



Title IX

Sexual Harassment Policy

Last Update: October 2023

BASED ON THE ATIXA 2021 ONE POLICY, TWO PROCEDURES MODEL.
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◆ POLICY OVERVIEW

Trinity Bible College & Graduate School [hereafter, “Trinity”] does not discriminate on the basis of race, color, national origin, sex, age, disability, marital status, familial status, or any other protected legal status in matters of admissions, employment, housing, educational programs or activities. We operate in compliance with federal non-discrimination laws, including Title IX. As a religious institution affiliated with the Assemblies of God, the college is exempted from certain provisions contained in Title IX and other non-discrimination laws and retains the right to make legitimate employment, admission, and other educational decisions on the basis of religious tenets, consistent with applicable laws (Title IX statute, 1st Amendment, and Religious Freedom Restoration Act).

Under Title IX of the Education Amendments of 1972 and its implementing regulations, sexual harassment is a form of prohibited sex discrimination. Title IX provides:

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 educational program or activity receiving Federal financial assistance.

Title IX requires colleges and universities to provide enhanced, improved, sustained, and consistent response to sexual violence on campus.

In accordance with its mission and values, Trinity is committed to provide a learning, living, and working environment that is free of all forms of prohibited discrimination and harassment, including all forms of sexual misconduct, including sexual harassment, sexual assault, dating or domestic violence, stalking, sexual exploitation, or retaliation.

This policy sets forth Trinity’s obligations under the 2023 Title IX Regulations. The Title IX Sexual Harassment Policy shall address complaints of Sexual Harassment as defined by the U.S. Department of Education under Title IX of the Education Amendments Act of 1972, and this process shall be limited by, among other things, conduct that occurs within the United States and conduct that occurs within the College’s education program or activity. This applies to all students and employees participating in the College’s programs and activities. Title IX does not apply to sexual harassment that occurs off-campus and that is not part of the institution’s education program or activity.

Through this policy, Trinity will equitably address any concerns or complaints within its jurisdiction related to unlawful sexual harassment and retaliation.

This policy also includes Trinity’s obligations under the 2013 Clery Amendments pertaining to sexual assault, dating violence, domestic violence, and stalking.

Complaints of Sexual Misconduct not falling under the narrow definition of Sexual Harassment under Title IX will be addressed by College Administrators according to the established disciplinary or grievance policies of the College that may apply - as published in our official policies, handbooks, and/or catalogs.

Other sexual misconduct that does not fall within the definitions and limitations of this document may still violate other College policy and may be reported to the VP of Student Development (for student issues) or to the VP of Finance & Administration (for employee issues).

◆ TITLE IX COORDINATOR & CONTACT

Cathleen Hawker, Campus Compliance Manager, serves as the College's Title IX Coordinator.

The Title IX Coordinator manages appropriate personnel and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. Any members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the College President (president@trinitybiblecollege.edu). Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Cathleen Hawker
Title IX Coordinator
50 6th Ave S
Ellendale, ND 58436
701-349-5435 | chawker@trinitybiblecollege.edu

◆ RELEVANT DEFINITIONS

Advisor: a person chosen by a party or appointed by the College to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.

Complainant: an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity.

Confidential Resource: an employee who is not a Mandated Reporter for Title IX purposes of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status). These same resources, however, may have obligations under either federal or state law to report certain information outside of Title IX.

Consent: Knowing, voluntary, and clear permission by word or action to engage in specific sexual activity. Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent to some sexual contact (such as kissing) cannot be presumed to be consent for other sexual activity (such as intercourse). The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated.

Day: a business day when the College is in normal operation.

Directly Related Evidence: evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-maker(s).

Education Program or Activity: locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

Final Determination/Finding: a conclusion by the standard of proof, *preponderance of evidence*, that the alleged conduct did or did not violate policy.

Formal Grievance Process: “Process A,” a method of formal resolution designated by the College to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 C.F.R. § 106.45).

Grievance Process Pool: any Investigators, Hearing Decision-makers, Appeal Decision-makers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

Investigator: the person(s) authorized by the College to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report and a file of directly related evidence.

Mandated Reporter: an employee who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator.

Notice: that an employee, student, or third party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

Official with Authority (OWA): an employee who has responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the College.

Parties: includes the Complainant(s) and Respondent(s), collectively.

Relevant Evidence: is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.

Remedies: post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's education program.

Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.

Resolution: the result of an informal or Formal Grievance Process.

Sanction: a consequence imposed on a Respondent who is found to have violated this Policy.

Standard of Proof: the College uses *preponderance of the evidence* ("more likely than not") as a standard for proof of whether a policy violation occurred

Title IX Coordinator: at least one official designated by the College to ensure compliance with Title IX and the College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

Title IX Team: refers to the Title IX Coordinator(s) and any member of the Grievance Process Pool.

◆ PROHIBITED SEXUAL HARASSMENT

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and State of North Dakota regard Sexual Harassment as an unlawful discriminatory practice. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex of those involved. Sexual harassment, as an umbrella category, includes the offenses of quid pro quo harassment, unwelcome conduct, sexual assault, domestic violence, dating violence, and stalking.

QUID PRO QUO HARASSMENT

An employee of the College conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

UNWELCOME CONDUCT

Unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.

SEXUAL ASSAULT

Any directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Title IX regulations have adopted the following types of sexual assault (consistent with Clery Act reporting):

- a. **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- b. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c. **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- dating violence does not include acts covered under the definition of domestic violence.

DOMESTIC VIOLENCE

A felony or misdemeanor crime of violence committed

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for the person's safety or the safety of others; or suffer substantial emotional distress.

