (iii) made by a non-Party witness unable to attend the hearing due to circumstances beyond that individual's control, (iv) made for the purpose of obtaining medical diagnosis or treatment, or (v) contained in a document where there are sufficient indications of the document's authenticity and trustworthiness, so long as the statements are deemed reliable and Relevant by the decisionmaker and not otherwise subject to exclusion under this policy. Such statements may include, but are not limited to, statements in police reports or other official reports, medical records, court records, investigation notes of interviews, investigation transcripts, emails, transcripts, emails, written statements, affidavits, text messages, and social media postings. While the decisionmaker may consider statements contained in a document, the document itself may not necessarily be considered by the decisionmaker. In the event the decisionmaker decides to consider the document, that document may be redacted to remove from consideration information that is irrelevant, unreliable or impermissible for any other reason.

Evidence

After the hearing is complete, the decisionmaker will objectively evaluate all Relevant and not otherwise impermissible evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness.

A decisionmaker may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant and not impermissible. The decisionmaker must not draw an inference about whether Sex-based Harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

The preponderance of the evidence standard requires the decisionmaker to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded by the evidence under this standard that Sex Discrimination occurred, whatever the quantity of the evidence is, the decisionmaker must not determine that Sex Discrimination occurred.

The following types of evidence, and questions seeking that evidence, are excluded as impermissible (i.e. must not be accessed or considered, except by the Covered Entity to

determine whether an exception applies; must not be disclosed, and must not be otherwise used), regardless of whether they are Relevant:

- Evidence that is protected under a privilege as recognized by Federal or Rhode Island law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the Covered Entity obtains that Party's or witness's voluntary, written consent for use in the Covered Entity's Complaint procedures;
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-based Harassment or preclude termination that Sex-based Harassment occurred;

Written Determination

After the live hearing, the decisionmaker shall make a determination of whether, by a preponderance of the evidence, Sex Discrimination occurred.

Parties will be notified simultaneously in writing of the outcome of the Complaint, including the determination whether Sex Discrimination or Sex-Based Harassment occurred under Title IX, including the rationale for such determination, and the procedures and permissible bases for the parties to appeal, if applicable.

The written determination must include:

- A description of the alleged Sex Discrimination or Sex-Based Harassment;
- Information about the policies and procedures that the Covered Entity used to evaluate the allegations;
- A description of the procedural steps taken by the Covered Entity upon receipt of the Complaint, through issuance of the written determination, including notification to the parties, interviews with the parties and witnesses, evidence, and the date, location, and people who were present at and/or presented testimony at the hearing.
- The decisionmaker's evaluation of the Relevant and not otherwise impermissible evidence and determination of whether Sex Discrimination or Sex-Based Harassment occurred;
- Findings of fact, made under a preponderance of the evidence standard, that support the determination;
- When the decisionmaker finds that Sex Discrimination or Sex-Based Harassment occurred, any Disciplinary Sanctions the Covered Entity will impose on or recommend for the Respondent, and whether Remedies other than the imposition of Disciplinary Sanctions will be provided by the Covered Entity to the Complainant and, to the extent appropriate, other Students identified by the Covered Entity to be experiencing the effects of Sex Discrimination or Sex-based Harassment; and
- The Covered Entity's procedures for the Complainant and Respondent to appeal.

Although the length of each determination will vary depending on the totality of the circumstances, the Covered Entities strives to issue the decisionmaker's written determination within fourteen (14) business days of the conclusion of the hearing.

Discipline and Remedies

In the event the decisionmaker determines that a Student, Employee, or other non-Employee Respondent is responsible for violating this Policy, the decisionmaker will issue a written decision, which includes a recommended discipline and/or remedy as it pertains to the factual finding of violation. That decision will then be transmitted to the Title IX Coordinator to provide notice to the parties and also to the appropriate Covered Entity official with disciplinary authority over the Respondent regarding any student disciplinary actions or employment actions by the appointing authority. The decisionmaker will also, prior to issuing a written determination, consult with the Title IX Coordinator who will determine whether and to what extent ongoing Supportive Measures or other Remedies will be provided to the Complainant.

