

**POLICY PROHIBITING SEX DISCRIMINATION,
INCLUDING SEX-BASED HARASSMENT, RETALIATION,
AND RELATED MISCONDUCT**

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I. Values Statement

Ursinus College (“Ursinus” or “the College”) seeks to foster a diverse community in which all members are respected, included, supported, and treated equitably. Community members are expected to act ethically and responsibly. The [Ursinus College Values Statement](#) articulates these principles.

Our values, which guide the policies and practices of our institution, include a commitment to cultivating a healthy and safe campus community free from Sex Discrimination, including Sex-Based Harassment, as well as related Retaliation. Sex Discrimination and related misconduct are an affront to one’s very personhood.

The College’s Policy Prohibiting Sex Discrimination, including Sex-based Harassment, Retaliation, and Related Misconduct (the “Policy”) is informed and guided by this Values Statement consistent with Title IX and related state and federal laws.

II. Policy Statement

The College is committed to creating and maintaining a safe and non-discriminatory learning and work environment that is free from Sex Discrimination, including Sex-Based Harassment, and related Retaliation.¹ The College has adopted this Policy in order to advance its goal of maintaining an environment free of Sex Discrimination, including Sex-Based Harassment, as well as related Retaliation. The College encourages individuals who have been affected by Sex Discrimination and/or Retaliation to promptly make a Report using any of the reporting options described in this Policy. The College will respond promptly and equitably to all Reports of Sex Discrimination and/or Retaliation, and will take appropriate steps to eliminate the behavior, prevent its recurrence, and address its effects.

The College encourages students, faculty and staff to familiarize themselves with the Policy and the related grievance procedures for addressing reports of Prohibited Conduct. We invite you to ask questions, make recommendations, and do your part to foster an environment free of Prohibited Conduct.

III. Notice of Non-Discrimination; Role of the Title IX Coordinator

A. Notice of Non-Discrimination

Ursinus College does not discriminate, nor does it permit discrimination, on the basis of sex, including discrimination on the basis of sex stereotypes, sex characteristics, sexual orientation, or gender identity; Parental, Family, or Marital Status; or Pregnancy or Related Conditions in its Education Program or Activity, including with respect to applications for enrollment and/or employment. Ursinus College has adopted Grievance Procedures, set forward in this Policy, which provide for the prompt and equitable resolution of Complaints alleging any action which would be prohibited by this Policy or by Title IX of the Education Amendments of 1972 (“Title IX”), which provides:

¹ The types of conduct prohibited by the Policy are defined in [Section VI.B](#) below.

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

Sex Discrimination is also prohibited by Title VII of the Civil Rights Act of 1964 and state law.

B. Role of the Title IX Coordinator

The College's Title IX Coordinator is responsible for coordinating the College's compliance with Title IX, including by administering the Policy. The Title IX Coordinator has primary responsibility for coordinating efforts for investigation, resolution, implementation of sanctions, and monitoring the educational environment and workplace related to violations of this Policy. The Title IX Coordinator may coordinate with other College administrators to investigate certain Complaints and to implement and monitor sanctions.

The College's Title IX Coordinator is Dan Kelly. Mr. Kelly may be contacted at:

Dan Kelly
Title IX Coordinator
Student Affairs Suite, Wismer Center
Ursinus College
601 E Main St., Collegeville, PA 19426
610-409-3590 titleix@ursinus.edu

The Title IX Coordinator is available to receive Reports or Complaints about conduct that may constitute Sex Discrimination. The Title IX Coordinator is also available to meet with any individual, including a Complainant, a Respondent, or a third party, to provide information, on- and off-campus resources, and various procedural options.

When notified of conduct that reasonably may constitute Sex Discrimination, the Title IX Coordinator has responsibility for:

- Treating Complainants and Respondents equitably;
- Offering and coordinating Supportive Measures for the Complainant and, if Informal Resolution Process or Grievance Procedures are pending, the Respondent;
- Notifying Complainants or, if different, individuals making Reports, of the Informal Resolution Process and Grievance Procedures, as available and appropriate;
- Notifying the Respondent of the Informal Resolution Process and Grievance Procedures, as available and appropriate, if a Complaint is made;
- In the event of a Complaint, initiating the Grievance Procedures or, if available and appropriate and requested by all Parties, the Informal Resolution Process; and
- In the absence of a Complaint made by a Complainant, or in the event of the withdrawal of any or all of the allegations in a Complaint, determining whether to initiate a Complaint.

In this Policy, when the term "Title IX Coordinator" is used, it should be understood to include any of the Title IX Coordinator's designees. The Title IX Coordinator may delegate authority under this Policy to one or more designees, while retaining ultimate oversight over the

responsibilities of the role.

IV. Policy Scope and Jurisdiction²

The Policy applies to all Ursinus College Students, employees (including faculty, and staff), trustees, officers, applicants for admission or employment, volunteers, independent contractors, and other individuals participating or attempting to participate in the College’s Education Program or Activity.

The Policy applies to any alleged **Prohibited Conduct** that impacts the Ursinus College community and/or the College’s Education Program or Activity wherever it occurs, including on campus, off campus, and online. College students and employees who violate this Policy may face, as appropriate, disciplinary action up to and including termination and expulsion; third parties who violate this Policy also face responsive action as appropriate and available.

This Policy supersedes any conflicting information in any other College policy with respect to the definitions or procedures relating to Prohibited Conduct. The elements established in the Policy for resolution of Reports and Complaints of Prohibited Conduct have no effect on and are not transferable to any other policy of the College and will not apply to any alleged violation of the Code of Conduct, employment policies, or to any alleged civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

V. Academic Freedom Statement

This Policy shall be applied in a way that is consistent with the College’s principles of academic freedom and values of free expression. The College is committed to the free and vigorous discussion of ideas and issues, which the College believes will be protected by this Policy.

VI. Definitions

A. Key Policy Definitions

Key terms used in the Policy are defined as follows. Additional terms are defined within the text of the Policy.

1. Applicant

A person who is applying for admission as a student or other participant in the College’s Education Program or Activity, and/or who is applying for employment at the College.

² This Policy became effective on August 1, 2024. The College has revised its policies pertaining to Sex Discrimination on several occasions. When a Report of past Sex Discrimination is made, the College will typically apply the Sex Discrimination policy in place at the time of the alleged Prohibited Conduct and the procedures which are in place at the time the Complaint is made. Final decisions regarding which policy and procedures will apply in any specific case are made by the Title IX Coordinator in their discretion and are not appealable.

2. Complaint

An oral or written request that objectively can be understood as a request for investigation and adjudication of alleged Sex Discrimination. A Complaint can be made by a Complainant³ or the Title IX Coordinator, subject to the following. A Complainant must have been enrolled, employed, or otherwise participating or attempting to participate in the College's Education Program or Activity at the time the alleged Sex Discrimination occurred in order to file a Complaint under this Policy, although the Complainant need not be enrolled, employed, or otherwise participating or attempting to participate in the College's Education Program or Activity at the time the Complaint is made. With respect to allegations of Sex Discrimination other than Sex-Based Harassment, a Complaint may be brought by any Student or employee, or any other person who was participating or attempting to participate in the Education Program or Activity at the time the alleged conduct took place.

It is the policy of the College to confirm a Complainant's request in writing prior to initiating the Grievance Procedures for Complaints of Sex Discrimination.

3. Complainant

A Student, employee, or other individual who is alleged to have been subjected to conduct that could constitute Sex Discrimination.

In the event a Complaint is brought by the Title IX Coordinator, the individual affected by the alleged Sex Discrimination that is the subject of the Complaint remains the Complainant; the Title IX Coordinator does not become the Complainant.

4. Disciplinary Sanctions

Consequences imposed on a Respondent following a determination that the Respondent violated the College's prohibition of Prohibited Conduct.

5. Education Program or Activity

Conduct that occurs in the College's Education Program or Activity includes all conduct which is subject to the College's disciplinary authority⁴ and which occurred in the United States, including on-campus or, if applicable, in buildings owned or controlled by a student organization that is officially recognized by the College. The College will address conduct contributing to a sex-based hostile environment even if the underlying conduct itself occurred outside the College's Education Program or Activity, including if it occurred outside the United States. For the avoidance of doubt, this Policy applies to conduct occurring online (via computer and internet networks or on digital platforms, including social media sites).

³ A Complaint may also be brought by a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant, where applicable.

⁴ Mentions of the College's disciplinary authority may be found in policy documents including the [Student Handbook](#) and [College Policies and Practices](#).

6. Parental, Family, or Marital Status

Parental Status refers to the status of a person who, with respect to another person under the age of 18, or who is 18 or older but incapable of self-care because of a physical or mental disability, is: a biological parent; adoptive parent; foster parent; stepparent; legal custodian or guardian; in loco parentis; or actively seeking legal custody, guardianship, visitation, or adoption.

Family Status refers to the configuration of a person's family or their role in a family.

Marital Status refers to whether or not a person is married. Importantly, discrimination based on Marital Status must be sex-based in order to constitute Sex Discrimination (such as treating married women more or less favorably than married men, treating an unmarried mother more or less favorably than a married mother based on sex stereotypes, or treating a man who is married to a man more or less favorably than a woman who is married to a man).