RETALIATION

Retaliation is a person's adverse action against another person because they have filed a complaint or participated in providing relevant information to an investigation. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. We will take all appropriate and available steps to protect individuals who fear they may be subjected to retaliation.

The College and any member of the College community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

◆ NORTH DAKOTA CRIMINAL DEFINITIONS

In addition to the prohibited sexual harassment categories noted in the previous section, the Clery Act requires that we provide definitions for criminal offenses as they are listed in state law. **The North Dakota Century Code defines these criminal acts as follows:**

DATING VIOLENCE

As the State of North Dakota includes persons who are in a dating relationship under the state's domestic violence laws, any violence committed by dating parties would fall under domestic violence, not dating violence.

DOMESTIC VIOLENCE

Domestic Violence includes physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members.

The code defines family or household member as a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court.

STALKING

The North Dakota Century Code states that no person may intentionally stalk another person. The state defines stalk as engaging in an intentional course of conduct directed at a specific person which frightens, intimidates or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment. Stalking is also defined as the unauthorized tracking of the person's movements or location through the use of a global positioning system or other electronic means that would cause a reasonable person to be frightened, intimidated, or harassed and which serves no legitimate purpose.

The state defines course of conduct as a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity. The state defines immediate family as a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.

SEXUAL ASSAULT

There are a variety of definitions for sexual assault and, legally, the definition can change depending on the state. Some states use the words rape, sexual assault, or gross sexual imposition interchangeably.

The State of North Dakota defines numerous sex offenses, including but not limited to: Statutory rape, gross sexual imposition, continuous sexual abuse of a child, sexual imposition, sexual assault, and incest. Definitions of some of those terms are provided below. Reference North Dakota Century Code 12.1-20 for full definitions of each category.

North Dakota Century Code: Gross Sexual Imposition

- 1) A person who engages in a sexual act with another, or who causes another to engage in a sexual act, is guilty of an offense if:
 - a. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being;
 - b. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct by administering or employing without the victim's knowledge intoxicants, a controlled substance, or other means with intent to prevent resistance;
 - c. That person knows or has reasonable cause to believe that the victim is unaware that a sexual act is being committed upon him or her;
 - d. The victim is less than fifteen years old; or
 - e. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct.
- 2) A person who engages in sexual contact with another, or who causes another to engage in sexual contact, is guilty of an offense if:
 - a. The victim is less than fifteen years old;
 - b. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being; or
 - c. That person knows or has reasonable cause to believe that the victim is unaware that sexual contact is being committed on the victim.

North Dakota Century Code: Sexual Imposition

A person who engages in a sexual act or sexual contact with another, or who causes another to engage in a sexual act or sexual contact, is guilty of a class B felony if the actor:

- 1) Compels the other person to submit by any threat or coercion that would render a person reasonably incapable of resisting; or
- 2) Engages in a sexual act or sexual contact with another, whether consensual or not, as part of an induction, initiation, ceremony, pledge, hazing, or qualification to become a member or an associate of any criminal street gang as defined in section 12.1-06.2-01.

North Dakota Century Code: Sexual Assault

- 1) A person who knowingly has sexual contact with another person, or who causes another person to have sexual contact with that person, is guilty of an offense if:
 - a. That person knows or has reasonable cause to believe that the contact is offensive to the other person;
 - b. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders that other person incapable of understanding the nature of that other person's conduct;
 - c. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct, by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in North Dakota Century Code chapter 19-03.1, or other means for the purpose of preventing resistance;

- d. The other person is in official custody or detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over that other person;
- e. The other person is a minor, 15 years of age or older, and the actor is the other person's parent, guardian or is otherwise responsible for general supervision of the other person's welfare; or
- f. The other person is a minor, 15 years of age or older, and the actor is an adult.

CONSENT

North Dakota Century Code does not provide a definition of consent specifically for the purposes of sexual offenses. However, consent is defined in the North Dakota Century Code 12.1-17-08 for larger purposes as:

- 1) When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury by all persons injured or threatened by the conduct is a defense if:
 - a. Neither the injury inflicted nor the injury threatened is such as to jeopardize life or seriously impair health;
 - b. The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
 - c. The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury, having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.
- 2) Assent does not constitute consent, within the meaning of this section, if:
 - a. It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
 - b. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
 - c. It is induced by force, duress, or deception.

◆ TITLE IX & GRIEVANCE PROCESS PERSONNEL

College Administrators and/or those who are a part of the College's Judicial Committee (as noted in the Student Handbook), or other trained persons may serve in various roles during a Title IX investigation and grievance process. If the respondent is an employee, members of the Board of Trustees may be requested to serve in the various roles.

The College may also, at its discretion, appoint suitably qualified persons who are not college employees to fulfill any function under this policy, including but not limited to Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

The College has classified the Title IX Coordinator and College Administrators, excluding Confidential Resources, as mandated reporters of any knowledge they have that a member of the community is experiencing sexual harassment and/or retaliation.

◆ OPTIONS FOR REPORTING

Trinity encourages individuals to report sexual harassment offenses to the Title IX Coordinator so that the College can respond appropriately and to talk to someone about what happened for support resources. We also encourage individuals to report any crimes directly to law enforcement.

We understand that this can be difficult and want individuals to be aware of the options available to them so they can make informed choices about where to turn.

The College will act on any formal or informal notice of a sexual harassment violation that is received by the Title IX Coordinator by applying the applicable procedures. If it is determined that the complaint falls under Title IX jurisdiction, the coordinator will apply procedures outlined in this policy – Process A. If the alleged sexual harassment falls outside of College property or a College function, other disciplinary procedures can be implemented. (*Reference Appendix 3: Process B for alternate procedure for VAWA offenses that are not Title IX violations.*)

Complaints of sexual harassment and/or retaliation may be made with either a verbal or written report to the Director of Student Life (herein, DSL), and then will be passed on to the Title IX Coordinator. Reports should be as detailed as possible.

