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# TITLE IX POLICIES AND PROCEDURES

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# Introduction

This Policy sets forth Alma College's obligations under the 2020 Title IX Regulations and incorporates the definitions and procedural requirements from the 2013 Clery Amendments pertaining to sexual assault, dating violence, domestic violence, and stalking. Pursuant to this Policy,

Inquiries about this policy and procedures may be made internally to:

Dave Blandford

Civil Rights/Title IX Coordinator Director of Student Engagement Office Location: Tyler-Van Dusen Campus Center (989) 463-7251 Email: [blandford@alma.edu](mailto:blandford@alma.edu)

Inquiries may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-1100 Customer Service

Hotline: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission (EEOC) Contact: <http://www.eeoc.gov/contact/>

## PLEASE NOTE:

Anywhere in these policies and procedures where the Civil Rights/Title IX Coordinator is referred to, it is assumed that this refers to the Civil Rights/Title IX Coordinator or designee. The designee will usually be a Deputy Civil Rights/Title IX Coordinator, but may not be in all instances. Anyone executing the responsibilities outlined in these policies and procedures will be trained to serve in that capacity.

Additionally, the term Hearing Authority can refer to a single hearing agent or a hearing panel chair or panel.

A complainant(s) may be referred to as a reporting party(s) and a respondent(s) may be referred to as a responding party(s).

Where a complaint involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

# Meet the Coordinator Team



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# Additional Key Roles

## Civil Rights and Title IX team

Alma college has a highly trained team in place to implement and execute all aspects of this policy. The Civil Rights and Title IX Team consists of the Civil Rights and Title IX Team Coordinator and Deputy Civil Rights and Title IX Team Coordinators. The Coordinator and Deputy Coordinators are trained to serve in all capacities required to execute this policy.

## Case managers

Case managers are college employees who volunteer, and receive significant training related to aspects of the resolution process, and may serve in any of the following roles, at the direction of the civil rights/title ix coordinator:

- To provide sensitive intake and initial advice pertaining to allegations.
- To serve as conflict or alternative resolution mediator.
- To investigate reports of misconduct.
- To act as advisors to those involved in the resolution process.
- To serve on hearing panels for allegations.
- To serve on appeal panels for allegations.

Case managers can also recommend policies and serve in an educative role for the community. Case managers are required to attend annual training specific to the roles that they fulfill. The list of members will be posted on the alma college website when case managers have been trained and agree to serve. Individuals who are interested in serving as case managers are encouraged to contact the civil rights/title ix coordinator.

## Third-party partners

In the interest of providing a safe and positive environment for students, faculty and staff, maintaining processes free from bias, and complying with all relevant federal and state laws banning discrimination in private institutions of higher education at the forefront, alma college may partner with a third-party entity in handling title ix cases and related practices. A third party will be brought in on complaints at the discretion of the civil rights/title ix coordinator and may serve as advisors, investigators, hearing agents, trainers, or in other capacities deemed necessary by the civil rights/title ix coordinator. Examples of third-party partners include but are not limited to grand river solutions, legal firms, or other groups with appropriate expertise



ALMA COLLEGE

## TITLE IX

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## POLICIES AND PROCEDURES

### ***KEY DEFINITIONS***



## Key Definitions:

**Admission:** Admission is the formal process by which Alma College accepts new students.

**Advisor:** Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, union representative, or an attorney. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend. Except where explicitly stated by this Policy, advisors shall not participate directly in the process. Alma College will provide the parties equal access to advisors; any restrictions on advisor participation will be applied equally.

An Advisor may not represent, advocate, or speak on behalf of a Complainant or Respondent, except as required to facilitate cross-examination in a live Title IX hearing. An Advisor may not disrupt or impede any resolution proceeding. More information about advisors can be found [here](#).

**Affirmative Consent:** means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.

1. Lack of protest or resistance does not mean affirmative consent;
2. Silence does not mean affirmative consent;
3. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of affirmative consent;
4. It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to affirmatively consent to the sexual activity under any of the following circumstances:
  - The Complainant was asleep or unconscious
  - The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity
  - The Complainant was unable to communicate due to a mental or physical condition.
5. In addition, it shall not be a valid excuse to the alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:
  - The Respondent's belief in affirmative consent arose from intoxication or recklessness of the Respondent.
  - The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

**Amnesty:** Protection from penalties for minor policy violations in order to encourage reporting of more serious issues.

**Applicant:** An individual who is seeking admission to or employment at Alma College but has not been formally admitted or hired

**Case Management Software:** Case management software is an electronic tool used by the college to store records related to civil rights and Title IX reports. Case management software is also used to send official communication. Parties and witnesses are expected to read any communication sent using the college's case management software.

**Civil Rights/Title IX Coordinator:** An individual responsible for overseeing compliance with Title IX, which prohibits sex discrimination in educational programs, and other civil rights laws.

**Coercion/Force:** Affirmative consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

1. Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.
2. Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

**College Official:** An employee of the college or third party entity conducting a proceeding described under this policy.

**Community Member:** A community member is defined as anyone who is not a currently enrolled student, or employee of the college. The term community member includes former students, alumni, contractors, parents, fans at athletic events, volunteers, individuals with purchased memberships granting access to campus activities and spaces (i.e. The Stone Recreation Center), and any other visitor to campus. When a community member is accused of violating a policy, the College will take steps to remedy the situation including possibly banning the community member from campus grounds, and any college affiliated activities. In cases where a ban occurs the College will work with campus safety, and the Alma Police Department to ensure the safety of the campus.

**Complaint:** A complaint means a formal written request to Civil Rights/Title IX Coordinator that objectively can be understood as a request for Alma College to respond and make a determination about alleged sex discrimination under this Policy. A complaint may be filed with the Civil Rights/Title IX Coordinator in person, by mail, or by electronic mail (email), or as described in this

Policy. Individuals who would like more information about filing a complaint are invited to contact the Civil Rights/Title IX Coordinator for additional information.

**Complainant:** Any individual who has reported being or is alleged to be impacted by Prohibited Conduct or Prohibited Sexual Harassment as defined by this Policy, and who was participating in a Alma College program or activity (or attempting to participate) at the time of the alleged misconduct. This person may also be referred to as the Reporting Party. Where a complaint involves more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

**Confidential Resources:** Confidential resources are specific individuals identified by Alma College and privileged under state law who will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this Policy only exempts such individuals from disclosure to the

Civil Rights/Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement. More information about Confidential Resources can be found [here](#).

**Decisionmaker:** Trained professional designated by Alma College to decide responsibility, sanction, or appeals. A Decisionmaker may be one person or a panel of multiple people as determined by Alma College. When there is no hearing, the Investigator may be appointed as the Decisionmaker. The term Decisionmaker may also be used to describe a Hearing Authority, or Appeal Authority.

**Designee:** A person appointed to act on behalf of another in a specific role or task.

**Disclosure or Report:** A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting discrimination or sex discrimination under this Policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

**Education Program or Activity:** Alma College’s “education program or activity” includes all campus operations, including off-campus settings within the United States that are operated or overseen by Alma College: including, for example, field trips, online classes, clubs and organizations, and athletic programs; conduct subject to Alma College’s disciplinary authority that occurs off-campus; conduct that takes place via Alma College-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, Alma College. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

**Evaluation of Complaints:** The evaluation of complaints is the responsibility of the Civil Rights/Title IX Team.

**Exculpatory Evidence:** Is evidence that suggests a responding party(s) is not responsible for a

violation of policy.

**Finding:** a written conclusion by a preponderance of the evidence, issued by a Decisionmaker, that the conduct did or did not occur as alleged.

**Formal Complaint:** means a document filed by a Complainant or signed by the Civil Rights/Title IX Coordinator alleging Prohibited Sexual Harassment against a Respondent and requesting that Alma College investigate the allegation of Prohibited Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of Alma College with which the Formal Complaint is filed.

**Grievance Process:** means the fact-finding process from the time of the filing of the Formal Complaint through the final determination of an appeal (if any).

**Incapacitation** occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed affirmative consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This Policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

**Inculpatory Evidence:** Is evidence that directly or indirectly suggests a responding party's involvement in a violation of policy

**Intake:** A meeting conducted by a member of the Civil Rights/Title IX team to discuss a report under this policy. The intake meeting will include discussion of the allegations, options for support, options for resolution, and the rights and responsibilities of the parties. The intake meeting is not investigative, though some information will be gathered to assist in the evaluation of the report.