7. Party

The Complainant or Respondent (collectively, the Parties).

8. Peer Retaliation

Retaliation by a Student against another Student.

9. Pregnancy or Related Conditions

Pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and/or recovery.

10. Relevant

Related to the allegations of Sex Discrimination at issue and whether or not the alleged Sex Discrimination occurred. Questions are Relevant if they may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is Relevant if it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred. The following evidence, and questions seeking evidence, are impermissible even if otherwise Relevant:

- Evidence that is protected under a privilege recognized by Federal or Pennsylvania law, *unless the person holding the privilege has waived it voluntarily.*
- A party's or witness's records made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to a Party or witness, *unless the person has voluntarily consented, in writing, to the use of such records in the Grievance Procedures.*
- Evidence that is provided to a Confidential Employee, *unless the person to whom the confidentiality is owed has waived it voluntarily;*
- Evidence about the Complainant's sexual interests; and/or
- Evidence about the Complainant's prior sexual conduct unless:

- Offered to prove that someone other than the Respondent committed the conduct alleged, or
- Such information is about specific incidents of the Complainant's prior sexual conduct with the Respondent and is offered to prove consent to the alleged Sex-Based Harassment.

11. Remedies

Measures provided, as appropriate, to a Complainant or other person whose equal access to the College's Education Program and/or Activity was determined to have been limited or denied by Sex Discrimination, in order to restore or preserve that person's access to the College's Education Program or Activity.

12. Report

Any notice of conduct that may constitute Sex Discrimination. A Report may come from any individual, not just a Complainant. Not every Report is or will result in a Complaint.

13. Respondent(s)

A person who is alleged to have violated the College's prohibition on Sex Discrimination. Where a Complaint alleges that a College policy or practice discriminates on the basis of sex, the College is not considered a Respondent. In such cases, the College will still follow this Policy, including the Grievance Procedures.

In the event a Complaint against an individual Respondent is based on actions the Respondent took in accordance with a College policy or practice, the College may, in its sole discretion, amend the Complaint to substitute the College for the Respondent. This determination will be made after consideration of factors including, but not limited to, whether the individual was, in fact, following College policy or practice; what actions the individual took; and whether the individual could be subject to Disciplinary Sanctions.

14. Standard of Proof

A preponderance of the evidence, meaning that it is more likely than not, based on all Relevant evidence, that the Respondent engaged in the Prohibited Conduct.

15. Student

A person who has gained admission to the College.

16. Student Employee

A person who is both a Student and an employee of the College.

17. Witness

A person who has factual information about alleged violation(s) of this Policy.

B. Prohibited Conduct & Related Definitions

Ursinus College prohibits Sex Discrimination against any member of the Ursinus community. The following behaviors constitute **Prohibited Conduct** under this Policy.

1. Sex Discrimination

Subjecting an individual or group to an adverse action—including differential treatment—based on sex, including sex stereotypes, sex characteristics, sexual orientation, and/or gender identity; Parental, Family, or Marital Status; and/or Pregnancy or Related Conditions. Sex-Based Harassment, including Sexual Assault, Dating Violence, Domestic Violence, and Stalking, is a form of Sex Discrimination, but separately defined under this Policy.⁵

2. Sex-Based Harassment

Harassment based on sex—including sex stereotypes, sex characteristics, sexual orientation, gender identity, and/or Pregnancy or Related Conditions—that falls into one or more of the following categories:

a. Quid Pro Quo

An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's Education Program or Activity explicitly or implicitly conditions the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct. It does not matter whether or not the person submits.

b. Hostile Environment

Unwelcome sex-based conduct that is sufficiently severe or pervasive that, based on the totality of the circumstances and evaluated subjectively and objectively, the conduct denies or limits a person's ability to participate in or benefit from the College's Education Program or Activity.

Determining whether conduct has created a hostile environment is a fact-specific inquiry which may include many factors such as, but not limited to: the degree to which the conduct affected the Complainant's ability to access the College's Education Program or Activity; the type, frequency, and duration of the conduct; the Parties' ages, roles, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the alleged unwelcome conduct; the location and context in which the conduct occurred; and other Sex-Based Harassment in the College's Education Program or Activity.

Examples of behavior that could create a Hostile Environment include but are not limited to:

- Intentional touching of another person's breasts, buttocks, or genitals, whether clothed or unclothed (including intentional touching with ejaculate);

⁵ Under the limited circumstances in which Title IX permits different treatment or separation on the basis of sex (such as sex-separate housing), individuals may participate in a manner consistent with their gender identity; failure to permit such participation subjects an individual to more than de minimis harm and could constitute Sex Discrimination under this Policy. This provision does not apply to sex-related eligibility criteria for male and female athletic teams.

- Intentional touching with one’s breast, buttocks, or genitals (including touching with ejaculate);
- Making a person touch another person or themselves with or on any of these body parts
- Violating the sexual privacy of another when consent is not present including:
 - Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person’s consent;
 - Indecent exposure or inducing others to expose themselves when consent is not present;
 - Recording or distributing information, images, or recordings of any person engaged in sexual or intimate activity or in the nude without that person’s consent;
 - Prostituting another individual;
 - Knowingly exposing another individual to a sexually transmitted disease or virus without that individual’s knowledge; and

c. Sexual Assault, Dating Violence, Domestic Violence, Stalking

Sexual Assault, Dating Violence, Domestic Violence, and Stalking are forms of Sex-Based Harassment, just as Sex-Based Harassment is a form of Sex Discrimination. These types of Prohibited Conduct are separately defined below.

i. Sexual Assault

A forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which includes the following acts and attempting the following acts:

(a) Rape

The carnal knowledge of a person without that person’s consent, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.

(b) Sodomy

Oral or anal sexual intercourse with another person without that person’s consent, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.

(c) Sexual Assault With an Object

To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person without that person’s consent, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.

(d) Fondling

The touching of the private body parts of another person for the purpose of sexual gratification without that person's consent, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.

(e) Incest

Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(f) Statutory Rape

Nonforcible sexual intercourse with a person who is under the statutory age of consent.

ii. Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship is determined based on a consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

iii. Domestic Violence

Domestic violence is a felony or misdemeanor crime of violence committed by a person who is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the Commonwealth, or a person similarly situated to a spouse of the victim; is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; shares a child in common with the victim; or commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the Commonwealth.⁶

iv. Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress. Stalking can occur in person or using technology, and the duration, frequency, and intensity of the conduct will be considered. Stalking tactics can include but are not limited to watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks.

For purposes of the definition of Stalking:

- *Course of conduct* means more than one act, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or

⁶ While there is no distinct definition of "Domestic Violence" under the Pennsylvania Crimes Code, under the criminal laws of Pennsylvania certain offenses including but not limited to rape, aggravated assault, and stalking, can be deemed domestic violence depending on the relationship of the parties involved. If a criminal complaint is made to law enforcement outside of the College, the probable cause standard will apply to the complaint (this is a different standard than applies to campus disciplinary matters, as set forth later in the Policy).

means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the Complainant.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

d. Supporting Definitions: Consent and Incapacitation

i. Consent

Consent is a mutual agreement communicated by words and or actions to participate in specific sexual activity. Consent to engage in sexual activity must be informed, knowing, and voluntary. Consent is ongoing and may be withdrawn at any time; consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity. One is expected to obtain consent to each act of sexual activity prior to initiating such activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response. When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.

An individual who is incapacitated (as defined below) due to alcohol, drugs, sleep, or unconsciousness, or otherwise lacks the capacity to provide consent due to an intellectual or other disability, cannot consent to engage in sexual activity. Consent cannot be obtained through the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual’s ability to exercise their own free will to choose whether or not to have sexual contact. In the Commonwealth of Pennsylvania, the age of majority is 18. Under state law, consent cannot be given by minors under the age of 13 and can only be given by a minor between the ages of 13 and 15, if the other party is less than 4 years older than the minor.

Determining whether consent was present during a sexual encounter is a fact- and circumstance-dependent inquiry which may include the larger context, if any, including Relevant (as defined by this Policy) facts regarding the relationship between the Parties.

ii. Incapacitation

For purposes of this Policy, incapacitation is defined as the temporary or permanent inability of a person to consent to sexual activity because the person is asleep, unconscious, otherwise unaware that sexual activity is occurring, involuntarily restrained, and/or mentally and/or physically helpless. Incapacitation may be, but need not be, due to voluntary or involuntary drug or alcohol consumption. Incapacitation is a state beyond intoxication.

A Respondent may not be found responsible for a violation of this Policy if the Complainant was incapacitated, but the Respondent did not know this, and a reasonable person, sober and exercising sound judgment, would not have so known.⁷ Being intoxicated or otherwise impaired by drugs or alcohol is not an excuse for engaging in conduct prohibited by this Policy and does not affect the

⁷ For purposes of the definition of Incapacitation, “reasonable person” means a person using average care, intelligence, and judgment in the known circumstances.

requirement to obtain Consent.