Verbal reports can be provided in person at the Director of Student Life's (DSL's) office or by calling 701-349-5798

Written reports can be emailed to tmedley@trinitybiblecollege.edu mailed/delivered to the Director of Student Life's office, or submitted using the Incident Report Form that is located at <https://inside.tbc2day.edu>.

Reporting of Title IX violations carries no obligation to initiate a formal complaint. The Complainant is largely in control and should not fear a loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.

If a Complainant does not wish for their name to be shared, an investigation to take place, or want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator. The coordinator will evaluate the request in light of the duty to ensure the safety of the campus and to comply with state or federal law. The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of a violence risk assessment.

As used in this Policy, the phrase "formal complaint" means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the

complaint, and requests that the College investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

CONFIDENTIAL/ANONYMOUS REPORTING

Those who would like to make a voluntary, confidential report regarding a Title IX violation (whether it happened to you or someone else) may complete the online Incident Report Form while omitting personal details. Form can be accessed via <https://inside.tbc2day.edu>.

Please note that anonymous reports do not provide a strong foundation for further investigation and do not provide the College an opportunity to provide supportive measures to the Complainant; therefore, confidential reporting is provided for but should not be the standard. However, if enough other information is provided, the report can give rise to a need to investigate.

If a Complainant would like support services but would like the details of an incident to be kept confidential and for no action by the College to take place, the Complainant is encouraged to utilize confidential resources, such as: licensed professional counselors and other medical providers; rape or domestic violence resources; clergy outside of the College.

PRESERVING EVIDENCE & LAW ENFORCEMENT REPORTING

If a crime of Sexual Assault, Domestic Violence, Dating Violence, or Stalking (collectively known as VAMA offenses), or other Sexual Harassment as defined by Title IX, has occurred it is important to report it as quickly as possible. We advise victims to preserve any evidence that may assist in proving that the alleged offense occurred or that may be helpful in obtaining a protection order. Further, we encourage victims to obtain a forensic examination. A forensic examination does not require the victim to file a police report. If requested, the DSL will assist the victim in obtaining information about where to get a forensic examination.

Regarding legal actions, a victim of a VAWA offense has several options, including the option to:

- Notify the local police.
- Be assisted by campus authorities in notifying the local police.
- Decline to notify the local police.

Local Police Department: Ellendale Police 701-349-2093

Trinity will comply with a complainant's request for assistance in notifying authorities of any crime.

When filing a police report, visit the police station nearest to where the crime took place, accurately report the incident and truthfully answer all of the officer's questions. When investigating, the police will request the victim's name, the assailant's name or physical description, the addresses for both parties, and the date and time of day that the incident occurred. Some of the questioning may seem insensitive or even painful, but the police need to know as many details as possible about how and why the crime occurred. A physical examination may also be requested in order to preserve evidence.

◆ SUPPORTIVE MEASURES

The College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator will promptly make supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a Formal Complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

Our institution does not issue orders of protection; however, a Complainant has the right, and the College's support, to obtain an order of protection, a "no-contact" order, restraining order, or similar lawful order issued by a criminal, civil, or tribal court. Contact the Ellendale Police Department to request information about your options and to file a request. If the Complainant receives an order of protection, a "no-contact" order, restraining order, or similar lawful order against his/her alleged perpetrator, the Complainant should notify the Title IX Coordinator of the order. The College will honor, comply with, and enforce any lawful order regarding the above and will make every effort to accommodate any changes in the academic and living situation of the Complainant if such changes are deemed to provide support and protection.

Either party (a Complainant or Respondent) may submit a request to the DSL for accommodations in academic, living, transportation, or working situations to ensure his/her protection. If the party requests them and if they are reasonably available, our College will make such accommodations or provide such protective measures regardless of whether the Complainant chooses to report the crime to law enforcement.

DSL, in coordination with the VP of Finance & Administration (VPFA) for employees, will determine the appropriate measures to take regarding requests for accommodations and will take into consideration the following while making that decision: the specific need expressed by the reporting party; the age of the students/persons involved; the severity or pervasiveness of the allegations; any continuing effects on the Complainant; whether the Complainant and Respondent share the same student housing, dining hall, class, transportation or job location; and whether other judicial measures have been taken to protect the Complainant (e.g. civil protection orders).

The College will protect the confidentiality of both parties by:

- 1) Completing publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim.
- 2) Maintaining as confidential any accommodations or protective measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

In some cases, we may need to disclose information about either party to a third party to provide necessary accommodations or protective measures. The DSL is responsible for determining what information be disclosed and to whom this information will be disclosed. This decision will be made in light of all circumstances, with respect and priority given to protect the Complainant. We will disclose only information that is necessary to provide the accommodations or protective measures in a timely manner. If possible, we will inform the parties before sharing personally identifying information that the institution believes is necessary to provide an accommodation or protective measure. Reports and information are kept secure in the Student Life Office (if student) or the Business Office (if employee), under the oversight of the Title IX Coordinator or the VPFA.

Any student or employee can request information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community. Information requests should be directed to the Student Life Office, which will provide written notification of such.

◆ INTERIM/EMERGENCY SUSPENSION OR ADMINISTRATIVE LEAVE

The College may remove a Respondent from its education program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The College reserves the right to place a non-student employee Respondent on administrative leave during the pendency of a grievance process.

The Title IX Coordinator has discretion under this Policy to implement or modify an emergency removal and to determine the conditions and duration. If the Respondent is an employee, College Administrators will consult on emergency removal. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include student dismissal or employee termination.