If there is a determination that Sex Discrimination occurred, the Title IX Coordinator must coordinate the provision and implementation of Remedies to the Complainant and other person the Covered Entity identifies as having had equal access to the Covered Entity's Education Program or Activity limited or denied by Sex Discrimination, coordinate the imposition of any Disciplinary Sanctions on the Respondent where necessary, including notification to the Complainant of any such Disciplinary Sanctions, and take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the Covered Entity's Education Program or Activity.

XXII. Appeals

Either Party may appeal a Title IX Coordinator's dismissal of a Complaint or any allegations therein and/or a decisionmaker's determination whether Sex-based Harassment or Sex Discrimination occurred. A Party must file an appeal within seven (7) business days of the date they receive notice of dismissal or written determination. The appeal must be submitted in writing to the Covered Entity's Title IX Coordinator.

A Party may appeal the dismissal of a Complaint or the determination on the following bases:

- A procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available at the time the determination of whether Sex Discrimination or Sex-based Harassment occurred or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

Additionally, appeals of dismissals may be considered on the following ground:

- the dismissal of a Complaint was erroneously granted or denied

No other grounds for appeal are permitted.

The appeal must specifically identify the determination and/or dismissal appealed from, articulate which grounds for appeal are being asserted, explain in detail why the appealing Party

believes the appeal should be granted, and articulate what specific relief the appealing Party seeks. The Title IX Coordinator shall designate an appeals officer and submit the appeal to this officer. The appeals officer cannot have participated in dismissal of the Complaint, the investigation of the allegations, or the hearing.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice to the parties containing the rationale for the decision. ~~of the same~~

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the Title IX Coordinator will provide written notice to the other Party that an appeal has been filed and that the other Party may submit a written response to the appeal within seven (7) business days. If the Complainant appeals a dismissal, but the Respondent was not notified of the Complaint, the Title IX Coordinator must then provide the Respondent with written notice of the Complaint, written notice of the dismissal, and will notify the Respondent of the Complainant's appeal with an opportunity to respond. The appeal officer shall also promptly obtain from the Title IX Coordinator the complaint, and any records from the investigation and determination necessary to resolve the grounds raised in the appeal.

Upon receipt of the opposite Party's written response, or after the time period for submission of a response has passed without one being filed, the appeal officer will promptly decide the appeal and prepare a written decision to the parties, to be simultaneously transmitted to the parties by the Title IX Coordinator, that explains the outcome of the appeal and the rationale.

Appeal decisions are to be deferential to the original determination, making changes to the determination only when the basis for the appeal is supported by a preponderance of the evidence. An appeal is not an opportunity for the appeal officer to substitute their judgment for that of the Decisionmaker because they disagree with the decision and/or sanction(s).

No further review beyond the appeal is permitted through the policy.

Although the length of each appeal will vary depending on the totality of the circumstances, the Covered Entity strives to issue the appeal officer's written decision within twenty-one (21) business days of an appeal being filed.

If an appeal is filed, any sanctions imposed as a result of the decision are stayed during the appeal process, and Supportive Measures may be maintained or reinstated until the appeal determination is made.

The determination of a Complaint regarding responsibility becomes final either on the date that the Covered Entity provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

XXIII. Admission of Responsibility

If, at any point in the process, a Respondent elects to admit to the charged violations and waive further process, the decisionmaker is authorized to accept that admission, adopt it as their determination, and administer or recommend sanctions, as relevant. An admission of

responsibility waives all rights to appeal for the Respondent. If the Respondent rejects the determination or sanctions, or does not admit to all conduct charged, the Complaint procedure shall continue to its conclusion.

XXIV. Objections Generally

Parties are expected to raise any objections, concerns, or Complaints about the investigation, determination, and appeals process in a prompt and timely manner so that the Covered Entity may promptly evaluate address such issues.

XXV. Informal Resolution

At any time after the parties are provided written notice of a Complaint, and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in an informal resolution process, unless the Complaint includes allegations that an Employee engaged in Sex-based Harassment or Retaliation of an elementary school or secondary school student or such a process would conflict with Federal, State or local law.