3. Retaliation

Any intimidation, threats, coercion, or discrimination directed at an individual by the College, a Student or employee of the College, or any other person authorized by the College to provide aid, benefits, or services as part of the College's Education Program or Activity, for the purpose of interfering with that individual's right(s) under this Policy, including their rights under Title IX, or because the individual has made a Report or Complaint under this Policy; made a report or complaint to an external agency or to law enforcement; or participated or refused to participate in any investigation, adjudication, or other proceeding under this Policy, including an Informal Resolution Process or Grievance Process.

Retaliation includes Peer Retaliation, but also Retaliation by a student against an employee, or by an employee against a student, as well as by an employee against another employee of more or less senior role. An individual need not be a Complainant or Respondent to have committed or been affected by Retaliation.

It is not Retaliation for the College to require an employee, or other person authorized by the College to provide aid, benefits, or services as part of the College Education Program or Activity, to participate as a witness in, or otherwise assist with, any investigation or adjudication under this Policy.

VII. Disability Accommodations

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities that do not fundamentally alter the Process at any point before or during the grievance process.

A Party should not assume that the Title IX Coordinator is on notice that they have a disability, even if the Party is registered to receive accommodations via the Office of Disability and Access. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities. The burden is on the Parties to make any such request.

VIII. Privacy vs. Confidentiality

Although often confused, privacy and confidentiality are distinct terms with distinct meanings.

A. Confidentiality

Consistent with the College's Code of Conduct, references made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or College officials without permission of the Complainant, except for extreme circumstances, such as a health and/or safety emergency, or in circumstances involving suspected child abuse.

Confidential communications are those exchanged with individuals belonging to certain professions (such as healthcare providers, professional counselors, or pastoral counselors) which

require maintaining the confidentiality of communications disclosed to the individual in the context of providing professional services. Such individuals cannot disclose the content of those communications, or records of same, to any third party without the disclosing individual's prior written consent, or if permitted or required by law or relevant professional ethical obligations (such as "duty to warn"). These communications are privileged under Federal or State law. Employees of the College who serve in such roles ("Confidential Employees") are identified in [Section IX.A](#). Confidential Employees are not required to notify the Title IX Coordinator when a person informs them of conduct that may constitute Sex Discrimination if that information is provided while the Confidential Employee is functioning within the scope of their duties to which confidentiality applies.

Importantly, Confidential Employees still must, upon receipt of such information, explain that they are Confidential Employees; provide contact information for the Title IX Coordinator; explain how to report Sex Discrimination; and inform the disclosing individual that the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an Informal Resolution Process or investigation under the Grievance Procedures.

B. Privacy

Privacy refers to the College's commitment to sharing information related to any Report, Complaint, Supportive Measures, Informal Resolution Process, or Grievance Procedures under this Policy only:

- To a person with a legal right to receive disclosures of information, or with prior written consent;
- When necessary to effectuate this Policy, or to otherwise address conduct which may reasonably constitute Sex Discrimination;
- As required by Federal law or regulation, including by the terms and conditions of a Federal award (e.g., a grant award or other funding agreement); and/or
- When required or permitted by State or local law or the Family Educational Rights and Privacy Act ("FERPA").

The College also provides training to personnel regarding the safeguarding of private information, and instructs Parties and witnesses about the College's privacy-related expectations.

In any Grievance Process, the College will take reasonable steps to protect the privacy of the Parties and witnesses, 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 Grievance Procedures. Other than as provided for herein (for example, with respect to the privacy of documents, and with respect to the College's prohibition on Retaliation), the College will not restrict the ability of either Party to discuss the allegations prompting a Report or Complaint

C. Privacy of Documents

In order to preserve the privacy of the Parties and witnesses, documents prepared in connection with an investigation and adjudication (including, but not limited to, Complaints; Notices of Allegation; draft and final interview summaries; draft and final descriptions of evidence and/or investigative reports; notices of hearing; notices of outcome; notices of Disciplinary Sanctions

and/or Remedies; and any appeals-related documents), as well as audio and/or audiovisual recordings or transcripts thereof made of any proceedings under this Policy, may not be disclosed by Parties or others acting on their behalf other than as provided for herein, and as may be required or authorized by law. Any violation of this provision may result in disciplinary action.

IX. Resources

A. Confidential Employees and External Resources

The following are Confidential Resources that are not required to, and will not, share information with law enforcement or College officers without permission, except for in very limited circumstances (e.g. health/safety emergencies; alleged/suspected child abuse).

On Campus:

- Wellness Center Professional Counselors and Medical Providers
610-409-3100
- Campus Chaplin
Rev. Betty Wright-Riggins
bwrightriggins@ursinus.edu

Off Campus:

- [Victims Services Center of Montgomery County](#)
24/7 helpline: 888-521-0983
- [Laurel House](#)
24/7 helpline: 800-642-3150

B. Additional Off-Campus Resources

- [Women's Center of Montgomery County](#)
24/7 helpline: 800-773-2424
- [The Crime Victims' Center of Chester County](#)
24/7 helpline: 610-692-7273
- [Delaware County Women Against Rape](#)
24/7 helpline: 610-566-4342
- [Network of Victim Assistance \(Bucks County\)](#)
24/7 helpline: 800-675-6900
- [Safe Berks \(Berks County\)](#)
24/7 helpline: 844-789-7233
- [WOAR \(Philadelphia\)](#)
24/7 helpline: 215-985-3333

- Collegeville Police Department:
610-489-9332
Or dial 911 in the case of an emergency
- U.S. Department of Education's Office for Civil Rights
OCR.Philadelphia@ed.gov
800-421-3481
[OCR: Discrimination Complaint Form \(ed.gov\)](#)
- [Pennsylvania Human Relations Commission](#)
215-560-2496

C. Medical Attention

Students can contact the Wellness Center at 610-409-3100 or at wellness@ursinus.edu for a medical appointment to discuss options for emergency contraception, pregnancy testing, and STI testing. Students can also make medical appointments through the [BearCare Portal](#).

To receive a forensic exam to collect forensic evidence, students are encouraged to visit one of the following hospitals that the Victim Advocates from Victim Services Center of Montgomery County works with—this includes [Jefferson Abington Hospital - Abington Safe Center](#), [Lankenau Medical Center](#), [Bryn Mawr Hospital](#), or [Pottstown Hospital](#).

Campus Safety can assist with securing transportation to a hospital, if needed. If students are thinking about going to the hospital but have questions, please call the Victim Services Center hotline at 888-521-0983 for more information.

X. Reporting Prohibited Conduct

The College encourages all members of the College community to make a report of suspected Prohibited Misconduct directly to the Title IX Coordinator through any of the reporting methods outlined below. Reports can also be made to Mandatory Reporters, but the College strongly encourages direct reports to the Title IX Coordinator so that the Title IX Coordinator can promptly discuss the availability of Supportive Measures and available resolution processes with the Complainant, including by contacting the Complainant when another person makes a report.

Recognizing that some forms of Prohibited Conduct may also constitute crimes, the College also strongly encourages any individual who experiences, witnesses, or learns of possible criminal conduct to report to Ursinus College Campus Safety or local law enforcement. Prompt reporting allows law enforcement to collect and preserve evidence. Victims of crime also have certain rights under Pennsylvania Crime Victims' Bill of Rights.

A. Reporting to the College

Any individual may report Prohibited Conduct. It is not necessary for a reporting party or Complainant to determine in advance whether the behavior at issue meets the definition of Prohibited Conduct. Upon receipt of a report, the Title IX Coordinator will undertake an assessment to determine the form of Prohibited Conduct at issue.

A Complaint may be filed by a Complainant when a report is made or at another time thereafter. In some cases, as explained in further detail in [Section XVI.A](#), the Title IX Coordinator may decide to file a Complaint even where the Complainant has not decided to do so.

Reports made to the Title IX Coordinator, a Mandated Reporter, or through the Online Reporting Link can be accessed only by senior members of the Student Affairs Office and/or Human Resources, as appropriate.

Options for making a report to the College are as follows. These reporting options are not mutually exclusive.

1. Contact the Title IX Coordinator

Reports of Prohibited Conduct, should when at all possible be made to the Title IX Coordinator.⁸

Individuals may also contact the Title IX Coordinator to ask about this Policy or to otherwise inquire about the College's responses to Prohibited Conduct in its Programs and Activities.

The Title IX Coordinator can be contacted by telephone or in person by appointment during regular office hours, or by email 24 hours a day, 7 days a week. Online reporting is also available on a 24/7 basis as explained below.

Contact information for the Title IX Coordinator is as follows:

Dan Kelly
Title IX Coordinator
Student Affairs Suite, Wismer Center
Ursinus College
601 E Main St., Collegeville, PA 19426
610-409-3590
titleix@ursinus.edu

2. Make an Online or Anonymous Report

Reports may be made to the Title IX Coordinator using the following link: [Online Reporting Link](#).

Individuals reporting through the Online Reporting Link have the option of disclosing their identity or remaining anonymous. While anonymous reports are accepted and reviewed carefully, the College's ability to investigate and or address Prohibited Conduct that is reported anonymously may be limited, and in some cases must be limited as a matter of Title IX law.