◆ PROMPTNESS

Once Trinity has received notice or a Formal Complaint, all allegations are promptly acted upon. Complaints typically take 60-90 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

◆ CONFIDENTIALITY/PRIVACY

Every effort is made by the College to preserve the confidentiality of reports. Trinity will not share the identity of any individual who has made a report of sexual harassment or retaliation; any Complainant; any individual who has been reported to be the perpetrator of sexual harassment or retaliation; any Respondent; or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA) or its implementing regulations, or as required by law; or to carry out the purposes of 34 C.F.R. Part 106, including any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The College reserves the right to determine which Trinity officials have a legitimate educational interest in being informed about incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: the Office of the President, Student Development departments, Academic Affairs, and College Administrators. Information will be shared as necessary with Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The Recipient may contact parents/guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

◆ JURISDICTION

Title IX applies to educational programs and activities of the College, to conduct that takes place on the campus or on property owned or controlled by Trinity, and at Trinity-sponsored events. This policy can also be applicable to off-campus misconduct that effectively deprives someone of access to Trinity's educational program. The Respondent must be a member of Trinity's community in order for this policy to apply.

If the Respondent is unknown or not a member of Trinity's community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus/local resources and support options. If criminal conduct is alleged, the College can assist in contacting local or institutional law enforcement if the individual would like to file a police report.

The College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Trinity property and/or events. When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution. Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sexual harassment or retaliation in an externship, study abroad program, or other environment external to the College, by means of other disciplinary protocol.

◆ TIME LIMITS ON REPORTING

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Trinity's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

◆ ONLINE SEXUAL HARASSMENT AND/OR RETALIATION

Trinity policies are written and interpreted broadly to include online behaviors prohibited in this policy, when those behaviors occur in or have an effect on the Trinity's education program and activities or when they involve the use of Trinity networks, technology, or equipment. Although Trinity may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to Trinity, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual or sex-based messaging; distributing or threatening to distribute nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Trinity community.

◆ FALSE ALLEGATIONS

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to judicial action under College policy.

◆ INITIAL ASSESSMENT OF COMPLAINTS

Upon receipt of a complaint or notice to the DSL of an alleged violation of this policy, the DSL initiates a prompt initial assessment, typically within one week, to determine the next steps the College needs to take.

The DSL seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired. If they do not wish to do so, the DSL determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.

If a formal complaint is received, the DSL and Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.

The DSL will offer supportive measures whether or not the Complainant prefers to file a formal complaint.

The DSL works with the Complainant to determine whether the Complainant prefers:

- 1) Supportive and remedial response measures because the Complainant does not want to file a Formal Complaint; and/or
- 2) Initiating an informal resolution option; and/or
- 3) Proceeding with a formal investigation and grievance process.

If a supportive and remedial response is preferred, the DSL works with the Complainant to identify their needs, determine appropriate supports, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.

If an informal resolution option is preferred, the DSL assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.

If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:

- If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address, based on the nature of the complaint: an incident; and/or a pattern of alleged misconduct; and/or a culture/climate issue.
- If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assess which other policies may apply, and will refer the matter accordingly.

Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX and does not limit the College’s authority to address a complaint with an appropriate process and remedies.

Allegations of misconduct that are not covered by this policy will be addressed through procedures described in the student, faculty, and staff handbooks or other established and published policies. *(Reference Appendix 3: Process B for alternate procedure for VAWA offenses that are not Title IX violations.)*

VIOLENCE RISK ASSESSMENT

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to an individual or the community's physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a Formal Complaint absent a willing/able Complainant;
- Whether the scope of the investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and if so, what approach may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer college about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning or trespass order is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

A VRA is used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process. More about the process for VRA can be found in Appendix 3.

DISMISSING A COMPLAINT (MANDATORY AND DISCRETIONARY)

The College must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the Formal Complaint would not constitute sexual harassment as defined above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the College, and/or the College does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in the College's education program or activity.

The College may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

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

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal.

COUNTERCLAIMS

The College is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. The College permits the filing of counterclaims but uses an initial assessment to assess whether the allegations in the counterclaim are made in good faith. Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

RIGHT TO AN ADVISOR & ROLE OF THE ADVISOR – PROCESS A

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the College community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will be trained by the College and be familiar with the College's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the College, the Advisor may not have been trained by the College and may not be familiar with College policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

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

Advisors or attorneys are permitted to fully represent their advisees or clients in resolution proceedings, including all meetings, interviews, and hearings. Although the College prefers to hear from parties directly, in these cases, parties are entitled to have evidence provided by their chosen representatives.

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the College will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and the College's policies and procedures.

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

The College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. The College provides a consent form that authorizes the Recipient to share such information directly with a party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the College is able to share records with an Advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings/interviews/hearings when planned, but the College may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor should be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

◆ RESOLUTION PROCESS – PROCESS A

Resolution proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accordance with this policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the parties agree not to disclose as part of an Informal Resolution. The College encourages parties to discuss any sharing of information with their Advisors before doing so.

INFORMAL RESOLUTION

Three options for Informal Resolution are detailed in this section.

- 1) **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation
- 2) **Alternative Resolution.** When the parties agree to resolve the matter through an alternative resolution mechanism [including mediation, restorative practices, facilitated dialogue, etc.], often before a formal investigation takes place.
- 3) **Accepted Responsibility.** When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction(s) and end the Resolution Process.

To initiate Informal Resolution, a Complainant must submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

Prior to implementing Informal Resolution, the Title IX Coordinator will provide the parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The Title IX Coordinator will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

INFORMAL RESOLUTION: ALTERNATIVE RESOLUTION

Alternate Resolution is an informal mechanism [including mediation or restorative practices, etc.] by which the parties reach a mutually agreed upon resolution of a complaint. All parties must consent to the use of an Alternate Resolution mechanism.