In the event that a Complainant wishes to engage in informal resolution but the allegation(s) of Sex Discrimination does not name an individual Respondent (e.g., the basis of the Complaint corresponds to an institutional policy or other Title IX violation), the Title IX Coordinator may identify an Employee to engage in the informal resolution process on behalf of the Covered Entity. If an informal resolution cannot be reached, the Employee appointed to engage in the informal resolution process will not be designated as the Respondent upon resuming the investigation and complaint process.

If parties are provided an informal resolution process, the Title IX Coordinator must, to the extent necessary, take other appropriate prompt and effective steps to ensure that Sex Discrimination or Retaliation does not continue or recur within the Covered Entity's Education Program or Activity.

- (i) A Title IX Coordinator has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute Sex Discrimination or Retaliation under Title IX or when a Complaint of Sex Discrimination is made, and may decline to offer informal resolution despite one or more of the parties' wishes. If such offer is made to the parties, the offer must be made in writing.
- (ii) Circumstances when a Title IX Coordinator may decline to allow informal resolution include but are not limited to when the Covered Entity determined that the alleged conduct would present a future risk of harm to others.

A Covered Entity must not require or pressure the Parties to participate in an informal resolution process. The Title IX Coordinator must obtain the Parties' voluntary written consent to the informal resolution process and must not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

Before initiation of an informal resolution process, the Title IX Coordinator must provide to the Parties written notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume the Complaint procedures;
- That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming Complaint procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties;
- What information the Covered Entity will maintain and whether and how the Covered Entity could disclose such information for use in the Complaint procedure, if Complaint procedures are initiated or resumed;
- If the Covered Entity resumes its investigation and determination process, the Covered Entity will not access, consider, disclose, or otherwise use information, including records, obtained solely through the informal resolution process as part of the investigation or determination of the Complaint;
- If the Covered Entity resumes its investigation and determination process, the person facilitating informal resolution could serve as a witness for purposes other than providing information obtained solely through the informal resolution process; and
- Identifies the individual responsible for facilitating the informal resolution.

The facilitator for the informal resolution process must not be the same person as the investigator or the decisionmaker in the Complaint procedures. Any person designated by a Covered Entity to facilitate an informal resolution process must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

The facilitator shall meet with each Party separately to explain the process and discuss the Party's desired terms. The facilitator shall communicate each Party's desired terms to the other Party, and help facilitate agreed-upon terms.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

A Party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

While the agreed-upon terms contained in an Informal Resolution Agreement can be creative, specific, flexible, and tailored to the parties, certain terms shall not be approved by the Title IX Coordinator. These terms include, but are not limited to the following:

- An admission of responsibility of either Party;
- A blanket ban from physical presence on any/all campuses or property of the Covered Entity, without specificity regarding time and location;
- An agreement that a Student will withdraw and will not re-enroll, without specificity regarding time and locations; or
- Terms that hinder a faculty or staff person's ability to do their job or to complete the essential functions of their job.

Examples of terms that could be agreed upon include:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of the Covered Entity's programs or activities or attendance at specific events, including restrictions the Covered Entity could have imposed as Remedies or Disciplinary Sanctions had the Covered Entity determined at the conclusion of the Covered Entity's Complaint procedures that Sex Discrimination occurred.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the Covered Entity, except as otherwise provided in the resolution itself, absent a showing that a Party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either Party or to the Covered Entity. Informal resolution reached pursuant to this section is not subject to appeal.

If the Parties do not reach a resolution through the informal resolution process, Parties may choose to proceed with the formal investigation and complaint procedure outlined in this Policy.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) business days. If an informal resolution process does not result in a resolution within twenty-one (21) business days, and absent an extension, the informal resolution process will be deemed terminated, and the Complaint will be resolved pursuant to the investigation and complaint procedures set out in this Policy. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or complaint procedures that were suspended due to the informal resolution process.

XXVI. **Confidentiality**

The investigation and adjudication materials, including the investigation report and appended evidence, and the written decision, are for the sole use of the Party (and, if the Party is entitled to one, an advisor) in the proceedings contemplated by this Policy; such materials may not be disseminated to third parties or otherwise published. If a Party violates the confidentiality rules governing investigation and adjudication materials, the Party is subject to disciplinary action under the Student Code of Conduct in the case of a Student, and other Covered Entity policies and standards, as applicable, for other persons.