Individuals who report Prohibited Conduct through the Online Reporting Link, and who disclose their identity, will receive a response acknowledging receipt as well as the opportunity to speak with the Title IX Coordinator.

⁸ To make a report of Prohibited Conduct about the Title IX Coordinator, individuals should report to the Dean of Students at 610-409-3590 or the Associate Vice President of Finance and Administration at 610-409-3185.

B. Related Considerations about Reporting

1. Mandated Reporters

Unless explicitly designated as a Confidential Employee, all College officials are Mandated Reporters under this Policy.

Mandated Reporters must report to the Title IX Coordinator as soon as possible, but in no case no more than 48 hours after observing or receiving information about Prohibited Conduct. The report must include all relevant known details about alleged/possible Prohibited Conduct including the names of the Complainant, Respondent, and any witnesses, and the date, time, and location of the alleged incident, to the extent such details are known by the Mandated Reporter. Failure by a Mandated Reporter to promptly share (within 48 hours) with the Title IX Coordinator all details they receive about Prohibited Conduct may subject them to appropriate discipline, up to and including termination of employment, in accordance with an applicable process.

a. Student Employees

With respect to Student Employees, whether the individual is a Mandated Reporter depends on the context in which the person learns of the alleged Prohibited Conduct. Mandated Reporter responsibilities are triggered if the person learned of the alleged Prohibited Conduct in the context of an employee role, when they would, in that role, be considered a Mandated Reporter. Mandated Reporter responsibilities are *not* triggered if the person learned of the alleged Prohibited Conduct in the context of their receipt of an education as a student at the College. Resident Advisors and Peer Advocates are always considered to be Mandated Reporters.

b. Disclosures at Public Awareness Events

Disclosures at public awareness events such as “Take Back the Night” held on campus or on an online platform sponsored by the College will not prompt the Title IX Coordinator to take responsive action unless the information reveals an immediate and serious threat to the health or safety of a Complainant, any Students, employees, or other persons, or unless the individual affected by the alleged Prohibited Conduct clearly indicates that they desire responsive action be taken. The College will still use the information disclosed to inform its efforts to prevent Sex-Based Harassment.

2. No Time Limit for Reporting

Reporters are encouraged to report Prohibited Conduct as soon as possible in order to maximize the College’s ability to respond promptly and effectively. The College does not, however, limit the timeframe for reporting. There is no time limit on making a Report, but individuals are strongly encouraged to report incidents of alleged Prohibited Conduct as soon as possible. This will enhance the College’s ability to address the conduct at issue, including by extending Supportive Measures, and, if applicable, by conducting an investigation effectively, when Relevant evidence and witnesses are most available

3. Limited Amnesty for Students who Report Prohibited Conduct

The College seeks to remove any barriers to reporting. The College recognizes that a student who has been drinking or using drugs at the time of an incident of alleged Prohibited Conduct may be hesitant to make a Report or Complaint or participate as a Party or Witness in an investigation, because of potential consequences for their own conduct. In order to address these concerns, and encourage the prompt reporting of information related to known or suspected Sex Discrimination, a student who reports conduct in violation of this Policy will not be subject to disciplinary action by the College related to the personal ingestion of alcohol or other drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

4. False Allegations and Statements

A determination that a Respondent was not responsible for a Policy violation does not, without more, establish that the Complainant or any other Party or witness has made a false allegation or statement in bad faith. Deliberately false allegations and statements are, however, a violation of College policy and individuals, including witnesses, who knowingly make false allegations, provide false statements or evidence, tamper with or destroy evidence they were instructed to preserve, or commit similar acts of dishonesty may be subject to disciplinary action.

C. Response to Reports

The College will review and respond to all Reports. Upon receiving a Report, the Title IX Coordinator will promptly contact the Complainant to provide information, advise them of the availability of Supportive Measures and on- and off-campus resources, and discuss the procedural options available to the Complainant under this Policy, including the Informal Resolution Process and pursuing Grievance Procedures.

The Title IX Coordinator will provide the Complainant with a written explanation of available resources, options, and other important Policy information, including the following:

- 1) Support and assistance available through College and community resources, including the Complainant's option to seek Supportive Measures regardless of whether they choose to participate in a College or law enforcement investigation;
- 2) The Complainant's option to seek medical treatment, information on preserving potentially key forensic evidence and/or other potential evidence, and the option to report to law enforcement;
- 3) The process for filing a Complaint;
- 4) The College's procedural and grievance options, including the Informal Resolution Process, if available;
- 5) The Complainant's right to an advisor of the Complainant's choosing who may be, but is not required to be, an attorney;
- 6) The College's prohibition of Retaliation; how to report acts of Retaliation; and confirmation that the College will take prompt action when Retaliation is reported;
- 7) The opportunity to discuss with the Title IX Coordinator the Complainant's resources, rights, and options;
- 8) A copy of or a link to this Policy; and

- 9) An explanation that parties and witnesses are prohibited from knowingly making false statements or knowingly submitting false information during the Grievance Procedures

The College will also assess whether there are any immediate threats to health or safety that must be addressed.

Importantly, if the alleged conduct, if established, would not constitute a violation of this Policy, the Title IX Coordinator will inform the Complainant of any other resources and options available, which may include referring the matter for action under a separate policy including, for example the College's [Student Code of Conduct](#) and [Human Resources policies](#). Similarly, in cases in which the Respondent is not a Student or employee of the College and the Grievance Procedures would not be available to the Complainant, the Title IX Coordinator will offer Supportive Measures and take other action as appropriate, if any, to address the behavior at issue.

At all times, the College will treat Complainants and Respondents equitably.

XI. Supportive Measures

When the Title IX Coordinator receives a Report of possible Prohibited Conduct—regardless of whether that Report is made by the Complainant, a witness, or other person, or is provided to the Title IX Coordinator by a Mandated Reporter—they will contact a known Complainant to (1) discuss the availability of Supportive Measures and (2) explain that Supportive Measures are available with or without filing a Complaint. The Title IX Coordinator also may contact a known Respondent, as appropriate.

Supportive Measures are individualized services, accommodations, and other assistance offered, as appropriate and reasonably available, to a Complainant or Respondent without fee or charge. Supportive Measures are designed to restore or preserve equal access to the College's Education Program or Activity, including by protecting the safety of the Party/Parties and/or the College's educational environment, and/or by providing support to the Party/Parties during the Informal Resolution Process or Grievance Process, without being punitive or disciplinary in nature and without unreasonably burdening the other party.

Supportive Measures are available regardless of whether the matter is reported to the College for the purpose of initiating a proceeding under this Policy and before, after, and regardless of whether a Complaint is filed. A Complainant who requests Supportive Measures has the right to file a Complaint, either at the time the Supportive Measure is requested or at a later date. Any Complainant who requests Supportive Measures will be informed in writing of their right to simultaneously or subsequently file a Complaint under this Policy.

Supportive Measures may also be requested by and made available to Respondents, witnesses, and other affected members of the College community.

To determine the appropriate Supportive Measure(s) to be implemented, the Title IX Coordinator, working in conjunction with other College administrators/officials as necessary, conducts an individualized assessment based on the facts and circumstances of a situation. Whether a possible Supportive Measure would unreasonably burden the other party is a fact-specific determination that takes into account the nature of the programs, activities, opportunities, and benefits in which an individual is participating.

Examples of Supportive Measures include:

- Assistance in completing a room or office relocation;
- Arranging to dissolve a housing contract and pro-rating a refund;
- Assistance with or rescheduling an academic assignment (paper, exams, etc.);
- Changes to work schedules;
- Changes to reporting structure (for employees);
- Taking an incomplete in a class;
- Assistance with transferring class sections;
- Temporary withdrawal;
- Restrictions on contact between parties (“no contact” orders)
- Assistance with alternative course completion options;
- Escorts to and from campus locations;
- On or off-campus counseling assistance;
- Other accommodations for safety as necessary; and
- Any combination of these measures.

Changes in class, work, housing, extracurricular, and/or other activities may be made regardless of whether there is or is not a comparable alternative.

A Party may seek modification or reversal of decisions to provide, deny, modify, or terminate Supportive Measures applicable to that Party by submitting a written challenge to the Title IX Coordinator within 2 business days of the decision. In the event of such challenges, the decisionmaker will be someone other than the person who made the decision being challenged, and will have the authority to make the requested modification or reversal, generally the Dean of Students (or designee), for student challenges, or the Associate Vice President of Finance and Administration (or designee), for employee challenges, will serve in the role of decisionmaker for these circumstances. In the event of a material change in circumstances affecting Supportive Measures, subsequent opportunities for review may be sought. The Associate Vice President of Finance and Administration (or designee) will make a decision in consultation with the Provost for all challenges brought by a faculty member.

Information about Supportive Measures provided to a person will not be disclosed, including by informing one Party of Supportive Measures provided to another Party, except when necessary to provide the Supportive Measures, to restore or preserve a Party’s access to the education program or activity, as required by Federal law, or with the Party’s consent.