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

INFORMAL RESOLUTION: ACCEPTED RESPONSIBILITY

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of College policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

◆ FORMAL GRIEVANCE PROCESS – PROCESS A

GRIEVANCE PROCESS POOL

The Formal Grievance Process relies on a pool of individuals to carry out the process. Members of this pool are selected by the Title IX Coordinator and should be properly qualified and adequately trained for the roles in which they are selected. When necessary, trained individuals outside of the College community may be contracted for services. Pool members act with independence and impartiality.

Members of the Pool can serve in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution or Alternative Resolution
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

Pool members are required to have annual training and the materials used for training will be publicly posted.

FORMAL GRIEVANCE PROCESS: NOTICE OF INVESTIGATION AND ALLEGATIONS

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the

interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all allegations
- The identity of the involved parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies implicated
- A description of the applicable procedures
- A statement of the potential sanctions/responsive actions that could result
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity during the review and comment period to inspect and review all directly related and/or relevant evidence obtained
- A statement about the College's policy on retaliation
- Information about the confidentiality of the process
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the parties that the College's policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how the party may request disability accommodations during the Resolution Process
- The College's VAWA information
- The name(s) of the Investigator(s), along with a process to identify to the Title IX Coordinator, in advance of the interview process, any conflict of interest that the Investigator(s) may have
- An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

RESOLUTION AND INVESTIGATION TIMELINE

The College will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation.

ENSURING IMPARTIALITY

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied.

If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the College President.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof, the preponderance of evidence.

INVESTIGATION TIMELINE

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, law enforcement involvement, etc. The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or health conditions. The College will communicate the anticipated duration of the delay and reason to the parties in writing and provide the parties with status updates if necessary.

The College will promptly resume its investigation and Resolution Process as soon as feasible. During such a delay, the College will implement supportive measures as deemed appropriate.

College action(s) or processes for Title IX violations are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

INVESTIGATION PROCESS

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the parties and witnesses
- Meet with the Complainant to finalize their interview/statement, if necessary

- Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included.
- The Investigator will gather, assess, and synthesize evidence, but make no conclusions and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for a ten (10) business-day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days. [ach copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- Elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.
- Share the report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties and Advisors are also provided with a file of any directly related evidence that was not included in the report.

WITNESS ROLE AND PARTICIPATION IN THE INVESTIGATION

Witnesses (as distinguished from the parties) in the Trinity community are strongly encouraged to cooperate with and participate in the College's investigation and resolution process. Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, Microsoft Teams, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness, efficiency, or other reasons dictate a need for remote interviewing. The College will take appropriate steps to reasonably ensure the security/privacy of remote interviews. Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator.

INTERVIEW RECORDING

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

EVIDENTIARY CONSIDERATIONS

Neither the investigation nor the hearing will consider: (1) incidents not relevant or not directly related to the possible violation(s), unless they evidence a pattern; or (2) questions and evidence about the Complainant's sexual predisposition; or (3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Within the boundaries stated above, the investigation and the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is factual evidence or relates to a pattern of conduct.

REFERRAL FOR HEARING

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The hearing cannot be held less than ten (10) business days from the conclusion of the investigation—when the final investigation report is transmitted to the parties and the Decision-maker(s)—unless all parties and the Decision-maker(s) agree to an expedited timeline. The Title IX Coordinator will select appropriate Decision-maker(s). from the Pool depending on whether the Respondent is an employee or a student and will provide a copy of the investigation report and the file of directly related evidence to the Decision-maker(s).

HEARING DECISION-MAKER COMPOSITION

The College will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator. The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will convene at a time and venue determined by the Title IX Coordinator or designee.

ADDITIONAL EVIDENTIARY CONSIDERATIONS IN THE HEARING

Any evidence that the Decision-maker(s) determine is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the Complainant's sexual predisposition; or 3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is factual evidence or relates to a pattern of conduct.

Previous disciplinary action of any kind involving the Respondent may not be used unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility, assuming the Recipient uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker(s) render a determination by majority vote based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

HEARING NOTICE

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator as soon as possible, preferably at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker(s) based on demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- Information on how the hearing will be recorded and how the parties can access the recording after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they wish to conduct cross-examination and do not have an Advisor, and the College will appoint one. Each party must have an Advisor present if they intend to cross-examine others. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the complaint unless they have already been provided.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker(s) will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the Recipient and remain

within the 60-90 business-day goal for resolution. In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

ALTERNATIVE HEARING PARTICIPATION OPTIONS

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair as soon as possible, preferably at least five (5) business days prior to the hearing. The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know as soon as possible, preferably at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

PRE-HEARING PREPARATION

After any necessary consultation with the parties, the Chair will provide the names of persons who have been asked to participate in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) (either personally or in writing) unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any relevant evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10)-business-day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at a pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

PRE-HEARING MEETINGS

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors and invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the Chair based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing. At each pre-hearing meeting with a party and/or their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will/will not be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/Advisor, with all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Chair will work with the parties to establish the format.

HEARING PROCEDURES

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations, interpretation, and/or assistive services. The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and the witnesses will then be excused.

JOINT HEARINGS

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged policy violation.

ORDER OF THE HEARING - INTRODUCTIONS AND EXPLANATION OF PROCEDURE

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) based on bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review the challenge and decide.

The Chair and/or hearing facilitator then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator/case manager appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

INVESTIGATOR PRESENTATION OF FINAL INVESTIGATION REPORT

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Hearing Panel should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

TESTIMONY AND QUESTIONING

Once the Investigator(s) present the report and responds to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors ("cross-examination").