**Investigation:** The formal fact-finding process used to gather relevant evidence regarding a reported violation of policy.

**Hearing:** A formal proceeding in which evidence gathered during the investigation is evaluated by a decisionmaker. After the hearing, the decisionmaker will decide responsibility and assign any sanctions, when appropriate.

**Hearing Authority:** The person or group responsible for conducting hearings related to alleged policy violations. A hearing authority may also be referred to as a decisionmaker.

**Jurisdiction:** The official power or authority to make decisions and judgments.

**Mandatory Reporter:** An individual with a duty to report known or suspected violations of this policy. Mandated reporters at Alma College include faculty, staff, coaches, some student employees such as RAs and First Year Guides, and some volunteers. Individuals who are not

mandatory reporters are identified as confidential resources under this policy.

**No-Contact Directive:** A No Contact Directive is a document issued by an Alma College authority that is designed to limit or prohibit contact or communications between the parties. A No-Contact Directive may be mutual or unilateral, with the exception that a No-Contact Directive issued as either a sanction or remedy shall be unilateral, directing that the Respondent not contact the Complainant.

**Notice:** All notices under this Policy are written and sent to the student or employee's assigned Alma College email address or delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official Alma College records, or personally delivered to the intended recipient. Notice may be sent via the College's electronic case management system. These include but are not limited to Notice of Allegation, Notice of Investigation, and Notice of Hearing.

**Parties:** A collective term for the complainant(s) and respondent(s) named in a report. Where a complaint involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

**Pertinent:** Relevant or applicable to a particular matter.

**Prohibited Sexual Harassment:** defines all prohibited behavior under Title IX. For definitions of what qualifies as prohibited Sexual Harassment please consult page 24 of this document.

**Protected Class/Identity:** A group of people with a common characteristic who are protected from discrimination on the basis of that characteristic.

**Public – Awareness Event:** A time-bound, strategic event that intends to educate about and/or increase awareness for a specific cause.

**Relevant:** Evidence that may aid in showing whether the alleged discrimination occurred.

**Remedies:** Remedies means measures provided, as appropriate, to a Complainant or any other person Alma College identifies as having had their equal access to Alma College's education program or activity limited or denied by discrimination or other prohibited conduct covered by this Policy. These measures are provided to restore or preserve that person's access to the education program or activity after Alma College determines that discrimination occurred. Only the Complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Civil Rights/Title IX Coordinator is responsible for implementation of remedies.

**Resolution Process:** a formal procedure used to address complaints or grievances raised by an individual or group. The process involves determining whether a grievance is valid and, if so, what corrective actions should be taken. Under Alma College's policies there are three resolution processes: supportive resolution, agreement-based resolution, and investigation and decision-making resolution.

**Respondent:** an individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct or Prohibited Sexual Harassment under this policy or retaliation for engaging in a protected activity. Sometimes referred to as the Responding Party. Where a complaint involves more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

**Sanctions:** Disciplinary steps that may be imposed on a Respondent who is found responsible for a violation of Alma College’s policies.

**Student:** Any person who has (or will have) attained student status by way of:

1. Admission, housing or other service that requires student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate or other program offered by Alma College.

**Student with a disability:** A student with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

**Substantial Alma College Interest:** A substantial Alma College interest is defined as:

- a) Any action that constitutes a criminal offense as defined by federal or state of Michigan law;
- b) Any situation where it appears that the accused individual may present a danger or threat to the health or safety of oneself or others;
- c) Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder.
- d) Any situation that is detrimental to the educational interests of Alma College;
- e) Any online postings or other electronic communication by students or staff — including cyber-bullying, cyber-stalking, cyber-harassment, etc. — occurring completely outside of Alma College’s control (e.g., not on Alma College networks, websites or between Alma College email accounts) will only be subject to this policy when those online behaviors can be shown to cause a substantial on-campus disruption or when it violates the college’s harassment policy; or
- f) Off-campus discriminatory or harassing speech by employees may be regulated by Alma College when such speech is made in an employee’s official or work-related capacity or when it violates the college’s harassment policy.

**Supportive Measures:** Individualized non-disciplinary, non-punitive measures offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

Such measures are designed to restore or preserve equal access to Alma College’s educational program or activity without unreasonably burdening the other party, including measures that are

designed to protect the safety of the parties or Alma College's educational environment. Supportive measures may provide support during and after the college's resolution processes. Supportive measures will also be offered to Respondents when they are notified of the allegations.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; no-contact directives; and training and education programs. Supportive measures may also include written notification about available services both within the institution and the community and options for available assistance as required by the Clery Act. Supportive measures are not disciplinary measures.

## Policy and Procedures for All Students, Faculty, and Employees:

### Reporting Misconduct

Any member of the community, guest, or visitor who believes that the Title IX Policy and Procedures has been violated, should contact the Civil Rights/Title IX Coordinator. It is also possible for employees to notify a supervisor, or for students to notify a staff or faculty member. These individuals will in turn notify the Civil Rights/Title IX Coordinator. The Alma College website also includes a reporting form at <https://www.alma.edu/civil-rights/file-a-report/formal-reporting-form/>.

All employees receiving reports of a potential violation of Alma College policy are required to promptly contact the Civil Rights/Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy. Specific information on any allegations received by any party will be reported to the Civil Rights/Title IX Coordinator; subject to the College's obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report. In all cases, Alma College will give consideration to the reporting party, with respect to how the reported misconduct is pursued. The College reserves the right, when necessary, to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

### Notice of Allegations:

Alma College has notice of Prohibited Sexual Harassment or allegations of Prohibited Sexual Harassment under this policy when such conduct is reported to the Civil Rights/Title IX Coordinator or any official of Alma College who has the authority to institute corrective measures on behalf of Alma College. However all employees are required to report Prohibited Sexual Harassment as defined by this policy, to the Civil Rights/Title IX Coordinator. +

### Supportive Measures

The Civil Rights/Title IX Coordinator may provide supportive measures intended to address the

short-term effects of harassment, discrimination, and/or retaliation, i.e., to redress harm to the parties involved and the community, and to prevent further violations. These supportive measures may include, but are not limited to

- Referral to Wilcox Health Center, counseling or to the Employee Assistance Program.
- No Contact Orders or limiting contact limitations between the parties.
- Academic or work schedule and assignment accommodations.
- Living arrangement adjustments.
- Providing campus escorts.
- Offering adjustments to academic deadlines, course schedules, etc.
- Increased security and monitoring of certain areas of campus.
- Education to the community.

### **Expectations for Decorum**

Civil Rights and Title IX proceedings are not civil or criminal proceedings, and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and the U.S. Department of Education, writing about Title IX in the Final

Rule “purposefully designed these final regulations to allow recipients to retain flexibility to adopt rules of decorum that prohibit any party advisor or decision- maker from questioning witnesses in an abusive, intimidating, or disrespectful manner.” 85 Fed. Reg. 30026, 30319 (May 19, 2020).

The Department has determined that institutions “are in a better position than the Department to craft rules of decorum best suited to their educational environment” and build a process that will reassure the parties that the institution “is not throwing a party to the proverbial wolves.”

At base, these Expectations of Decorum require that all parties, advisors, witnesses, and institutional staff treat others who are engaged in the process with respect. The expectations apply equally to all participants regardless of their role in the proceedings.

The following behaviors are prohibited during all proceedings described in this policy, including but not limited to intake meetings, investigative meetings, hearings, and agreement-based resolutions:

- Intentional disruption or interruption.
- Ridicule or irrelevant character attacks toward any party or participant.
- Directing obscenity or profanity at another individual. Note that obscene or profane language may be used when necessary to quote or otherwise describe information relevant to the proceedings.
- Intentional intimidation of any individual.
- Threatening, abusive, or hostile language or actions.
- Yelling, screaming, or physically “leaning in” to an individual’s personal space.
- Any other disorderly conduct that disrupts, disturbs or otherwise impedes the orderly conduct of the proceeding.
- Attacks on a person’s protected identities.
- Conversations, interruptions or other conduct that causes undue delay to the proceeding or



disturbs any other person who has been recognized to speak. Should an individual need to hold a conversation separate from the proceedings, they should make that request to the college official leading the proceeding.

- Intentionally mis-naming or mis-gendering any person in communication or questioning.