A Covered Entity must not disclose personally identifiable information obtained in the course of complying with Title IX, except in the following circumstances:

1. When the Covered Entity has obtained prior written consent from a person with the legal right to consent to the disclosure;
2. When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
3. To carry out the purposes of Title IX, including action taken to address conduct that reasonably may constitute Sex Discrimination under Title IX in the Covered Entity's Education Program or Activity;
4. As required by Federal law, Federal regulations, or the terms and conditions of a Federal

- award, including a grant award or other funding agreement; or
5. To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under FERPA.

The Covered Entity will also maintain the confidentiality of its records generated in response to reports and Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Further, notwithstanding the Covered Entity's general obligation to maintain confidentiality as specified herein, the Covered Entity will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of a Covered Entity's Complaint procedures, provided that the steps do not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in the Complaint procedures.

While the Covered Entities will maintain confidentiality specified in this section, the Covered Entity will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sex Discrimination or Retaliation, including Peer Retaliation, in certain circumstances and be subject to discipline pursuant to the processes specified in this Policy. Certain types of Sex Discrimination are considered crimes for which the Covered Entity must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

XXVII. Training and Conflicts of Interest

The Title IX Coordinator will ensure that officials acting under this Policy, including investigators, decisionmakers, and other persons who are responsible for implementing the Covered Entity's Complaint procedures or have the authority to modify or terminate Supportive Measures must be trained on the following topics to the extent related to their responsibilities:

- (i) The Covered Entity's obligations under this policy;
- (ii) The Covered Entity's Complaint procedures;
- (iii) How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, and;
- (iv) The meaning and application of the term Relevant in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under this policy.

Any person facilitating informal resolution must receive training on the rules and practices associated with the Covered Entity's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

Any person designated as a Title IX Coordinator, investigator, or decisionmaker must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Any Party who believes one or more of these officials has a conflict of interest or bias must raise the concern promptly so that the Covered Entity may evaluate the concern and find a substitute, if appropriate. The failure of a Party to timely raise a

concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal.

XXVIII. Bad Faith Complaints and False Information

It is a violation of this Policy for any person to submit a report or Complaint that the person knows, at the time the report or Complaint is submitted, to be false or frivolous. It is also a violation of this Policy for any person to knowingly make a materially false statement during the course of an investigation, hearing, determination, or appeal under this Policy. Violations of this section are not subject to the investigation and adjudication processes in this Policy; instead, they will be addressed under the Code of Student Conduct and other Covered Entity policies, rules, regulations and policies, as applicable, for Employees.

No Party, witness, or others participating in the Complaint procedures shall be disciplined for making a false statement or for engaging in consensual sexual conduct based solely on the decisionmaker's determination of whether Sex Discrimination occurred.

XXIX. Extension of Deadlines or Temporary Suspension of Complaint Procedure

All deadlines and other time periods specified in this Policy are subject to modification by the Title IX Coordinator where, in the Title IX Coordinator's sole discretion, good cause exists. Good cause includes, but is not limited to, the unavailability of Parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the Parties; and unforeseen weather events. In the case the Title IX Coordinator allows a reasonable extension, the Parties must be provided with written notice of any extension, including the reason for the delay.

XXX. Other Violations of this Policy

Alleged violations of this Policy, other than violations of the prohibitions on Sex Discrimination and Retaliation, will be subject to review and discipline under the Student Code of Conduct for Students and the personnel policies for Employees. Examples of such violations include, but are not limited to, failure to abide by Supportive Measures or unauthorized disclosure of evidence.

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker(s), including the Appeal Panel or Decision-maker or the Informal Resolution agreement. Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the Covered Entity. Supervisors are expected to enforce the completion of sanctions/responsive actions for their Employees.

XXXI. Resources

The Covered Entities shall publish and make available information about resources for individuals who believe they are victims of, witnesses to, or are concerned about Sex Discrimination and other forms of sexual violence. Such information should include a list of internal and external agencies, offices, hotlines, websites, or other resources and service providers that may be beneficial or valuable. Each Covered Entity is obligated to keep their available resources listings current.