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider the question (and state it if it has not already been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased. The Chair may invite explanations or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain arguments from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

REFUSAL TO SUBMIT TO QUESTIONING; INFERENCES

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

HEARING RECORDINGS

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not personally record the proceedings and no other unauthorized recordings are permitted. The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a

controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

DELIBERATION, DECISION-MAKING, AND STANDARD OF PROOF

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact and/or mitigation statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any submitted impact and/or mitigation statement(s) once they are submitted.

The Decision-maker(s) will also review any pertinent conduct history provided by the College and will determine the appropriate sanction(s), in consultation with other appropriate College Administrators, as required.

The Chair will then prepare a written statement detailing all findings/final determinations, the rationale(s) explaining the decision(s), the evidence used in support the determination, the evidence not relied upon in the determination, any credibility assessments, and any sanctions and rationales explaining the sanction(s) and will deliver the statement to the Title IX Coordinator.

This statement is typically three to five (3-5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

NOTICE OF OUTCOME

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 10 business days of receiving the Decision-maker(s) deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Recipient records, or emailed to the parties' Trinity-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy violation(s), including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and whether remedies will be provided to the Complainant to ensure access to the College's educational or employment program or activity.

The Notice of Outcome will also include information on when the results are considered by the College to be final, will note any changes to the outcome and/or sanctions that occur prior to finalization, and the relevant procedures and bases for appeal.

POSSIBLE SANCTIONS

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to sexual harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

Student Sanctions

The following are the usual sanctions that may be imposed upon students singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any Recipient policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Required Counseling:** A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation with a Student Life Contract & Violations Points (per the Student Handbook):** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time and requiring certain additional elements for the student's progress and growth. Terms of the probation/contract will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Suspended students are not allowed on campus, to visit any campus housing, or at Trinity sponsored events unless given permission by the DSL. All students granted permission to re-enroll after a suspension will complete a probationary period which includes a Student Life Contract.
- **Dismissal:** Permanent termination of student status. Dismissed students are not allowed on campus, to visit any campus housing, or at Trinity sponsored events unless given permission by the DSL. Dismissed students are not allowed to reapply to Trinity. This status may be noted permanently as a Conduct Dismissal on the student's official transcript.
- **Withholding Diploma:** The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating policy.
- **Revocation of Degree:** The College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/or other violation of Trinity's policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in sexual harassment and/or retaliation include:

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility/Demotion
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, Trinity may assign any other responsive actions as deemed appropriate.

WITHDRAWAL OR RESIGNATION BEFORE COMPLAINT RESOLUTION

Students

Should a Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from Trinity, the Resolution Process typically ends with a dismissal, as Trinity has lost primary disciplinary jurisdiction over the withdrawn student. However, Trinity may continue the Resolution Process when, at the discretion of the DSL, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged sexual harassment and/or retaliation.

Regardless of whether the matter is dismissed or pursued to completion of the Resolution Process, the College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation. The student who withdraws or leaves while the process is pending may not return to Trinity in any capacity. Admissions and Human Resources will be notified, accordingly. Such exclusion applies to all Trinity locations. They may also be barred from Trinity property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely and, if found in violation, that student is not permitted to return to the College unless and until all sanctions, if any, have been satisfied.

Employees

Should an employee Respondent resign with unresolved allegations pending, the Resolution Process typically ends with dismissal, as Trinity has lost primary disciplinary jurisdiction over the resigned employee. However, Trinity may continue the Resolution Process when, at the discretion of the VPFA, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the matter is dismissed or pursued to completion of the Resolution Process, the College will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for academic admission or rehire with Trinity or any Trinity location, and the records retained by the Title IX Coordinator will reflect that status.

All College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

◆ APPEALS

Any party may file a request for appeal, but it must be submitted in writing to the Title IX Coordinator within 3 business days of the delivery of the Notice of Outcome. A panel chosen from the Pool will be designated by the Title IX Coordinator. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal. This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against the Complainant or Respondent generally or the specific Complainant and Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair, and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party and their Advisors, the Title IX Coordinator and, when appropriate, the Investigators and/or the original Decision-makers will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 3 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 3 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and will render a decision in no more than 5 business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Trinity-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Any sanctions imposed as a result of the hearing are stayed (i.e.: not implemented) during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

The College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions would have restricted such.

APPEAL CONSIDERATIONS

- Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- Decisions on appeal are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker(s) may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker(s) for reconsideration.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where an error cannot be cured by the original Decision-maker(s) (as in cases of bias), the Appeal Chair/Decision-maker(s) may order a new investigation and/or a new hearing with new Pool members serving in the Investigator and Decision-maker roles.
- The results of a remand to a Decision-maker(s) cannot be appealed.
- In cases that result in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

◆ LONG-TERM REMEDIES/OTHER ACTIONS

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the DSL (in consultation with College Administrators, for employees) may implement additional long-term remedies or actions with respect to the parties and/or the institutional community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training

- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the DSL, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the DSL will address any remedies owed to the Respondent to ensure no effective denial of educational access.

The College will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the College's ability to provide these services.

◆ FAILURE TO COMPLY WITH SANCTIONS AND/OR RESPONSIVE ACTIONS

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s), including the Appeal Chair.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

◆ ADDITIONAL NOTES

RECORD KEEPING

The College will maintain for a period of at least seven years records of:

- 1) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation
- 2) Any disciplinary sanctions imposed on the Respondent
- 3) Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity
- 4) Any appeal and the result therefrom
- 5) Any Informal Resolution and the result therefrom
- 6) All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Trinity will make these training materials publicly available on our website.
- 7) Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent
 - b. Any measures designed to restore or preserve equal access to the College's education program or activity
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances

Trinity will also maintain any and all records in accordance with state and federal laws.