If a college official determines that these expectations have been violated, enforcement should be reasonably proportionate to the violation. Possible responses could include:

- Instructing the person to immediately stop engaging in the prohibited behavior.
- Explaining the rule and cautioning the person to follow it.
- Warning the person about the consequences for not abiding by the rule.
- If the violation is significant or if the conduct has continued even after a warning, the college official may:
  - Order the person to leave the proceeding and continue in their absence
  - Pause the proceeding and continue at a later time or date.

Violation of these expectations may result in separate misconduct charges.

If a participant believes that a college official has violated these expectations, they should immediately report the behavior to the Civil Rights/Title IX Coordinator.

### **Statement of Rights for the Complainant(s) and the Respondent(s)**

Both parties have many of the same rights under this process. Those rights include

- To be treated with respect and dignity by Alma College officials.
- To have the allegations treated neutrally until sufficient evidence is gathered and weighed.
- To have access to supportive measures.
- To access campus support resources (such as Wilcox Health Center, the Chaplain and Director of Spiritual Life, or Employee Assistance Program [EAP] services for employees).
- To have a support person, process advisor, or legal counsel present during any meetings or hearings that may occur as part of this process.
- To have legal counsel advise them whether or not to answer questions. (Please note, legal counsel may only participate in the process as an advisor, outlined above.).
- To request reasonable supportive measures, and accommodations, due to disability.
- To refuse to have an allegation resolved through the alternative resolution process.
- To have their case handled in a forthright and timely manner.
- To receive advance notice of any meetings in which they are entitled to participate and the purpose of those meetings.
- To provide statements, evidence, and information as part of the investigation.
- To know the specific charges being issued and the range of potential sanctions should a violation be found.
- To review evidence and other information obtained during the investigation in order to prepare for the hearing.

- To rebut written materials presented in a hearing.
- To file a written appeal to the Civil Rights/Title IX Coordinator.
- To be informed in writing of the outcome/resolution of the allegation, sanctions where permissible, and the rationale for the outcome where permissible.
- The College shall be entitled to make a written or taped record of any proceedings. The College will require that all such records remain in its custody; provided, however, that the student has access to the record for all purposes relating directly to hearings and their appeals. The College must inform all other parties present that the proceedings are being recorded and the means by which they are recording.

### **Statement of Responsibilities for the Complainant(s) and Respondent(s)**

- The parties are responsible for all materials shared with them in the course of the resolution process and may not disseminate or distribute materials generated during the resolution process without written consent from the Civil Rights/Title IX Coordinator. These materials include but are not limited to investigative reports, decision or resolution letters addressed to anyone other than themselves, and evidence (videos, images, written statements, etc.) obtained from sources other than themselves.
- It is the responsibility of all parties to clearly communicate all requests for accommodation or supportive measures. The need for accommodation or support will not be assumed by the college and must be explicitly communicated verbally or in writing to the Civil Rights and Title IX Coordinator.
- Regularly check and respond to communication from college officials. Communication will be sent to the party's Alma College email address and may come from another Alma College email address or the college's electronic case management system. If a party is external to the college, communication will be sent to the email address provided by the party, or an email address made available to college officials.
- All parties must treat individuals engaged in the resolution process with respect and comply with the college's expectations for decorum.
- The parties may not retaliate against anyone involved in or named during the resolution process.

### **Statement of Rights and Responsibilities for Witnesses**

- To be encouraged to answer all questions asked of them unless their answers would incriminate them under any provisions of College policy.
- To provide truthful, specific, relevant evidence related to the report under review.
- To receive amnesty for minor policy violations. More information about amnesty can be found [here](#).
- To provide evidence during a hearing, when invited to do so by a hearing authority. If a witness fails to attend a hearing, their statement shall be considered as evidence gathered during the investigation. If a witness attends a hearing, they will be called in to participate

when relevant and asked to withdraw after their statements have been received.

- To review the record of their statement. Witnesses do not have a right to replicate, possess, or disseminate materials gathered during an investigation, including the record of their statement. Witnesses who wish to review the record of their statement should submit the request in writing to the Civil Rights/Title IX Coordinator.
- The College shall be entitled to make a written or taped record of any proceedings including witness statements. The College will require that all such records remain in its custody; provided, however, that the student has access to the record for all purposes relating directly to hearings and their appeals. The College must inform all other parties present that the proceedings are being recorded and the means by which they are recording.

### **Amnesty for Minor Policy Violations**

To encourage reporting of alleged sexual harassment, including sexual assault, neither the reporting party, nor witnesses will face referrals for action under the policies outlined in the Student Handbook if they personally engaged in the unlawful or prohibited use of alcohol, drugs, or other minor violations (Quiet Hours, etc.) during the incident when the alleged violation occurred. Additionally, accused students will not face additional referrals for action under the Student Handbook policies if they personally engaged in the unlawful or prohibited minor misconduct during the incident when the alleged violation occurred. More serious violations of Student Handbook policies will still result in a referral for appropriate action.

### **Advisors**

Each party is allowed to have an advisor of their choice present with them for all meetings and proceedings, from intake through to final determination. The Civil Rights/Title IX Coordinator will assign a trained individual to work as an advisor upon the request of any party. The parties may alternatively select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and usually not otherwise involved in the resolution process, such as serving as a witness. The parties may choose advisors from inside or outside the campus community and may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible. Advisors have the right to decline to serve when asked or to remove themselves from the advisor role at any time; should a party need to replace an advisor, the Civil Rights/Title IX Coordinator can recommend or assign a new advisor.

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 their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. Alma 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, Alma College is not obligated to provide one.

All advisors are subject to the same campus rules, whether or not they are attorneys. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not

make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing panelists. The advisor may attend the live hearing and may conduct cross-examination of the other party and any witness at the hearing (Title IX only); otherwise, the advisor may not actively participate in the hearing. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role may be warned. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. In the event of serious misconduct by an advisor, they may be removed from the proceedings without warning. Subsequently, the Civil Rights/Title IX Coordinator will determine whether the advisor may be reinstated or may be replaced by a different advisor.

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

The parties must advise the relevant college officials of the identity of their advisor at least one (1) business day before the date of their meeting (or as soon as possible if a more expeditious meeting is necessary or desired). A party may elect to change advisors during the process and is not required to use the same advisor throughout. The parties must provide timely notice to the Civil Rights/Title IX Coordinator if they change advisors at any time.

### **Scope and Jurisdiction of this Policy**

Alma College does not discriminate on the basis of sex in its educational program and activities, including employment and admission. This policy addresses complaints of harassment based on sex. Other complaints of discrimination or harassment not covered by this policy and related retaliation will be handled under the Alma College Civil Rights Policy.

This policy applies to all students, faculty, and staff who experience Prohibited Sexual Harassment (as defined in this policy) in Alma College's education programs or activities. This policy also applies to participants in Alma College's program and activities (such as summer programs or alumni who are attempting to participate in alumni activities). This includes locations, events, or circumstances over which Alma College exercised substantial control over both the Respondent and the context in which the Prohibited Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Alma College. Alma College has other policies and procedures that may be applicable if the conduct does not meet the definition of Prohibited Sexual Harassment under this policy. For conduct that is covered by Clery, which includes sexual assault, dating violence, domestic violence, and stalking, that falls outside the jurisdiction of this policy due to the location of the conduct or lack of

jurisdiction, Alma College processes such conduct under the Alma College Civil Rights Policy in accordance with the Clery procedural requirements.

Any individual covered by this Policy expected to provide truthful information in any report, meeting, or proceeding under this Policy.

Unless otherwise specified in this Policy, any individual who is accused of engaging in conduct prohibited by this Policy who is not a student, faculty member, or staff member is generally considered a community member. Alma College's ability to take corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, to Alma College. When appropriate, the Civil Rights/Title IX Coordinator will refer such allegations against a third party to the appropriate office.

The status of a party may impact which resources and remedies are available to them under this Policy.

If there is a conflict between the provisions of this Policy and other Alma College policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this Policy will govern unless otherwise stated.

### **Application of Section 504/Americans with Disabilities Act to this Policy**

Alma College complies with the requirements of the Americans with Disabilities Act of 1990, as amended 2008 ("ADAAA"); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability. Alma College is committed to providing individuals with disabilities equal access to Alma College's programs and activities.