XXXII. Constitutional Rights and Academic Freedom

The Covered Entities will construe and apply this Policy consistent with the First Amendment to the U.S. Constitution and the principles of academic freedom. In no case will a Respondent be found to have committed Sex Discrimination based on expressive conduct that is protected by the First Amendment and/or the principles of academic freedom.

XXXIII. Relationship With Criminal and Other Legal Processes

This Policy sets forth the Covered Entities' processes for responding to reports and Complaints of Sex Discrimination. The Covered Entities' processes are separate and distinct from any criminal processes. While the Covered Entity may temporarily delay its processes under this Policy if requested by law enforcement, the Covered Entity will otherwise apply this Policy and its processes without regard to the status or outcome of any criminal process.

In some cases, allegations of Sex Discrimination under this Policy may be the subject of parallel civil lawsuits, administrative Complaints, or regulatory processes under federal, state, or local law. The pendency of such parallel litigation may necessitate a delay or modification of the processes set forth in this Policy, especially where the processes in this Policy might interfere with the authority of a court or regulatory body with jurisdiction over such parallel litigation, violate rules or orders governing such parallel litigation, violate the rights of a Party in such parallel litigation, or create a conflict of interest for the Covered Entity itself. In such instances, the Covered Entity retains discretion to pause, modify, or terminate proceedings under this Policy.

XXXIV. Vendors, Contractors and Third Parties

The Covered Entities conduct business with various vendors, contractors, and other third parties. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this Policy, the Covered Entity retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. The Covered Entity retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party.

XXXV. Outside Appointments and Dual Appointments

The Covered Entities retains discretion to engage and appoint suitably qualified persons who are not Covered Entity's Employees to fulfill any function of the Covered Entity under this Policy, including, but not limited to, the investigator, decisionmaker, informal resolution officer, and/or appeals officer.

The Covered Entities also retain discretion to appoint two or more persons to jointly fulfill the role of investigator, decisionmaker, informal resolution officer, and/or appeals officer. For clarity, this section includes the ability to appoint a hearing panel to serve the role of decisionmaker. A hearing panel will consist of a Hearing Chair and at least one other panelist. Any reference to a decisionmaker contained in this Policy includes reference to a hearing panel.

XXXVI. Recordkeeping

The Covered Entity will retain the following records for a period of seven years after which point in time they may be destroyed, or continue to be retained, in the Covered Entity's sole discretion: (1) for each Complaint of potential Sex Discrimination, records documenting the

informal resolution process or investigation and adjudication of the Complaint, including the outcome; (2) for each report of potential Sex Discrimination, records documenting the actions the Covered Entity took in response to the report; and (3) all materials used to provide the trainings required by this Policy. Such materials will be made available for inspection and review only to the extent required by Title IX and its implementing regulations and/or other applicable federal, state, and/or local laws.

XXXVII. Exercise of Rights by Parents, Guardians, or Other Authorized Legal Representatives

Nothing in this Policy shall be read in derogation of any legal right of a parent, guardian or other authorized legal representative to act on behalf of a Complainant, Respondent, or other person, subject to FERPA, including but not limited to making a Complaint through the Covered Entity's Complaint procedures for Complaints of Sex Discrimination.

EXHIBIT A
Title IX Coordinator and Resource Listings
for Rhode Island College

Title IX Coordinator Contact Information

Ashley Ruderman-Looff, PhD
Title IX Coordinator, Director of Institutional Equity
301 Roberts Hall Providence, RI 02908
401-456-8218, arudermanlooff@ric.edu

Available Resources

The College recognizes that some individuals, for a variety of reasons, may be reluctant to participate in the investigation or file a Complaint without the advice or counsel of a sympathetic Party. The following resources are available to provide assistance and information to anyone who is concerned or witnessed incident(s) of sexual harassment and sexual violence or Sexual Assault:

Internal Resources

Counseling Center – Brown Residence Hall Suite 100, 401-456-8094
<https://www.ric.edu/departments-directory/division-student-success/dean-students-office/center-health-and-wellness/counseling-center>