XII. Emergency Removal and Administrative Leave

A. Emergency Removal of a Student Respondent

Ursinus retains the authority to remove a Student Respondent from the College’s Program or Activity—or certain aspects thereof (such as, but not limited to, access to College facilities, housing, classes, and/or student activities)—on an emergency basis, where the College: (1) undertakes an individualized safety and risk analysis and (2) determines that an imminent and serious threat to the health or safety of a Complainant; any students, including the Student Respondent himself; any employees; or any other individual arising from the alleged Sex Discrimination, justifies removal.

If Ursinus determines such removal is necessary, the Student Respondent will be provided with notice and an opportunity to seek modification or reversal of the removal immediately following the decision by submitting a written challenge to the Title IX Coordinator within 3 business days of the date the written decision is sent to the Student Respondent. In the event of such challenges, the decisionmaker will be someone other than the person who made the decision being challenged, and will have the authority to make the requested modification or reversal. Generally, the Dean of Students (or designee) will serve in the role of the decisionmaker.

B. Administrative Leave of an Employee Respondent

The College may place an employee Respondent on administrative leave during the pendency of the grievance process outlined below. Administrative leave may include complete removal from the College workplace or limitations on access to the workplace, and may be imposed with or without pay.

In the event administrative leave is imposed, the Respondent is given the opportunity to seek modification or reversal of the leave by submitting a written challenge to the Title IX Coordinator within 3 business days of the date the written decision is sent to the Respondent. In the event of such challenges, the decisionmaker will be someone other than the person who made the decision being challenged, and will have the authority to make the requested modification or reversal. Generally, the Dean of Students (or designee), for student employee challenges, or the Associate Vice President of Finance and Administration (or designee), for non-student employee challenges, will serve in the role of the decisionmaker. The Associate Vice President of Finance and Administration (or designee) will make a decision in consultation with the Provost for all challenges brought by a faculty member.

XIII. Challenges to Responding Personnel for Bias or Conflict of Interest

If a Party has concerns about bias in favor of or against a specific Complainant or Respondent, bias in favor of or against Complainants or Respondents generally, or a potential conflict of interest which involves the Title IX Coordinator, facilitator of an Informal Resolution Process, investigator, decisionmaker, or appeals decisionmaker, the Party should direct those concerns to the Title IX Coordinator⁹.

XIV. Advisors

Each Party is entitled to be accompanied by an Advisor of their choosing to any meeting, interview, or proceeding related to a Report or Complaint under this Policy. The Advisor is a non-speaking role present to advise and support the Party and may be, but is not required to be, an attorney.

Delays will not normally be allowed due to scheduling conflicts with Advisors. If, at any point, an Advisor becomes disruptive or fails to comply with the provisions of this Policy or any additional rules of decorum provided by the College, the College may remove the Advisor from the meeting, interview, or proceeding, and, if appropriate, any future meetings, interviews, or proceedings. Such

⁹ To the extent a party would like to raise a concern about the Title IX Coordinator themselves, this report may be made to the Dean of Students, the Associate Vice President for Administration and Finance, or the Provost instead. Should the concern be raised by a faculty member, the Provost will be consulted.

a removal of an Advisor is not appealable. If a Party's Advisor is removed, they may choose another Advisor, or have one selected and provided appointed for them, as described in the preceding paragraph.

XV. Informal Resolution

Informal resolution is an alternative resolution process that does not include an investigation or hearing. Informal resolution is typically a spectrum of facilitated, or structured, and adaptable processes between the Complainant, the Respondent, and/or other affected community members that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent to acknowledge harm and seek to repair the harm (to the extent possible) experienced by the Complainant and/or the College community. Informal resolution options include but are not limited to mediation, referral of the parties to counseling programs, targeted or broad-based educational and training programs, facilitated dialogue between the Respondent by the Complainant, communication with the Respondent by the Title IX Coordinator or a College administrator, shuttle negotiation, restorative justice conferences, or other forms of restorative justice.

A Complaint need not be made in order to initiate the Informal Resolution Process. Informal Resolution may be available, under appropriate circumstances, at any time prior to reaching a determination regarding responsibility—this includes upon receipt of a Report, or during the pendency of Grievance Procedures.

An Informal Resolution Process is not permitted if such a process would conflict with federal, state, or local law. In addition, some alleged violations of this Policy may not be appropriate for Informal Resolution. The College reserves the right to determine whether Informal Resolution is appropriate in a specific case. For example, the College may decline to permit an Informal Resolution Process when it determines that the alleged conduct presents a future risk of harm to others. The College may decline to offer Informal Resolution despite one or more of the Parties' wishes.

Before the Title IX Coordinator commences the Informal Resolution Process, both parties must provide informed consent to participation in writing. As participation is voluntary, the College does not require Parties to waive the right to an investigation and adjudication as a condition of (continuing) enrollment or (continuing) employment, or the exercise of any other right.

Where both parties and the College determine that informal resolution is worth exploring, the College will provide the parties with a written notice disclosing:

- the allegations;
- the requirements of the Informal Resolution Process;
- that, prior to agreeing to a resolution, each Party has the right to withdraw their agreement to participate in the Informal Resolution Process and to initiate or resume the Grievance Procedures, as applicable;
- that agreement to a resolution at the conclusion of the Informal Resolution Process precludes the Parties from initiating or resuming Grievance Procedures arising from the same allegations;
- the potential terms that may be requested or offered in an Informal Resolution Process agreement, including notice that an Informal Resolution Agreement is binding only on the Parties; and

- which records will be maintained as part of the Informal Resolution Process and circumstances under which such records could be shared in the event that the Informal Resolution Process is not completed and Grievance Procedures are initiated or resumed.

While every Informal Resolution Process will be tailored to the facts and circumstances of the individual case, in no case will the facilitator of the Informal Resolution Process be the same as the investigator or decisionmaker for Grievance Procedures involving the same matter.

At any time prior to reaching a resolution, either party may withdraw from the Informal Resolution Process and proceed with the Grievance Process for resolving the Complaint.

Once an Informal Resolution outcome is agreed to by all parties, the resolution is binding, and the parties are precluded from resuming or starting the Grievance Process related to that Complaint. Any breach of the terms of an Informal Resolution agreement may result in disciplinary action.

XVI. Grievance Process

A. Title IX Coordinator-Initiated Complaints

In the absence of a Complaint made by a Complainant, or in the event of the withdrawal of any or all of the allegations in a Complaint, the Title IX Coordinator will determine whether to initiate a Complaint. Such a determination is fact-specific and will be made in consideration of factors including, but not limited to:

- The Complainant's request not to proceed with initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Sex Discrimination would occur if a Complaint is not initiated;
- The severity of the alleged Sex Discrimination, including whether, if established, the College would require the removal of the Respondent from campus or impose another Disciplinary Sanction to end the Sex Discrimination and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee;
- The scope of the alleged Sex Discrimination, including information suggesting a pattern, ongoing conduct, or conduct alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether Sex Discrimination occurred; and
- Whether the College could end the alleged Sex Discrimination and prevent its recurrence without initiating the Grievance Procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the College from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint. Prior to doing so, the Title IX Coordinator will notify the Complainant and appropriately address reasonable concerns about their safety or the safety of others, including by

providing Supportive Measures. Regardless of whether a Complaint is initiated, the Title IX Coordinator will take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the College's Education Program or Activity.

B. Dismissal

A Complaint may be dismissed, in whole or in part, if it is determined, at any time, that:

- The College cannot identify the Respondent after taking reasonable steps to do so;
- The Respondent is not, or is no longer, participating in the College's Education Program or Activity and is not, or is no longer, employed by the College;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex Discrimination even if established; and/or
- The conduct alleged (after reasonable efforts to clarify have been made, as appropriate), if established, would not constitute Sex Discrimination.

In the event of a dismissal, Supportive Measures may still be provided to the Complainant (and Respondent, if already notified of the Complaint), and the Title IX Coordinator may refer the matter to another, appropriate office for review and response. The College will provide written notice to the Complainant (and Respondent, if already notified of the Complaint) of the dismissal, the basis for the dismissal, and the right to appeal the dismissal.

1. Withdrawal of Complaint by Complainant

As noted, a Complaint may be dismissed if the Complainant notifies the Title IX Coordinator that they would like to withdraw the Complaint. Such notice must be in writing.

If a Complainant requests dismissal, they can re-file the Complaint at a later date and request a continuation of the Grievance Procedures or voluntarily agree to an Informal Resolution Process.

The Title IX Coordinator will consider requests in light of the factors laid out in [Section XVI.A](#) above, relating to the Title IX Coordinator's decision to initiate a Complaint when the Complainant does not wish to do so. If the Title IX Coordinator refuses a request by a Complainant to dismiss a Complaint, the Title IX Coordinator will notify the Complainant in writing of the decision and rationale.

2. Appeal of Dismissal

If allegations of Prohibited Conduct are dismissed for a reason set forth above, either Party may appeal that dismissal on the following bases only:

- Procedural irregularity that materially affected the dismissal determination;
- New evidence that was not reasonably available at the time the determination regarding dismissal was made, that could materially affect the determination; and/or
- The Title IX Coordinator making the dismissal decision had a conflict of interest or

bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that materially affected the dismissal decision.