Parties may request reasonable accommodations for disabilities to the Civil Rights/Title IX Coordinator at any point relating to the implementation of this Policy, including making a disclosure or report, and initiating a grievance procedure.

Accommodations will be granted if they are reasonable and do not fundamentally alter the procedures established by this Policy. Please note that the Civil Rights/Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other Alma College programs and activities.

With the consent of the impacted party, the Civil Rights/Title IX Coordinator will work collaboratively with other campus offices to ensure that approved reasonable accommodations (disability-related) are implemented.

#### **a. Students with Disabilities**

Alma College is committed to providing qualified students with disabilities, with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the Alma College.

All accommodations are made on a case-by-case basis. A student requesting any

accommodation should first contact the Assistant Director of Student Success, who coordinates services for students with disabilities. A representative from that office reviews documentation provided by the student and, in consultation with the student, determines what accommodations are appropriate to the student's particular needs and academic programs considering timing and cost of the accommodations.

b. Employees with Disabilities

Pursuant to the ADA, Alma College will provide reasonable accommodation(s) to all qualified employees with known disabilities where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing to Human Resources and providing appropriate documentation. Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

c. Guests with Disabilities

Guests with disabilities may contact the organizer of the event they are attending to request appropriate accommodations for each event.

### **Alma College Statement on Relationships**

It is a violation of Alma College policy to pursue a sexual or amorous relationship in situations where professional power differentials are inherent. Alma College will investigate all allegations or reports of sexual misconduct. The findings that result from the college's investigation may lead to charges of violating campus policies, which may be grounds for dismissal or other sanctions. If you are aware of a relationship that you believe violates college policy, please contact the Alma College Civil Rights/Title IX Coordinator immediately.

Alma College acknowledges its responsibility to provide clear direction to the College community about the professional risks associated with amorous and/or sexual relationships in which a power differential between the parties exists.

A professional power differential exists in any situation where one individual has authority over another individual's employment, grades, career, academic or other college-sponsored opportunities, particularly when professional supervision, evaluation, and/or disciplinary power are part of the relationship. While not an exhaustive list, a few examples include:

- Faculty and students,
- Staff and students,
- Teaching assistants and students in their class,
- Coaches and student athletes,

- Department directors and employees in their sector, or
- Supervisors and individuals who report to them.
- Student Employees and other students

Alma College is committed to fostering the development of learning and work environments in which behavior is professional, ethical and free of discrimination. Amorous/sexual relationships that might be appropriate in other circumstances are inappropriate when they occur between any faculty, staff member, or student enrolled at the College (hereafter named supervisor) and any student or supervisee for whom they have professional (i.e., evaluative, supervisory, or disciplinary) responsibility, for the following three reasons:

- Questionable Voluntary Consent. There are inherent risks in any amorous or sexual relationship between individuals in unequal positions (such as faculty or staff and student, or supervisor and supervisee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have affirmatively consented at the outset to an amorous or sexual involvement, this past consent does not remove grounds for a later charge of a violation of applicable sections of this or other Alma College policy.

When a supervisor uses threats to coerce their student or supervisee into a relationship, overt sex-based harassment has occurred. However, even when the relationship appears to be consensual, fear of retaliation by the supervisor may be one of the factors that motivate the student or supervisee to allow the relationship to begin or continue. In such circumstances, the relationship would not be fully consensual.

- Adverse Impact on Educational Climate. The impact of an amorous and/or sexual relationship between any supervisor and any student or supervisee for whom they have professional responsibility may extend beyond the individuals in a relationship. If students, supervisees, or others are made aware of such relationships, perceptions of unfairness may arise. The dynamics of the learning or work climate may be disrupted, leading to a hostile work or learning environment.
- Conflict of Interest. Conflicts of interest may arise in connection with consensual amorous and/or sexual relationships between supervisors and students or supervisees for whom they have professional responsibility. When a decision is made or altered on the basis of the relationship rather than an objective standard of performance, a conflict of interest exists. Much like the potential adverse impact of a relationship on the educational climate, even the appearance of a conflict of interest can create perceptions of unfairness that lead to a hostile work or learning environment for others.

### Pre-existing employee relationships.

Supervisors must also take steps to ensure that issues described above do not arise from any amorous and/or sexual relationship in which they are already involved. Thus, for instance, job performance evaluations of a partner in a relationship should be delegated to a suitable colleague; and a partner should take a course from someone other than the instructor with whom they are involved. When this is impossible, supervising and/or grading responsibility must be delegated to a suitable colleague. Failure to promptly self-report such relationships to a supervisor when professional power differentials exist may result in disciplinary action for an employee.

## Prohibited Sexual Harassment

In accordance with its obligation under the Title IX Regulations of 2020, Alma College prohibits sexual harassment, which is conduct based on sex, that satisfies one or more of the following definitions (collectively referred to as “Prohibited Sexual Harassment”):

1. Quid Pro Quo Conduct:

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

2. 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 Alma College's program or activity.

3. Sexual assault:

This category of prohibited conduct includes the following:

- a. Sex Offenses – Any sexual act directed against another person, without the affirmative consent of the victim including instances where the victim is incapable of giving affirmative consent. Sexual assault is defined as conduct between persons consisting of:
  - i. Contact between the penis and the vulva, or between penises and vulvas;
  - ii. Contact between the penis and the anus;
  - iii. Contact between the mouth and the penis;
  - iv. Contact between the mouth and the vulva;
  - v. Contact between the mouth and the anus;
  - vi. Contact between anuses;
  - vii. Contact between hands and the penis;
  - viii. Contact between hands and the vulva;
  - ix. Contact between hands and the anus; or
  - x. Contact involving any of the above or the buttocks or chest.
- b. Non-Consensual Penetration - Actual or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person or object, without the affirmative consent of the victim. This includes



penetration forcibly or against the person's will in instances where the victim is incapable of giving affirmative consent because of their temporary or permanent mental or physical incapacity.

- c. Fondling – The non-consensual touching of the private body parts of another person for the purpose of sexual gratification, without affirmative consent, whether forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving affirmative consent because of their youth or because of their temporary or permanent mental or physical incapacity. Private body parts include all of the body parts specified above, including genitals, groin area, chest, and buttocks.
- d. Other Lawfully prohibited Sexual Intercourse - This category includes conduct constituting sexual assault that does not meet the definition of Non-Consensual Penetration or Fondling:
- e. Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law regardless of affirmative consent.
- f. Nonforcible sexual intercourse with a person who is under the statutory age of consent, regardless of affirmative consent.

#### 4. Dating Violence:

Violence committed by a person – (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

#### 5. Domestic Violence:

A felony or misdemeanor crimes 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 state of Michigan 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 state of Michigan.

#### 6. Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress. Stalking not on the basis of sex is handled by the Student Conduct Policy, the Civil Rights Policy, or the Manual of Operation and Employment (MOE).

#### 7. Sexual Exploitation:

Occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to: prostituting another person; recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such

disclosure and objects to such disclosure; and viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent for the purpose of arousing or gratifying sexual desire. Sexual exploitation may occur regardless of whether sexual activity takes place. For the purposes of this policy, sexual images, video, or other content that depicts a person and was created without their consent, including content generated through Artificial Intelligence or other means, may be considered sexual exploitation.

### **Retaliation**

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct under this Policy. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct by Alma College, a student, or an employee or other person authorized by Alma College to provide aid, benefit, or service under Alma College's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy or by law, including Title IX or its regulations. Retaliation also includes any of the above actions undertaken to prevent a report from being made. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation and to any student or employee who refuses to participate in an investigation or proceeding.

Retaliation may occur even where there is a finding of "not responsible" under this Policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.

Alleged acts of retaliation will be investigated in the same manner outlined in the procedures in this document, and may be referred to Student Conduct or Human Resources.

### **Delegation of Duties Under this Policy**

Alma College shall respond to all allegations of Prohibited Conduct, as defined above. Obligations created by this Policy may be delegated by Alma College including to external professionals.

### **Conflicts of Interest or Bias**

Any individual carrying out any part of this Policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should the Civil Rights/Title IX Coordinator have a conflict of interest, the Civil Rights/Title IX Coordinator shall immediately notify the Civil Rights/Title IX Team who will either take, or reassign, the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue.