DISABILITY ACCOMMODATIONS IN THE RESOLUTION PROCESS

Trinity is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's Resolution Process.

Anyone needing such accommodations or support should contact the DSL who will review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full participation in the process.

REVISIONS TO POLICY AND PROCEDURE

The intent of this policy is to comply with the latest regulations required by Title IX. The College regularly reviews its policies for compliance. Trinity reserves the right to make changes to this document as necessary and once those changes are posted online, or otherwise distributed to the College community, they are in effect.

During the Resolution Process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice, upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

◆ ADDITIONAL FEDERAL OBLIGATIONS

This section contains additional information that is required by various federal policies and relates to issues of sexual harassment and misconduct.

FEDERAL TIMELY WARNING REPORTING

Individuals reporting a sexual harassment offense should be aware that university administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The university will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

SEX OFFENSE EDUCATION: PREVENTION PROGRAMS

Employees and students are encouraged to participate in all educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking.

Primary prevention and awareness programs include:

1) New Student Orientation

During New Student Orientation each semester, an overview is provided of issues pertaining to VAWA Offenses. Students are encouraged to be aware of and report any such incidents.

2) Intro to College Assignments

Each freshman in the Intro to College class is assigned to complete training modules from SafeColleges that cover topics relevant to this section. The assigned modules may include: Campus SAVE Act for Students - Sexual Violence Awareness; Bystander Intervention for Students; Intimate Partner Violence for students; and/or others.

Primary prevention programs for new employees include assigned modules from SafeColleges. These modules require watching a video and passing a quiz to test understanding of the covered material.

Primary prevention programs also include information on bystander intervention and risk reduction.

Bystander Intervention

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention training includes strategies for: being alert to and intervening in potentially harmful situations; engaging in conversations and redirecting attention in harmful situations; identifying options to include others in the intervention, etc.

Risk Reduction

Risk reduction is defined as options designed to decrease perpetration and bystander inaction; increase empowerment for victims in order to promote safety; and help individuals and communities address conditions that facilitate violence. Risk reduction training includes strategies for those specified areas.

Ongoing awareness programs include:

1) Assigned Training Each Semester

Each October and February, students are assigned specific modules from SafeColleges to complete that cover issues relevant to dating violence, domestic violence, sexual assault, stalking, or other relevant health and safety issues. This training is communicated through campus email and other avenues of announcement.

Employees are also advised of training modules through SafeColleges.

2) Community Assemblies

Various campus-wide Chapel services address these relevant issues either directly or indirectly, providing both warning and training for prevention.

SEX OFFENDERS

The database of registered sex offenders can be found at: sexoffender.nd.gov

◆ APPENDIX 1: RIGHTS OF THE PARTIES FOR PROCESS A

This section applies to the rights of those with a Title IX qualifying allegation. Each party has the right to:

- An equitable investigation and resolution of all credible allegations of prohibited harassment and/or retaliation made in good faith to Trinity officials.
- Timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- Be informed in advance of any public release of information by the College regarding the allegation(s) or underlying incident(s), whenever possible.
- Not have any personally identifiable information released by the College to the public without consent provided, except to the extent permitted by law.
- Be treated with respect by College officials.
- Have College policy and these procedures followed without material deviation.
- Not be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- Not to be discouraged by College officials from reporting sexual harassment and/or retaliation to both on-campus and off-campus authorities.
- Be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by the College in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report.
- Have allegations of violations of this Policy responded to promptly and with sensitivity by Recipient law enforcement and/or other College officials.
- Be informed of available supportive measures, such as counseling; advocacy; health care; [legal,] student financial aid, visa, and immigration assistance; and/or other services, both on campus and in the community.
- A Trinity-implemented no-contact order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- Be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available.
- Have the College maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair the College's ability to provide the supportive measures.
- Receive sufficiently advanced, written notice of any College meeting or interview involving the other party, when possible.
- Identify and have the Investigator(s), Advisors, and/or Decision-maker(s) question relevant available witnesses, including expert witnesses.
- Provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker(s), may be asked of any party or witness.
- Have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Decision-maker(s).
- Know the relevant and directly related evidence obtained and to respond to that evidence.
- A fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- Receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10)-business-day period to review and comment on the

evidence.

- Receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.
- Be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- Regular updates on the status of the investigation and/or resolution.
- Have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant training.
- Preservation of confidentiality/privacy, to the extent possible and permitted by law.
- Meetings, interviews, and/or hearings that are closed to the public.
- Petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- Have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- The use of the appropriate standard of evidence, preponderance of the evidence, to make a Finding/Final Determination after an objective evaluation of all relevant evidence.
- Be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- Have an impact and/or mitigation statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
Be promptly informed of the finding(s) and sanction(s) of the Resolution Process (if any) and a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written Notice of Outcome letter delivered simultaneously (without undue delay) to the parties.
- Be informed in writing of when a decision by the College is considered final and any changes to the final determination or sanction(s) that occur post Notification of Outcome.
Be informed of the opportunity to appeal the finding(s) and sanction(s) of the Resolution Process, and the procedures for doing so in accordance with the standards for appeal established by the College.
- A fundamentally fair resolution as defined in these procedures.

◆ APPENDIX 2: VIOLENCE RISK ASSESSMENT (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A **Violence Risk Assessment (VRA)** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Behavioral Intervention Team (BIT) (sometimes also known as CARE teams) members.

A VRA occurs in collaboration with the Title IX Coordinator and relevant other College officials and must be understood as an on-going process, not a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1. an appraisal of **risk factors** that escalate the potential for violence;
2. a determination of **stabilizing influences** that reduce the risk of violence;

3. a contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence; and
4. the application of **intervention and management** approaches to reduce the risk of violence.