An appeal of the dismissal of a Complaint must be filed no later than 5 business days after the date on which the College transmitted the written determination of dismissal to the parties. The appeal shall consist of a plain, concise, and complete written statement of no more than 3,000 words, outlining the basis for appeal and all relevant information to substantiate the appeal.

The College will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The other party may then have a period of 5 business days from the date of notice to submit a statement in support of the written determination and/or in opposition to the appeal. This statement will be limited to 3,000 words. Any such statement will be shared with the party who filed the appeal and their advisor.

The appeal review will be conducted by the Dean of Students (or designee), the Associate Vice President of Finance and Administration (or designee), or other appeal decisionmaker (see [Section XVI.N](#)). Should either party be a faculty member, the Provost will be consulted on the decision. The parties may object to the appellate decisionmaker's service by providing a written statement within their appeal or response to the appeal as to why the party believes that the appellate decisionmaker has a conflict of interest or bias. The Title IX Coordinator will make decisions regarding such objections and the appointment of an alternate appellate decisionmaker, as necessary.

The appellate decisionmaker will review the matter based on the issues identified in the appeal(s) materials. The appellate decisionmaker may consult with or request additional information from the Title IX Coordinator and other College administrators or agents as necessary.

The appellate decisionmaker will strive to complete the appeal review within 10 business days of receipt of all documents. The appellate decisionmaker will issue a written decision describing the result of the appeal and the rationale for the result, and the Title IX Coordinator will provide the written decision simultaneously to both parties.

C. Notice of Allegations

The Grievance Procedures begin with the sending of a Notice of Allegations to the Complainant and Respondent. If the Complaint was initiated by the Title IX Coordinator, the Complainant will still receive the Notice of Allegations, but is not required to participate in the investigation or related activities. The Notice of Allegations will include:

- information about the Informal Resolution Process and Grievance Procedures;
- the identities of the Parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), if known;
- information about the College's prohibition on Retaliation;
- a statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence;
- a statement that the Parties are entitled to (i) an investigative report which contains a fair summary of the Relevant and not otherwise impermissible evidence in cases involving allegations of Sex-Based Harassment with a Student Complainant or Respondent, or (ii) an accurate description of Relevant evidence in all other cases of Prohibited Conduct;

- a statement that the Respondent is presumed not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of the Grievance Procedures, after the Parties have had an opportunity to present Relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- notice that the Parties have the right to be accompanied by an Advisor of choice, who may be but need not be an attorney;
- notice that knowingly making false statements or submitting false information is prohibited;
- information about Supportive Measures; and
- a statement regarding the Standard of Proof to be used in considering the facts and evidence.

If, in the course of an investigation, the College decides to investigate additional allegations of Sex Discrimination not included in the original Notice of Allegations about the Respondent’s conduct toward the Complainant, or which are otherwise consolidated with the ongoing investigation, the College will provide notice of the additional allegations to the Parties whose identities are known. If the College has reasonable concerns for the safety of any person as a result of providing this Notice of Allegations, it may reasonably delay in providing it 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.

D. Acceptance of Responsibility

The Respondent may, at any time prior to a finding as to responsibility by a decisionmaker, indicate they do not wish to contest the Complaint against them and elect to accept responsibility for all or part of the Prohibited Conduct alleged. The investigator(s) will issue a brief investigation report and/or the decisionmaker will issue a brief outcome notice summarizing the allegations and stating that the Respondent has accepted responsibility. The report or notice will be provided to the Respondent and Complainant. The Complainant and Respondent may each submit, respectively, an impact statement or a mitigation statement which will be reviewed by the decisionmaker of Disciplinary Sanctions and/or Remedies. The matter will then be referred to the appropriate College official to determine Disciplinary Sanctions and/or Remedies. The Respondent and Complainant will be notified simultaneously of the Disciplinary Sanctions imposed and whether Remedies will be provided.

This decision on Disciplinary Sanctions and/or Remedies is not appealable and is final.

In the event that the Respondent accepts responsibility for only part of the Prohibited Conduct alleged, the remaining allegations will proceed to the decisionmaker for a finding, and Remedies and Disciplinary Sanctions for all the Prohibited Conduct at issue will be assigned at the conclusion of the matter in its entirety.

E. Consolidation or Severance of Proceedings

In cases in which allegations of Sex Discrimination, including Sex-Based Harassment, are connected to allegations of discrimination or harassment by the Respondent based on another protected category—as referenced in the College’s [Nondiscrimination Statement](#)—which would ordinarily be addressed by [Student Code of Conduct](#) and [Policy on Discriminatory Acts](#) (for students) or [Nondiscrimination and Equal Employment Opportunity Policy](#) and [Policy on](#)

[Discriminatory Acts](#), (for employees and third parties), or are connected to other alleged misconduct by the Respondent which would ordinarily be addressed by the [Student Code of Conduct, Faculty Handbook, or other College Policies and Practices](#), the College may, in its sole discretion, address all related conduct in a consolidated manner.

Similarly, the College may, in its sole discretion, consolidate Complaints of Prohibited Conduct brought against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party (“cross complaints”), where the allegations arise out of the same facts or circumstances.

F. Concurrent Legal Proceedings

At the request of law enforcement, and subject to the provisions in these Procedures pertaining to notifying the Respondent of a Complaint, the College may agree to temporarily defer proceeding with part or all of its processes until after some or all of the law enforcement investigation is complete (e.g., deferring until the initial law enforcement evidence gathering phase is complete).

G. Timelines

The Title IX Coordinator has authority to extend the timelines/timeframes identified in this Policy for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; travel and unavailability; a pandemic or other emergency; or the need for language assistance or accommodation of disability. In the case of such an extension, the Title IX Coordinator will notify the affected parties of the extension, including the reason(s) for the extension, in writing.

Any timelines provided herein create no rights for the Parties and may be extended or changed by the College for good cause shown, in the College’s sole discretion.

H. Core Principles for Resolution

The following core principles apply to all procedural options under the Policy.

Impartiality. As applicable, the Title IX Coordinator, investigator, Decisionmaker, facilitator of informal resolution, and the appellate decisionmaker each must be impartial and free of any actual conflict of interest or bias.

A Complainant or a Respondent who has concerns that the Title IX Coordinator, investigator, decisionmaker, facilitator of informal resolution, or the appellate decisionmaker cannot conduct an unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.) may report those concerns to the Title IX Coordinator.¹⁰ The Title IX Coordinator will assess the circumstances and determine whether a different investigator, decisionmaker, facilitator of informal resolution, or appellate decisionmaker should be assigned to the matter. Allegations of bias must be made in good faith and may not be made with the intent of delaying or derailing the proceedings.

¹⁰ To the extent a party would like to raise a concern about the Title IX Coordinator themselves, this report may be made to the Dean of Students or Associate Vice President for Administration and Finance instead, or the Provost instead, who will perform the same assessment. Should the concern be raised by a faculty member, the Provost will be consulted.

Presumption of Good Faith Reporting. The College presumes that reports of Prohibited Conduct are made in good faith. As a reminder, making a false report or giving false information is a violation of this Policy and may be a basis for discipline.

Presumption of Non-Violation and Standard of Proof – Preponderance of the Evidence. The Respondent is presumed not to have violated the Policy unless and until it is determined through applicable procedures that a preponderance of the evidence supports a finding of a Policy violation.

Expectations of Complainant, Respondent, and Witnesses. The Complainant, the Respondent, the Witnesses, and others sharing information with the investigator are expected to provide all Relevant information at the time of their interview, or as soon as otherwise possible, and to be truthful and complete in their responses throughout the process. A Party or Witness who participates in the process is expected to participate in a live interview if requested. Similarly, a person who elects to participate is expected to participate in all aspects of the process (e.g., a witness who participates in a live interview is expected to make themselves available for a hearing if requested to do so).

I. The Investigation

1. Investigation Timeframe

The investigation will be adequate, reliable, and impartial, and will be completed in a reasonably prompt timeframe, typically 60 to 90 days of the receipt of the Complaint. In the event a deadline related to the investigation is extended or changed, both Parties will be notified in writing regarding the reason for and expected duration of, the delay.

J. The Investigators, Interviews, and Gathering Evidence

The Investigator. The College will charge a trained investigator – who may be the Title IX Coordinator – with the task of gathering facts about the allegations raised in the Complaint, objectively evaluating the Relevance of all evidence, and preparing (i) for cases involving allegations of Sex-Based Harassment with a Student Complainant or Respondent, an investigative report which contains a fair summary of the Relevant and not otherwise impermissible evidence, or (ii) in all other cases of Prohibited Conduct, an accurate description of Relevant evidence.

Interviews & Evidence. The investigator will meet with each Party and Relevant witnesses. Each individual interviewed will have the opportunity to review a summary of their own statement to correct spelling/grammar and factual errors and provide clarification, if needed, by the deadline set by the Investigator. If the Party or Witness does not provide any response to the interview summary within the allotted time, the Investigator will consider the interview summary to be accurate and complete.