Should any College Official acting in their capacity under this policy have a conflict of interest, the College Official shall notify the Civil Rights/Title IX Coordinator upon discovery of the conflict so that the Civil Rights/Title IX Coordinator may reassign the role as appropriate. This Policy will note where parties have the opportunity to challenge the participation of any individual implementing this Policy based on actual conflict of interest or demonstrated bias.

## **Crime and Incident Disclosure Obligations**

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that Alma College report the number of incidents of certain crimes, including some of the Prohibited Conduct in this Policy, that occur in particular campus-related locations. The Clery Act also requires Alma College to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, Alma College will ensure that a Complainant's name and other identifying information is not disclosed. The Civil Rights/Title IX Coordinator will refer information to the Clery Officer when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

## **Timely Warning Obligations**

Those who experience discrimination and/or sexual misconduct should be aware that Alma College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. Alma College will make every effort to ensure that names and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **Confidentiality and Reporting**

### **How to make a report**

All complaints of violations of this Policy will be taken seriously and in good faith. The Civil Rights/Title IX Coordinator will provide information and guidance regarding how to file a complaint with Alma College and/or local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the complaint.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, Alma College will give consideration to the party bringing forward a report with respect to how the matter is pursued.

Alma College may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that Alma College not initiate an investigation.

Employees, students, guests, or visitors who believe that this Policy has been violated should promptly contact the Civil Rights/Title IX Coordinator or submit a report at:

<https://www.alma.edu/protect-respect-our-scots-civil-rights/>

There is no timeline for making a report of discrimination, however, Alma College encourages the prompt reporting of a complaint as the ability of Alma College to pursue the complaint to conclusion may be hindered by the passage of time. Mandatory reporters must report potential discrimination and sex-based discrimination within 24 hours of learning of the allegation.

## **Employee Reporting Obligations**

All employees, with limited exceptions as identified by Alma College, are required to promptly provide to the Civil Rights/Title IX Coordinator all complaints and/or reports of discrimination and sex discrimination, including sex-based harassment and share all information reported or made available to the employee. These employees are considered mandatory reporters. If an employee in a supervisory capacity has direct knowledge of an incident of harassment or discrimination on the part of, or directed toward, any student or employee that supervisor is required to bring the matter to the attention of the Civil Rights/Title IX Coordinator.

When providing this information to the Civil Rights/Title IX Coordinator, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident.

Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with the Family Educational Rights and Privacy Act (FERPA).

### **Privacy and Confidentiality**

References made to privacy mean Alma College offices and employees who cannot guarantee confidentiality, but will maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the Civil Rights/Title IX Coordinator, who is responsible for tracking patterns and spotting systemic issues. Alma College will limit the disclosure as much as practicable.

All activities under these procedures shall be conducted with the privacy interests of those involved. While Alma College will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus in order to address a complaint or provide for the physical safety of an individual or the campus. Thus, Alma College cannot, and does not, guarantee that all information related to complaints will be kept confidential.

To maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this Policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this Policy. Parties may request to review a hard copy of materials, and Alma College will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute retaliation under this Policy.

Individuals may speak confidentially with a Confidential Resource. Confidential Resources (e.g., licensed mental health care providers, physicians and clergy) may not report to Title IX Coordinator any identifying information about conduct that may violate Alma College's Policy

against discrimination and sex discrimination without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the Civil Rights/Title IX Coordinator or initiate any process under this Policy.

Alma College employs three types of employees who are not required to report information about discrimination including sex discrimination to the Civil Rights/Title IX Coordinator:

i. Privileged and Confidential Employees:

Privileged and Confidential employees are those employees whose communications are privileged or confidential under Federal or State law. The employee must be hired for and functioning within the scope of their duties to which the privilege or confidentiality applies. For example, physicians, clergy, and mental health counselors are all confidential employees. Disclosures made to these employees means that information cannot be disclosed to anyone internal or external to Alma College without the express permission from the individual disclosing the information.

State law requires professional counselors to report:

(i) when a patient is likely to engage in conduct that would result in serious harm to the patient or others;

(ii) if there is reasonable cause to suspect that a minor has been sexually abused.

ii. Employees Designated as Confidential:

Employees designated by Alma College as exempt from reporting known discrimination including sex discrimination to the Civil Rights/Title IX Coordinator. Such employees must be acting in the scope of that role when they learn of the information about discrimination or sex discrimination for this exemption to apply. Disclosures made to these employees means that information will not be shared with the Civil Rights/Title IX Coordinator or anyone within Alma College but may be released under legal action or court order without the permission of the individual disclosing the information.

iii. IRB Research

IRB applications have a statement indicating that studies surveying to obtain information on Civil Rights/Title IX-related information can qualify for exemption from mandated reporting. Following this statement investigators can choose whether or not they want to apply for confidential reporter status for the study in question. They must explain why being required to report information disclosed by participants could interfere with study legitimacy. Sponsored research may qualify an investigator for limited designation as a confidential reporter to the extent that they obtain information while conducting human subjects. Confidential reporter designation would only apply to information acquired through the IRB-approved study and would expire with the study. Investigators must provide information on resources and reporting to their research participants in the informed consent document and/or at the end of any surveys.

## **Reporting to the Police**

Some Prohibited Conduct may constitute a violation of both the law and Alma College policy. Alma College encourages students and employees to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file a report with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file shall not be considered as evidence that there was not a violation of Alma College policy.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a complaint is made to Alma College as well as to law enforcement, Alma College may delay its process if a law enforcement agency requests that Alma College delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. Criminal or legal proceedings are separate from the processes in this Policy and do not determine whether this Policy has been violated.

All investigations and determinations under this Policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred, and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of Alma College community or the safety of Alma College as an institution is threatened, any individual with such knowledge should promptly inform the Director of Campus Safety. Alma College may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the Alma College community and Alma College as an institution.

## **Other Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with off-campus local rape crisis counselors, off-campus domestic violence resources, local or state assistance agencies, off-campus clergy members who will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. In case of an emergency students or employees may call R.I.S.E. Advocacy, Inc. at (844) 349-6177. The Employee Assistance Program (<https://www.alma.edu/offices/human-resources/current-employees/>) is available to help free of charge and can refer individuals to resources on an emergency basis 24 hours a day. These employees will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

**Public Awareness Events**

Employees are required to report to the Civil Rights/Title IX Coordinator information about discrimination and sex discrimination they learn about at public awareness events.

The Civil Rights/Title IX Coordinator is not obligated to respond directly to any identified Complainant in a report of discriminatory harassment or sex-based harassment disclosed at a public awareness event that takes place on-campus or in a school-sponsored online platform unless there is an imminent and serious threat to someone's health or safety.

The Civil Rights/Title IX Coordinator must respond to reports of conduct that could constitute discrimination or sex discrimination other than sex-based harassment if disclosed at public awareness events, wherever they occur. In all cases, Alma College must use the information to inform its efforts to prevent sex-based harassment and discriminatory harassment, including by providing tailored training to address alleged harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based or discriminatory harassment.



ALMA COLLEGE

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# TITLE IX POLICIES AND PROCEDURES

***RESOLUTION PROCESS FOR  
RESOLVING REPORTS OF  
PROHIBITED SEXUAL  
HARASSMENT***



# Resolution Process for Resolving Reports Prohibited Sexual Harassment

Alma College will act on any formal or informal report or notice of violation of the policy of the Title IX Policy that is received by the Civil Rights/Title IX Coordinator, the Human Resources office, or a member of the administration.

The procedures described below will apply to all reports of potential misconduct involving students, staff or faculty members. Redress and requests for responsive actions for reports made against non-members of the community are also covered by these procedures. For information about making a report, please go [here](#).

## Initial Intake and Assessment

Following receipt of a report alleging a potential violation of this Policy, the Civil Rights/Title IX Coordinator will contact the Complainant to meet with the Civil Rights/Title IX Coordinator for an initial intake and assessment meeting. During the initial intake and assessment, the Civil Rights/Title IX Coordinator will provide the following:

- An invitation to meet to offer assistance and explain their rights, resources, and options under this Policy;
- Access to this Policy;
- Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
- The availability of Supportive Measures regardless of whether a complaint is filed and/or any resolution process is initiated;
- The options for resolution (no action, [support-based resolution](#), [agreement-based resolution](#), and the [formal complaint and grievance process](#)) and how to initiate such resolution processes;
- The right to notify law enforcement as well as the right not to notify law enforcement;
- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from local support resources or local law enforcement in preserving evidence;
- The right to an advisor of choice, if applicable, during Alma College proceedings under this Policy including the initial meeting with the Civil Rights/Title IX Coordinator;
- A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited; and
- Information on how to initiate the Investigation or agreement-based resolution process. If the individual bringing forward the complaint is not the actual Complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this Policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the grievance procedures apply based on the conduct and the status of the parties. The initial assessment is not a finding of fact or responsibility.