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the VRA process and will assign a trained individual to perform the assessment, according to the specific nature of the Title IX case. The assessor will rely on a consistent, research-based, reliable system that allows for the operationalization of the risk levels, rather than subjective opinions.

Some examples of formalized approaches to the VRA process include: The NABITA Risk Rubric,¹ The Structured Interview for Violence Risk Assessment (SIVRA-35),² Looking Glass,³ Workplace Assessment of Violence Risk (WAVR-21),⁴ Historical Clinical Risk Management (HCR-20),⁵ and MOSAIC.⁶

The VRA is conducted independently from the Title IX process, informed by it, but free from outcome pressure. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The appropriate official who conducts the VRA process will make a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to the health and/or safety of an individual or the community.

◆ APPENDIX 3: PROCESS B

- Process B is an alternative to Process A that is relevant in certain situations.
- **Process B is applicable when the Title IX Coordinator(s) determines Process A is inapplicable, or offenses subject to Process A have been dismissed.**
- If Process A is applicable, Process A must be applied in lieu of Process B.
- The College can substitute any alternative process instead of Process B, if desired, unless Process B is required for issues such as VAWA offenses.
- VAWA Section 304 requirements apply to Process B or any alternative process for reports that fall under VAWA.
- Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, the 2001 Revised Guidance, etc.) may also be applicable to Process B.

At Trinity, “judicial action” refers to our College’s processes of discipline. Trinity is not a court of law. If a VAWA offense has been reported to law enforcement and does not qualify as a Title IX violation, College Administrators reserve the right to delay internal judicial processes based upon the results of the investigation from law enforcement. Internal judicial processes of the College may occur concurrent with or irrespective of outside legal proceedings.

A Complainant has the option to request that no further investigation or action be taken by the College. If this is the case, the report will be used solely for information to enhance prevention programs and to prepare statistical records. At his/her option, this report may or may not include identifying information about the victim.

¹ www.nabita.org/tools

² www.nabita.org/resources/assessment-tools/sivra-35

³ www.nabita.org/looking-glass

⁴ www.wavr21.com

⁵ <http://hcr-20.com>

⁶ www.mosaicmethod.com

Alternatively, the Complainant may request a further investigation and appropriate disciplinary action. If a police report was filed, the Complainant will provide the College a copy of the report. Information about the Complainant's identity will be kept confidential to the extent possible, although disclosure will be needed to certain individuals for judicial processes to proceed.

When informed of an allegation, the DSL or another appropriate College Administrator (if Respondent is an employee) will take appropriate action, based on the above selection of the Complainant. The preliminary inquiry is to determine if there is reasonable cause to believe an offense has occurred by a student or employee of the institution. When reasonable cause for proceeding is identified, the College will initiate an investigation that is thorough, reliable, impartial, prompt and fair to both parties. (When deemed necessary, the College may recruit the efforts of outside agencies for an investigation.) The investigation determines whether the College's policy has been violated. If so, the College will promptly implement an effective remedy designed to end the conduct, prevent its recurrence, and address its effects. The College aims to bring all allegations to a resolution within a sixty (60) business day time period, which can be extended for appropriate cause with notice to the parties.

For allegations that do not involve sexual violence, the DSL (or appropriate College Administrator) may facilitate conversations among the Complainant and the Respondent to try and resolve the conflict, if both parties are willing. If informal resolution fails, is not appropriate, or if an allegation involves sexual violence, the investigation will proceed.

The procedures for campus judicial action against a student offender are outlined generally under Judicial Process in the Student Handbook and are reviewed and updated annually. The DSL reserves the right to convene a Student Conduct Committee or call for a Judicial Committee depending on the total circumstances of the situation. The differences between these committees are outlined in the Student Handbook. The standard of evidence used by our College in decisions in these circumstances is "preponderance of evidence." The judicial procedures are initiated and overseen by the DSL. Proceedings will be prompt, fair, impartial, and consistent with the institution's policies.

The officials who are chosen to conduct proceedings to address allegations of VAWA offenses will have been properly trained and/or qualified for the areas of the Judicial Process for which they are involved (investigation, Judicial Committee, etc.) and/or outside agencies will be consulted to properly perform such investigations.

For discipline proceedings regarding VAWA offenses, both the Complainant and the Respondent will be provided with the same opportunities to be accompanied by an advisor of their choice. An advisor is any individual who provides either party support, guidance, or advice. We will not limit the choice of advisor or presence for either the reporting party or the responding party in any portion of an institutional disciplinary proceedings that is specifically addressing the VAWA offense; however, we may establish restrictions regarding the extent to which the advisor may participate in the proceedings and those restrictions will apply equally to both parties. The DSL, relevant College Administrator, or committee chairs will decide, announce, and enforce such restrictions. It is not required that reporting or responding parties have an advisor, and our institution will not cancel or delay meetings simply because an advisor could not be present.

The College will simultaneously notify, in writing, both the reporting party and responding party of:

- 1) The result of any College judicial action that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking.
- 2) The College's option for the reporting party or the responding party to appeal the result of the judicial action.
- 3) Any changes to the results of proceedings.
- 4) Final results of proceedings.

Depending on the results of the judicial action, consequences for a student Respondent may include any of the following depending on the severity of the incident: "Student Life Contract" (with varying elements of required church attendance,

accountability, community service, sign-out restrictions), suspension from the College (for a specified period of time), dismissal from the College (permanent dismissal). See the Student Handbook for full definitions of these terms.

Consequences for an employee Respondent will be determined by the relevant College Administrators and in alignment with relevant employee handbooks.