Health Services – Brown Residence Hall, 401-456-8055
<https://www.ric.edu/departments-directory/division-student-success/dean-students-office/center-health-and-wellness/office-health-services/available-health-services>

Office of Student Life – Student Union #408, 401-456-8061
<https://www.ric.edu/departments-directory/division-student-success/dean-students-office/office-student-life>

Residential Life and Housing – Penfield Residence Hall, 401-456-8240
<https://www.ric.edu/departments-directory/division-student-success/dean-students-office/office-residential-life-housing>

Human Resources – Building #6, East Campus, 401-456-8218
<https://www.ric.edu/departments-directory/division-administration-finance/office-human-resources>

Campus Police – Welcome Center, 401-456-8201 or 401-456-8522
<https://www.ric.edu/departments-directory/division-administration-finance/office-campus-police>

External Resources

U.S. Department of Education Office for Civil Rights, Boston Office
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
617-289-0111
<https://www.ed.gov/category/location/massachusetts>

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903
401-222-2661
Fax: 401-222-2616; TTY (Relay RI): 401-222-2664
<http://www.richr.ri.gov/>

Equal Employment Opportunity Commission Boston Area Office
J.F.K. Federal Building, Room 475
475 Government Center, Boston, MA 02203
866-408-8075, 617-565-3200
<https://www.eeoc.gov/field-office/boston/location>

EXHIBIT B
Title IX Coordinator and Resource Listings
for Community College of Rhode Island

Title IX Coordinator Contact Information

Kara DiPaola, Esq.
Title IX Coordinator
400 East Avenue, Warwick, RI 02886
401-825-1126; Cell: 401-895-1095
kddipaola@ccri.edu

Available Resources

Various on-campus support and counseling services are available for victims of Sexual Assault. CCRI offers counseling services:

Warwick	401-825-2301
Lincoln	401-333-7160
Providence	401-455-6063
Newport	401-851-1625

Off-campus services that are available 24 hours/7 days a week include:

Day One: 401-421-4100

Sojourner House: 401-765-3232

Elizabeth Buffum Chace Center: 1-800-494-8100

The personnel in these offices can provide advice and counseling, detailed information on health issues and reporting procedures, or referrals to other resources.

College Police

Lincoln	401-333-7035
Newport	401-851-1620
Providence	401-455-6050
Warwick	401-825-2109

External Resources:

U.S. Department of Education Office for Civil Rights, Boston Office
5 Post Office Square, 8th Floor, Boston, MA 02109-3921
617-289-0111

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor, Providence, RI 02903
401-222-2662

Equal Employment Opportunity Commission, Boston Area Office
J.F.K. Federal Building, Room 475
475 Government Center, Boston, MA 02203
866-408-8075; 617-565-3200

APPENDIX C
Notice of Nondiscrimination

The Covered Entities do not discriminate on the basis of sex and prohibits Sex Discrimination in any Education Program or Activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to the Covered Entities' Title IX Coordinators, the U.S. Department of Education's Office for Civil Rights, or both. The Covered Entities' Title IX Coordinators are:

Community College of Rhode Island

Kara DiPaola, Esq.
400 East Avenue
Warwick, RI 02886
401-825-1126
401-895-1095 (cell)
kddipaola@ccri.edu

Office of the Postsecondary Commissioner

Anne Marie Coleman, Esq.
80 Washington St, Suite 200
Providence, RI 02903
401-736-1100
annemarie.coleman@riopc.edu

Rhode Island College

Ashley Ruderman-Looff, PhD
301 Roberts Hall
Providence, RI 02908
401-456-8218
arudermanlooff@ric.edu

Contact information for OCR is available here: <https://ocrcas.ed.gov/contact-ocr>.

The Covered Entity's Nondiscrimination Policy and Complaint Procedures can be located at the following links:

[Community College of Rhode Island](#)
[Office of the Postsecondary Commissioner](#)
[Rhode Island College](#)

To report information about conduct that may constitute Sex Discrimination or make a Complaint of Sex Discrimination under Title IX, please refer to the following links:

[Community College of Rhode Island](#)
[Office of the Postsecondary Commissioner](#)
[Rhode Island College](#)