Should the Complainant wish to initiate a resolution process, the Civil Rights/Title IX Coordinator will determine whether this Policy applies and, if so, the appropriate process under this Policy. The Civil Rights/Title IX Coordinator also may determine that the provision of supportive measures only is the appropriate response under the Policy. The Civil Rights/Title IX Coordinator will communicate to the Complainant this determination. If the Complainant does not wish to initiate a resolution process, the Civil Rights/Title IX Coordinator will assess whether to proceed as set forth below.

If the information provided does not suggest a potential violation of this Policy, the Civil Rights/Title IX Coordinator will provide the Complainant written notice that the matter is being referred for handling under a different policy, referred to another appropriate office for handling, and/or dismissed.

### **Requests for Confidentiality or No Further Action**

When a Complainant requests that Alma College not use their name as part of any resolution process, or that Alma College not take any further action, Alma College will generally try to honor those requests. However, there are certain instances in which Alma College has a broader obligation to the community and may need to act against the wishes of the Complainant. In such circumstances, the Civil Rights/Title IX Coordinator will notify the Complainant in writing of the need to take action. The factors the Civil Rights/Title IX Coordinator will consider when determining whether to act against the wishes of a Complainant include:

- The Complainant's request not to proceed with initiation of a complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
- The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of Alma College;
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination or sex discrimination, or discrimination or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decisionmaker or Hearing Authority in determining whether discrimination or sex based discrimination occurred;

- Whether Alma College could end the alleged discrimination or sex based discrimination and prevent its recurrence without initiating its grievance procedures under this Policy; and
- Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents Alma College from ensuring equal access on the basis of a protected class to its education program or activity.

### **Emergency Removal**

For discrimination, sex discrimination and sex-based harassment, Alma College retains the authority to remove a Respondent from Alma College's education program or activity on an emergency basis, where Alma College:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate and serious threat to the health or safety of a Complainant or any student, employee, or other individual arising from the allegations justifies a removal; and
3. Provides the Respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The Respondent may challenge the decision immediately following the removal, by notifying the Civil Rights/Title IX Coordinator in writing. Alma College will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable. For all other Prohibited Conduct, Alma College may defer to its interim suspension policies for students and administrative leave for employees

### **Administrative Leave**

Alma College retains the authority to place an employee Respondent on administrative leave during a pending complaint process under this Policy, with or without pay, as appropriate.

Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

### **Student Withdrawal or Employee Resignation While Matters are Pending**

If a student or employee Respondent permanently withdraws or resigns from Alma College with unresolved allegations pending, Alma College will consider whether and how to proceed with the resolution process. Alma 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 Prohibited Conduct.

A student Respondent who withdraws or leaves while the process is pending may not return to Alma College without first resolving any pending matters. Such exclusion applies to all Alma College campuses, opportunities, and programs.

An employee Respondent who resigns with unresolved allegations pending is not eligible for rehire with Alma College and the records retained by the college will reflect that status. All Alma College

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

### **Dismissal of a Complaint**

Before dismissing a complaint, Alma College will make reasonable efforts to clarify the allegations with the Complainant.

Alma College may dismiss a complaint if:

1. Alma College is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating in Alma College's education programs or activities and/or is not employed by Alma College;
3. The Complainant voluntarily withdraws their complaint in writing and the Civil Rights/Title IX Coordinator declines to initiate a complaint;
4. The Complainant voluntarily withdraws some but not all allegations in a complaint in writing, and Alma College determines that, the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this Policy; or
5. Alma College determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this Policy.

Upon dismissal, Alma College will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then Alma College will notify the parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Civil Rights/Title IX Coordinator will include that information in the notification.

Alma College will notify the Complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the Respondent has been notified of the allegations, then Alma College will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, Alma College will follow the procedures outlined in the Appeals section of these procedures.

When a complaint is dismissed, Alma College will, at a minimum:

1. Offer supportive measures to the Complainant and Respondent as appropriate;
2. If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Civil Rights/Title IX Coordinator to ensure that discrimination not continue or recur within Alma College's education program or activity.

A Complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

### **Referrals for Other Misconduct**

Alma College has the discretion to refer complaints of misconduct not covered by this Policy for handling under any other applicable Alma College policy or code. As part of any such referral for further handling, Alma College may use evidence already gathered through any process covered by this Policy.

### **Consolidation of Complaints**

Alma College may consolidate Complaints as to allegations of discrimination or sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of discrimination or sexual harassment arise out of the same facts or circumstances. Where multiple policies may be implicated by the same set of facts or circumstances, Alma College may bifurcate the proceedings in accordance with the requirements of the individual policies.

Alma College also reserves the right to use this Policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this Policy in instances when the conduct is associated with an alleged issue of prohibited conduct under this Policy. The Civil Rights/Title IX Coordinator will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Conduct and Human Resources. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Policy.

## **Options for Resolution**

There are multiple ways to resolve a complaint or report of discrimination or sex based discrimination. During the resolution of a complaint, the Civil Rights/Title IX Coordinator will determine whether to implement reasonable supportive measures designed to assist all parties (Complainants and Respondents) and community members in maintaining access to and participation in Alma College's educational programs, services and activities during the resolution of the complaint.

### **Support-Based Resolution**

A support-based resolution is an option for a Complainant who does not wish Alma College to take any further steps to address their concern, and when the Civil Rights/Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include but are not limited to: adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; and/or counseling.

A support-based resolution does not preclude later use of another form of resolution, for example if new information becomes available to Alma College and the Civil Rights/Title IX Coordinator

determines there is need for additional steps to be taken, or the Complainant later decides to pursue an agreement-based or investigation and decision-making resolution.

## **Agreement-Based Resolution**

Agreement-Based Resolution is an alternative where the Parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If Alma College offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Civil Rights/Title IX Coordinator must still take other prompt and effective steps as needed to ensure that discrimination or sex based discrimination does not continue or recur within the education program or activity.

Any party may design the proposed agreement between the parties. The Civil Rights/Title IX Coordinator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties.

Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a Respondent violated this Policy.

The Civil Rights/Title IX Coordinator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through another process.

### **Initiating the Agreement-Based Resolution Process**

Prior to the initiation of Agreement-Based Resolution, the Civil Rights/Title IX Coordinator will provide the Parties written notice that includes:

1. The specific allegation and the specific conduct that is alleged to have occurred;
2. The requirements of the Agreement-Based Resolution process;
3. Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether Alma College could disclose such information for use in a future Alma College grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;
4. Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal;
5. Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations;
6. A statement indicating that the decision to participate in the Agreement- Based Resolution process does not presume that the conduct at issue has occurred;

7. A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to violations of this Policy;
8. An explanation that all parties may be accompanied by an [advisor](#) of their choice;
9. A statement that any party has the right to withdraw from the Agreement- Based Resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
10. The date and time of the initial meeting with staff or the Civil Rights/Title IX Coordinator, with a minimum of 3 business days' notice;
11. Information regarding Supportive Measures, which are available equally to the parties; and
12. The potential terms that may be requested or offered in an Agreement- Based Resolution agreement.

### Facilitating an Agreement

If all Parties are willing to explore Agreement-Based Resolution, the Civil Rights/Title IX Coordinator will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Civil Rights/Title IX Coordinator does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Civil Rights/Title IX Coordinator may decide that the reported conduct will instead be addressed through the investigation and decision-making process. The Civil Rights/Title IX Coordinator will inform the parties of such decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or regarding the specific parties in the matter. The Civil Rights/Title IX Coordinator may serve as the facilitator, subject to these restrictions. The Investigator or Decisionmaker for the matter may not facilitate an Agreement-Based Resolution in that same matter.

### Types of Agreement-Based Resolution

- **Facilitated Dialogue:** This form of AR is most appropriate when both parties are comfortable with direct interaction and management of the discussion but prefer the presence of a neutral third party. The process typically begins with a brief conversation between the facilitator and each party to allow for an assessment of the situation. Once these conversations have occurred, the facilitator then schedules a meeting with the parties together.