The investigator will, prior to any interviews or meetings with the Parties, provide written notice of the date, time, location, and purpose of the interview or meeting, with sufficient time for the Party to prepare for the interview or meeting.

Each Party will have the equal opportunity to gather and present Relevant evidence (both inculpatory and exculpatory) and fact witnesses to the investigator. However, the burden of gathering evidence, and satisfying the Standard of Proof, is on the College.

Providing information to the investigator through an interview, through the submission of

documents, or both, is voluntary. The College does not compel Parties or non-employee witnesses to answer questions during the interview or submit documents, although all Parties and witnesses are encouraged to do so. A person's decision not to participate in the investigation, in whole or in part, will be documented in the investigative report or the summary of Relevant evidence, as applicable. College employees, and others authorized by the College to provide aid, benefits, or services as part of the College's Education Program or Activity, are expected to attend all scheduled meetings and proceedings and, upon request, participate as a witness or otherwise assist with any investigation or adjudication under this Policy.

In all cases, the Parties will have an equal opportunity to access the Relevant and not otherwise impermissible evidence. As applicable, an accurate description of the Relevant evidence collected during the investigation, or, for cases involving Sex-Based Harassment in which the Complainant or Respondent is a Student, an investigative report containing a fair summary of the Relevant evidence collected during the investigation, will be submitted to both Parties for their review and response.

The Parties will have 5 Days to provide written feedback to the investigator, who will consider such responses before completing a final document. In the event that there are additions or changes as between the draft document and final version, the Parties will have 3 Days to review any such additions and provide a final written response if they choose to do so.

K. Adjudication

Upon completion of the investigation, the Title IX Coordinator reviews the Relevant evidence collected and, as applicable, the investigator's accurate description of the evidence or investigative report containing a fair summary of the Relevant evidence collected and within 5 Days determines whether the College will proceed to adjudication, or dismiss the Complaint, as described in [Section XVI.B](#), above. If the matter is submitted for adjudication, the adjudication process varies based on the status of the Complainant and Respondent (i.e., Student or employee), and the type of conduct at issue (i.e., Sex-Based Harassment or other forms of Sex Discrimination).

Matters involving Complaints of Sex-Based Harassment with a Student Complainant and/or a Student Respondent are adjudicated through the live hearing process described below, while all other Complaints of Prohibited Conduct (including both Complaints of Sex Discrimination other than Sex-Based Harassment and Complaints of Sex-Based Harassment involving only employees and/or third parties) are adjudicated through the non-hearing process described below.

When a Complainant or Respondent is a Student Employee, the College will undertake a fact- and circumstance-specific inquiry to determine how the matter will be adjudicated, including consideration of whether the Party's primary relationship with the College is to receive an education, and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work. Typically, if a Respondent who is a Student Employee may experience a change in their employment status as a result of the outcome of a Grievance Process, but not a change in their student status, the matter will proceed as though the Respondent was an employee.

L. Non-Hearing Adjudication Process

For all matters other than those involving allegations of Sex-Based Harassment in which the Complainant and/or the Respondent is a Student.

In all matters other than those involving allegations of Sex-Based Harassment in which the Complainant and/or the Respondent is a Student, a non-hearing adjudication process is used. In this process, the decisionmaker – who may be the investigator (including if the investigator is the Title IX Coordinator); the Title IX Coordinator; or a designee identified by the Title IX Coordinator – will objectively evaluate all Relevant evidence, both inculpatory and exculpatory, and reach a determination regarding responsibility pursuant to the Standard of Proof.

The decisionmaker will assess the credibility of the Parties and witnesses, to the extent credibility is both in dispute and Relevant to evaluating the allegations. Any credibility determinations will not be based on a person’s status as a Complainant, Respondent, or witness. The decisionmaker may accomplish this by holding meetings, in their discretion, with any Party or witness, at which questions are posed. These meetings are private and individual.

The decisionmaker will prepare a written determination, with rationale, and appeals information. In the event the Respondent is found responsible for a violation of this Policy, the determination will include the Disciplinary Sanctions imposed and/or whether Remedies will be provided, as appropriate. This will typically be done within 10 Days of completion of the investigator's accurate description of the Relevant evidence collected during the investigation or the Parties’ responses thereto, if applicable.

M. Live Hearing Adjudication Process

For all matters involving allegations of Sex-Based Harassment in which the Complainant and/or the Respondent is a Student.

1. The Hearing Decisionmaker

Hearings will be facilitated by one or more Decisionmakers, at the College’s discretion, who will make the decision as to whether or not the Respondent violated the Policy using a preponderance of the evidence standard. The Decisionmaker has broad authority to determine the process, timing, and conduct of a hearing. This includes the order of presentation, timing, and overall duration of the hearing, what information and questions are relevant to the determination of the matter, and what questions will or will not be permitted. The Decisionmaker is responsible for maintaining an orderly and respectful hearing and has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending person(s).

2. Notice

The Decisionmaker will be informed of the identities of the Parties so they can identify any conflict of interest or bias. The Parties will be notified in writing of the identity of the selected Decisionmaker in advance of the hearing; and parties may, within three (3) calendar days of such notice, object to the Decisionmaker by providing a written statement (which may be transmitted electronically) as to why the party believes that the Decisionmaker has a conflict of interest or bias. The Title IX Coordinator will make decisions regarding such objections and the appointment of an alternate Decisionmaker, as appropriate. If a potential conflict of interest is discovered outside of the three days, the Title IX Coordinator has discretion to appoint an alternate Decisionmaker.

The Parties will also be notified in writing of the date, time, and location of the hearing. The

hearing may be scheduled, in the College's discretion, to take place in-person or via an online platform through which each Party, Witness, Advisors, and the decisionmaker can see and hear each other in real-time when the person is speaking. If the matter involves more than one Respondent, the Title IX Coordinator, in their discretion, may permit the hearing concerning each Respondent to be conducted either jointly or separately.

3. Pre-Hearing Procedures and Ground Rules

The Decisionmaker and/or the Title IX Coordinator may establish pre-hearing procedures relating to issues such as scheduling, hearing structure and process, and witness and advisor participation and identification. The Decisionmaker will communicate with the parties prior to the hearing with respect to these issues and establish reasonable, equitable deadlines for party participation/input.

The Decisionmaker also has wide discretion over matters of decorum at the hearing, including the authority to excuse from the hearing process participants who are unwilling to observe rules of decorum.

4. Non-Appearance of Parties or Witnesses; Refusal to Respond to Questions

If a Party or witness, after being provided notice, does not appear at the hearing, the hearing will take place in their absence. In such a case, or in the event that a Party or witness appears at the hearing but refuses to answer questions, the Decisionmaker will make their determination using the evidence available. The 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 otherwise 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 questions.

5. Conduct at and of the Hearing

The College expects all Parties, witnesses, and Advisors to refrain from abusive or disruptive behavior, and will provide notice of any additional rules of decorum. Inappropriate behavior may result in a suspension of the hearing until the abusive or disruptive behavior has been addressed and, as noted, may involve the exclusion and replacement of an Advisor.

At the live hearing, the Decisionmaker will 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 the allegations of Sex-Based Harassment. Any credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness. The Decisionmaker will accomplish this by asking the Parties and witnesses Relevant (not otherwise impermissible questions) and follow-up questions, including questions challenging credibility.

The Parties will have an equal opportunity to propose questions of the other Party and/or of relevant witnesses to the Decisionmaker. Such questions must be proposed in writing.

The Decisionmaker will determine whether a proposed question is Relevant (and not otherwise impermissible), and will explain any decision to exclude a question as not Relevant or as otherwise impermissible. All Relevant (not otherwise impermissible) questions will be asked. Questions that are unclear or harassing of the Party or witness being questioned may be excluded, but prior to doing so, the Decisionmaker will give the Party posing the question the opportunity to clarify or

revise the question.

Rules of evidence, such as those applied in criminal or civil court, are not applicable to hearings conducted under this Policy. Evidence not previously provided in advance of the hearing may be accepted for consideration in the discretion of the Decisionmaker.

At the conclusion of the hearing, the Complainant and Respondent may each submit, respectively, an impact statement or a mitigation statement which will be reviewed by the relevant decisionmaker in the event of a finding of responsibility, for the purposes of determining Disciplinary Sanctions and/or Remedies.

6. Witnesses

The Decisionmaker may, at their discretion, exclude witnesses or witness testimony the Decisionmaker determines to be not Relevant. The Decisionmaker will explain any decision to exclude a witness or testimony as not Relevant.

7. Electronic Devices and Record the Hearing

A Respondent, Complainant, advisor, and/or witness may not bring electronic devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) into a hearing room, unless authorized by the Decisionmaker.

The Title IX Coordinator will arrange for there to be an audio recording, or audiovisual recording, or transcript (or combination), at the College's discretion, of the hearing.