During this meeting, the parties participate in a facilitated discussion with the intent to develop a shared agreement regarding how to correct the harm perceived or realized by the complainant. The parties work together to develop an agreement that resolves the issue and repairs relationships that were damaged by the conduct. The neutral facilitator acts as a buffer between the parties and ensures that the dialogue remains focused on the

primary issue(s). The facilitator may suggest breaks or interject comments/questions designed to redirect dialogue in a productive manner.

- **Formal Mediation:** This form of AR is most appropriate when the parties are unlikely to reach a solution without support. Mediation involves a neutral mediator who seeks to improve the parties' relationship through assisting them in understanding one another, introducing possible solutions to the problem, and making suggestions for improved communication.
  1. Mediator schedules private meetings with each party individually; guidelines for mediation will be presented to both parties.
  2. Mediator assesses appropriateness of mediation as a conflict resolution technique, and if appropriate schedules a joint meeting with all parties. If the mediator deems that mediation is not appropriate, this process stops and will be referred to another process, which may be a formal investigation and grievance process, support-based resolution, another form of agreement-based resolution, or another process.
  3. Meeting is held to allow parties to share their views with one another without interruption, followed by an interactive mediator-guided discussion to determine a resolution, if possible.
  4. If resolution is reached between the parties, each party will review and sign a binding resolution agreement, which will outline terms of the resolution and expectations of the parties moving forward.
- **Shuttle Diplomacy:** The crafting of an agreement that does not require the complainant and respondent to participate in an in-person meeting with one another. The facilitator will work with the parties individually to create an agreement that satisfies both parties.
- **Acceptance of Responsibility:** The Respondent can choose to take responsibility for the alleged policy violation(s). When this path is chosen, the Title IX Coordinator will assign a Deputy Civil Rights/Title IX Coordinator to work directly with the Respondent to determine corrective action(s) and/or sanctions. Both Complainant and Respondent must agree to this form of informal resolution, and the parties must also agree to the planned corrective action/sanctions prior to the conclusion of informal resolution.
- **Restorative Justice:** An approach to justice that seeks to repair harm by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about and address their needs in the aftermath of a grievance. Restorative justice requires that the Respondent accept responsibility for their behavior prior to beginning the process and is centered in repairing the harm caused to the Complainant. Restorative justice requires a specifically trained facilitator and may not be available or appropriate in all cases.
- **Other:** Other forms of alternative resolution are welcome to be presented as options by the



parties. These types of alternative resolution must be agreed upon by the Civil Rights/Title IX Coordinator and both parties. They must fall within the guidelines from the Department of Education and comply with all Civil Rights & Title IX policies.

Parties may attempt more than one form of Agreement Based Resolution. For example, if an attempt is made to participate in facilitated dialogue but the results are not satisfactory to both parties, the parties may request a transition to Formal Mediation. If both parties agree, an attempt at Formal Mediation will be made.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

1. An agreement that the Respondent will change classes or housing assignments;
2. An agreement that the Parties will not communicate or otherwise engage with one another;
3. An agreement that the Parties will not contact one another;
4. Completion of a training or educational project by the Respondent;
5. Completion of a community service project by the Respondent;
6. An agreement to engage in a restorative justice process or facilitated dialogue; and/or
7. discipline agreed upon by all parties.

To facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement- Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

### Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Civil Rights/Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Civil Rights/Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an Agreement-Based Resolution process can be shared with other offices as appropriate.

Any violations of the terms of the Resolution Agreement may result in disciplinary action.

## Formal Complaint and the Grievance Process

## **Filing a Formal Complaint**

A Formal Complaint may be filed with the Civil Rights/Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Civil Rights/Title IX Coordinator above. A “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Alma College that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Civil Rights/Title IX Coordinator signs a Formal Complaint the Civil Rights/Title IX Coordinator is not a Complainant or otherwise a party. A Formal Complaint shall trigger an investigation except as specified below. The Formal Complaint should include the date(s) of the alleged incident(s), the name of the Respondent(s), and should describe the circumstances of the incident(s) where known.

Alma College may [consolidate Formal Complaints](#) when applicable.

## **Dismissal of a Formal Complaint.**

Alma College shall investigate the allegations in a Formal Complaint, except as follows.

1. Mandatory Dismissal: Alma College shall dismiss the Formal Complaint if
  - a. The conduct alleged in the Formal Complaint would not constitute Prohibited Sexual Harassment as defined by this policy, even if proved.
  - b. Did not occur in Alma College’s educational program or activity.
  - c. Or did not occur against a person in the United States.

This dismissal does not preclude action under another policy or procedure of Alma College.

2. Discretionary Dismissal: Alma College may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
  - a. A Complainant notifies the Civil Rights/Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
  - b. The Respondent is no longer enrolled in or employed by Alma College
  - c. Specific circumstances prevent Alma College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegation therein.

Alma College may dismiss a Formal Complaint at any time in the process if it becomes known that one of the foregoing reasons for dismissal applies.

Upon a dismissal required or permitted under this section, Alma College will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties. Alma College may also refer the matter to the appropriate department for resolution under other Alma College policies.

## **Principles of the Grievance Process**

Under the grievance policy, Alma College shall:

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination, regarding responsibility rest on Alma College and not on the parties, provided that Alma College cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Alma College obtains the party's voluntary written consent to do so for a grievance process under this section (if a party is not an "eligible student" as defined in 34 CFR 99.3 then Alma College must obtain the voluntary, written consent of a "parent" as defined in 34 CFR 99.3).
- Provide and equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence.
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meetings or grievance proceeding; however Alma College may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties.
- Allow each party to be accompanied by a support person if they do not wish to have an advisor. Each party may be accompanied by only one other person unless there is good cause, such as a disability-related accommodation.
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
- Require that any individual designated as a Civil Rights/Title IX Coordinator, investigator, decisionmaker, or any person to facilitate an alternative resolution process, not have a conflict of interest or bias for or against complainants, or respondents generally or a Complainant or Respondent. Alma College may use internal personnel or external parties in the informal resolution process or the grievance process provided they meet this requirement.
- Include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Use the Preponderance Standard of the Evidence to determine responsibility for allegations in a Formal Complaint of Prohibited Sexual Harassment. The standard of evidence shall be the same for Formal Complaints against students as Formal Complaints against faculty and

staff.

- Not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

### **Extensions of the Grievance Process**

The Civil Rights/Title IX Coordinator may grant or deny requests from either party to temporarily delay the grievance process or may issue the limited, extension of time frames for good cause with written notice to the Complainant and Respondent of the delay or extension and the reason for the action.

### **Acceptance of Responsibility**

If a Respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the Civil Rights/Title IX Coordinator or designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s) and continue processing remaining allegations of Prohibited Conduct, if any.

### **Expectations of Investigation of a Formal Complaint**

- Alma College will assign a trained Investigator(s) and/or Decisionmaker(s) to conduct an adequate, reliable, and impartial investigation and determination, as applicable, in a reasonably prompt timeframe. Alma College reserves the right to utilize internal or external Investigators and Decisionmakers.
- All parties have the option to participate in the investigation, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator(s) providing the final report to the Decisionmaker(s).
- The Investigator(s) will establish deadlines for submission of names of relevant witnesses and submission of evidence and communicate those deadlines to the parties in writing.
- The investigator(s) will engage in fact-gathering of all relevant facts. Credibility resolutions and fact-finding shall be conducted in the live hearing phase of the grievance process
- Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which Alma College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- Prior to completion of the investigation report, send to each party and the party's advisor, if any, the evidence subject to review and inspection in an electronic format, or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigators will consider prior to the completion of the investigative report.
- Make all such evidence subject to the parties' inspection and review available at any

hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross examination.

- Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, the Civil Rights/Title IX Coordinator shall send to each party and the party's advisor, if any, the investigative report in an electronic format or hard copy, for their review and written response. Upon finalization of the investigative report, the Civil Rights/Title IX Coordinator shall provide it to the decisionmaker(s).

### **Conflict of Interest or Bias**

After a Notice of Investigation, as described below, is issued to all parties, any party may object to the participation of the Civil Rights/Title IX Coordinator or designated Investigator(s) on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) days from the date of the Notice of Investigation to object to the selection of the Investigator(s) or the Civil Rights/Title IX Coordinator. Objections to the Civil Rights/Title IX Coordinator are to be made, in writing, to the Vice President of Student Affairs or their designee. Objections to the appointment of the Investigator(s) are to be made in writing, to the Civil Rights/Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Civil Rights/Title IX Coordinator or the Investigator(s), those individuals shall be replaced. Any change will be communicated in writing.