8. Hearing Structure

The Decisionmaker has general authority and wide discretion over the conduct of the hearing. Although the Decisionmaker has discretion to modify the hearing structure, the general course of procedure for a hearing is as follows:

- Introductions;
- The Decisionmaker establishes rules and expectations for the hearing;
- Brief opening statement from the Complainant;
- Brief opening statement from the Respondent;
- Questioning of the Complainant by the Decisionmaker;
- Submission of questions for the Respondent by the Complainant to the Decisionmaker;
- Questioning of the Respondent by the Decisionmaker;
- Submission of questions for the Complainant by the Respondent to the Decisionmaker;
- Decisionmaker questioning of other witnesses (if applicable);
- Submission of questions for the witnesses to the Decisionmaker from the Parties;
- Closing comments from the Complainant; and,
- Closing comments from the Respondent.

All evidence collected as part of the investigative process will be made available at the hearing to give each party an equal opportunity to refer to such evidence during the hearing.

9. Determination Regarding Responsibility

The Decisionmaker will objectively evaluate all Relevant evidence, both inculpatory and exculpatory, and reach a determination regarding responsibility pursuant to the Standard of Proof.

The Decisionmaker will prepare a written decision including: a description of the alleged Sex-Based Harassment; information about the policy and procedures used to evaluate the allegations; the Decisionmaker's evaluation of the Relevant (not otherwise impermissible) evidence; the determination of whether the Respondent was responsible or not responsible for Prohibited Conduct; if responsible, the specific behaviors for which Respondent was found to be responsible; and appeals information. In the event the Respondent is found responsible for a violation of this Policy, the determination will include the Disciplinary Sanctions imposed and/or Remedies provided, as appropriate.

10. Remedies and Disciplinary Sanctions

In the event the Decisionmaker finds the Respondent responsible for a violation of the College's policies, appropriate Remedies and Disciplinary Sanctions will be determined by the Decisionmaker.

Upon a finding of responsibility, the College may continue Supportive Measures, and may also provide Remedies to the Complainant or others in the event their equal access to the College's Education Program or Activity was determined to have been limited or denied by Sex Discrimination. Remedies are designed to restore or preserve the Complainant's equal access to the College's Education Program or Activity and may include, but are not limited to, the same measures listed in [Section XI](#).

Upon a finding of not responsible, the College may continue Supportive Measures that would not unreasonably burden the Respondent.

Disciplinary Sanctions are designed to stop the misconduct, prevent its recurrence, and remedy its effects, and will consider the nature and gravity of the misconduct, and any record of prior misconduct, if applicable.

Disciplinary Sanctions for findings of responsibility include, but are not limited to, warning, suspension, and expulsion (students) or dismissal from employment (employees). In determining (a) sanction(s), the Decisionmaker will consider any previous disciplinary violations, among other factors, including, but not limited to:

- how the College has sanctioned similar incidents in the past;
- the nature, severity and circumstances surrounding the conduct at issue;
- the impact of the conduct on the complainant, and their desired sanctions, if known;
- the impact of the conduct on the community or its members;
- whether the respondent has accepted responsibility;
- whether the respondent is reasonably likely to engage in the conduct in the future;
- any other mitigating or aggravating circumstances;
- the respondent's optional good faith participation in the grievance process;

- the need for sanctions/responsive actions to bring an end to the conduct at issue, remedy its effects, and/or prevent future recurrence.

The Decisionmaker may broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the Decisionmaker nor any appellate decisionmaker will deviate from the range of recommended Disciplinary Sanctions unless compelling justification exists to do so.

The determination regarding responsibility becomes final either on the date that the College provides the Parties with the written determination of the results of any appeals, or, if no appeal filed, the date on which an appeal would no longer be considered timely. Any Disciplinary Sanctions and/or Remedies will be implemented at this time.

N. Appeals

A Respondent and Complainant both have the right to appeal the Decisionmaker’s decision regarding responsibility on one or more of the following grounds:

- New evidence not reasonably available at the time of the determination regarding responsibility that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or Decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent specifically that affected the outcome of the matter; and/or
- Procedural irregularity that affected the outcome of the matter.

An appeal is not a re-hearing of the case. The College may summarily deny an appeal if it is not based on one of the enumerated grounds for appeal.

A party wishing to appeal must file a written appeal statement with the Title IX Coordinator within five business days of the date the written decision is sent to the parties. Appeal statements are limited to 3,000 words. Appeal statements should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeal statements that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal statement not to meet these standards.

The Appellate Decisionmaker shall promptly provide notice of any appeal(s) to the other Party. The other Party may submit a written response to the appeal (“response”). The response is due five business days from the date the College provides written notice of the appeal to the Appellee and must be limited to no more than 3,000 words. The response should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Responses should use footnotes, not endnotes. Responses that do not meet these standards may be returned to the Party for correction, but the time for a response will not be extended unless there is evidence that technical malfunction caused the response to not meet these standards.

The College will provide the appealing Party an opportunity to review the response. No “reply” or further submission may be provided.

Appellate decisionmaker. If the College does not summarily deny the appeal for failure to state one of the enumerated grounds for appeal, the College will appoint an appellate decisionmaker. Generally, the Dean of Students (or designee) or the Associate Vice President of Finance and

Administration (or designee) will serve in the role of the appellate decisionmaker. The appellate decisionmaker's role is limited to reviewing the underlying record of the investigation and hearing, the appealing party's ("Appellant") written appeal statement, any response to that statement by the other party ("Appellee"), and information presented at a meeting of the appellate decisionmaker, if convened. Should either party be a faculty member, the Provost will consult on the appeal decision.

Conflict of interest/Bias. The College will notify the Appellant and Appellee of the name of the appellate decisionmaker. The Appellant and/or Appellee may challenge the participation of an appellate decisionmaker because of an actual conflict of interest, bias, or prejudice. Such challenges, including rationale, must be submitted in writing to the Title IX Coordinator no later than 48 hours after notification of the name of the appellate decisionmaker. The College will determine whether such a conflict of interest exists and whether an appellate decisionmaker should be replaced.

Written Decision. The appellate decisionmaker will provide written notification of the final decision to the Appellant and Appellee simultaneously. The written decision shall describe the result of the appeal and the rationale for the result. The appellate decisionmaker will decide whether to approve, reject, or modify the decision, and may remand the case for further proceedings consistent with the appeals decision.

The appellate decisionmaker will typically notify the parties of its decision regarding an appeal in writing within 10 business days from receipt of the appeal statement. If the decision will take longer, the parties will be informed. The decision of the appellate decisionmaker will be final, and no subsequent appeals are permitted.

XVII. Record Retention

The College will retain for a period of seven years after the date of case closure:

- Reports; Complaints; and records documenting the response to Reports and Complaints, including any Supportive Measures provided, any emergency removals or administrative leave imposed, and any Informal Resolution Process or Grievance Procedures undertaken, including the resulting outcome (e.g., the result of any Informal Resolution Process, determinations of responsibility, Disciplinary Sanctions imposed on the Respondent, Remedies provided to the Complainant, appeals and the results of such appeals);
- Any records documenting action taken by the College to address Reports of Sex Discrimination, prevent its recurrence, and remedy its effects; to address any barriers identified to reporting such conduct; and to educate employees about their Mandatory Reporting responsibilities;
- All materials used to provide required training;
- Any audio or audiovisual recording or transcript required to be retained; and
- Any other records documenting the actions taken to satisfy College's obligations to prevent discrimination and ensure equal access for individuals due to Pregnancy or Related Conditions, including facilitating reasonable modifications for Students and facilitating temporary adjustments, leave, and/or lactation time and space for employees.

In cases in which a Respondent was found to have violated the Policy and was expelled or terminated, the College may retain such official case files indefinitely.

ADDENDUM A: DECORUM POLICY

Purpose of the Rules of Decorum

Ursinus College's Live Hearing Adjudication Process is not a civil or criminal proceeding and is not designed to mimic a formal trial proceeding; it is primarily educational in nature. To ensure the Live Hearing Adjudication Process proceeds in a manner consistent with Ursinus's Values, the following Rules of Decorum apply in the limited circumstances where a live hearing is held.

At base, these Rules of Decorum require that all parties, advisors of choice, and institutional staff treat others who are engaged in the process with respect.

The rules and standards apply equally to all Parties and their Advisors regardless of sex, gender, or other protected class, and regardless of whether the individual is the Complainant or Respondent.

Rules of Decorum

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties and advisors:

1. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and pronoun used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
2. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decisionmakers.
3. A party may not use profanity or make irrelevant *ad hominem* attacks upon a party or witness.
4. Questions are meant to be interrogative statements used to test knowledge or understand a fact; questions may not include accusations, arguments, and/or irrelevant information.
5. Advisors may not object to questions, argue relevance, and/or engage with other advisors.
6. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate a party into not participating in the process or meaningfully modifying their participation in the process.

Warning and Removal Process

The Decisionmaker shall have sole discretion to determine if the Rules of Decorum have been violated. The Decisionmaker will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the Decisionmaker shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the Decisionmaker removes a party's advisor, the party may select a different advisor of choice. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed.

The Decisionmaker shall document any decision to remove an advisor in the written determination regarding responsibility.

For flagrant, multiple, or continual violations of this Rule, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. The Title IX Coordinator shall document any decision to temporarily or permanently prohibit an advisor from participating in future proceedings in a written determination.