### **Timeline**

Alma College strives to complete the investigation process within ninety (90) days from the date of the Notice of Investigation.

The timeline for any part of the resolution process may be extended for good cause by the Civil Rights/Title IX Coordinator. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the

extension, and the new anticipated date of conclusion of the investigation and/or hearing. Good cause reasons for extension may include ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

Alma College shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

The Investigator and/or Title IX Coordinator shall provide the Parties with periodic status updates, in writing.

### **Burden of Evidence**

Alma College has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from Alma College and does not indicate responsibility.

## **Evidence Gathering**

### **Interviews**

The Investigator(s) will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the complaint and a party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator(s) ultimately determines who to interview to determine the facts relevant to the complaint.

### **Impermissible Evidence**

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by Alma College to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

1. Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. Evidence provided to an employee designated by Alma College as exempt from internal reporting under this Policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
3. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Alma College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
4. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove affirmative consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the Complainant's affirmative consent to other sexual activity or preclude a determination that Prohibited Conduct occurred. Other evidence prohibited under Rape Shield law is also prohibited under this policy.

## **INVESTIGATION & DECISION-MAKING PROCEDURES**

This procedure is for all allegations of Prohibited Sexual Harassment

## **Notice of Allegations and Investigation**

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

1. Alma College's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies;
2. Information about the agreement-based resolution procedures, with a link to the full procedures;
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
4. A statement that retaliation is prohibited;
5. A statement indicating whether the Investigator, or another individual, shall serve as the Decisionmaker;
6. A statement indicating the expected length of the major stages of the resolution process, as well as any applicable deadlines;
7. A statement informing the parties that the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Civil Rights/Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s);
8. A statement explaining the process for raising a challenge to the appointed Investigator, Decisionmaker or Civil Rights/Title IX Coordinator, and the deadline for doing so;
9. A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
10. A statement that the parties may have an [advisor](#) of their choice.
11. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately summarizes this evidence.
12. Alma College's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during grievance procedures
13. The identification of the Decisionmaker; and the date and time of the initial interview with the Investigator, with a minimum of five (5) days' notice.

## **Amended Notice of Allegation and Investigation**

If in the course of an investigation Alma College decides to investigate allegations about the

Complainant or Respondent that are not included in the initial notice, Alma College must provide notice of additional allegations to the parties whose identities are known.

### **Individual Interviews**

The Investigator(s) will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, and to request of the parties the names of relevant witnesses and relevant evidence. Only the Investigator(s) and the party or witness may attend each individual interview. A party's advisor may attend these meetings, subject to the rules described above. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the grievance process and may be subject to further discipline for failure to do so.

The Investigator will then gather from parties, witnesses, and other sources, all relevant evidence.

At the initial interview with each party, the Investigator will invite the parties to provide, in writing and in advance of the individual interviews, questions to ask of the parties and witnesses that are relevant and not otherwise permissible, including questions exploring credibility. Upon receiving the question list, the Investigator will determine whether a proposed question is relevant and not otherwise impermissible and will explain, in writing in advance of the individual interview, any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Investigator must give a party an opportunity to clarify or revise any question that the Investigator has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, the question will be asked.

An Investigator will not permit questions that are unclear or harassing of any party or witness being questioned.

Alma College will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. Alma College has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable Alma College rules.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at Alma College's discretion, with all participants joining virtually through a video conferencing option. The College will maintain a record of all interviews.

The Investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to an interview. The Investigator(s) may conduct follow-up interviews



as they deem appropriate.

### **Investigator Determination of Relevance**

The Investigator will determine whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to individual follow-up meetings.

The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence is not relevant evidence and therefore will not be considered.

### **Evidence Review**

At the conclusion of all fact-gathering, the Investigator(s) will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Evidence not provided during the investigation process will not be considered by the Decisionmaker. Given the sensitive nature of the information provided, Alma College will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of 10 days to inspect and review the evidence and submit a written response in writing to the Investigator. The Civil Rights/Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

When deemed appropriate by the Investigator, the investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have 5 days to provide a response to the newly- gathered evidence. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before finalizing the investigation report.

## **Live Hearings Under the Grievance Process**

### **Requirements of a Live-Hearing for Fact-Finding and Determining Responsibility**

- Following the investigation, within 30 days of sending the investigative report to the parties, unless unusual or complex circumstances exist, Alma College shall conduct a live hearing in front of the decisionmaker(s), which may be an individual or a review panel, for the purposes of determining responsibility for allegations of Prohibited Sexual Harassment in the Formal Complaint.
- The decisionmaker(s) cannot be the same person as the Civil Rights/Title IX Coordinator or the investigator(s). A decisionmaker may include internal employees or external third-parties contracted by Alma College. If using a Review Panel the Civil Rights/Title IX Coordinator will choose three Review Panel members from its pool to attend the hearing and make determinations. All potential review panel members will receive annual training as specified by this policy. The parties each may challenge the participation of any member of the Review Panel for conflict of interest or other good cause. The Civil Rights/Title IX Coordinator will make the final decision whether to select an alternate upon a challenge from a party. If using a Review Panel, the Civil Rights/Title IX Coordinator will appoint a member of the Review Panel to be chair of the Review Panel.
- The live hearing will be closed. The only individuals permitted to participate in the hearing are as follows: the Complainant and Respondent, the decisionmaker(s), the advisor for each party, any witnesses (only while being questioned), and any individual providing authorized accommodations or assistive services.
- If a party does not have an advisor present at the live hearing, Alma College shall provide without fee or charge to that party, an advisor of Alma College's choice, who may be, but is not required to be, and attorney, to conduct cross-examination on behalf of that party. Alma College is obligated to ensure each party has an advisor, either of the party's or Alma College's choice regardless of whether or not the party is present at the hearing. To ensure timely proceedings, a party shall alert the Civil Rights/Title IX Coordinator as soon as practicable if the party will need an advisor. If a party's selected advisor is unavailable for a hearing date, the live hearing date may be postponed for good cause.
- Alma College will provide all hearings virtually. All parties, witnesses, and advisors will participate in the live-hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- Alma College shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Any other recording is prohibited, and violations may result in disciplinary action.
- The parties may choose to separately participate in a pre-hearing meeting with the Civil Rights/Title IX Coordinator to go over the process and administration of the live hearing. Prior to or during this meeting, the Civil Rights/Title IX Coordinator will set the deadlines for submitting and exchanging names of witnesses, evidence and pre-hearing questions.

### **Questioning at the Live Hearing**

- At the hearing, the decisionmaker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility
- Only relevant cross examination and other questions may be asked of a party or witness. Relevance will be determined by the Decisionmaker (chair in case of a review panel)
- Decisionmaker(s) also have the right to question a party or witness.
- Cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never a party personally, notwithstanding Alma College's ability to otherwise restrict the extent to which advisors may participate in the proceedings.
- Before the Complainant, Respondent, or witness answers a cross-examination or other question, the Chair must first determine whether the question is relevant. The Chair must explain to the party proposing the questions any decision to exclude a question and relevant.
- Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, 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.

## **Determination**

The decisionmaker(s) shall issue a written determination regarding responsibility. If the decisionmaker is a Review Panel, a majority of the Review Panel members must find that a policy violation occurred for a finding of responsibility, and a majority of the Review Panel members must assent to the sanction(s) imposed, if any. To reach the determination, the decisionmaker(s) must apply the evidentiary standard of this policy.

The Decisionmaker may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not otherwise impermissible, or who was not available, despite reasonable diligence, for a follow-up interview. The Decisionmaker will not draw an inference about whether policy violations occurred based solely on a party's or witness's refusal to respond to questions.

The Decisionmaker shall then determine, based upon the factual findings, whether a violation of this Policy occurred. The Decisionmaker shall prepare a report which shall include:

1. A description of the alleged policy violation;
2. A reference to the policies and procedures used to evaluate the allegations;
3. Description of all procedural steps taken to date;
4. The Decisionmaker's evaluation of the relevant evidence along with the finding of facts;
5. Determinations for each allegation, with the rationale;
6. Sanction determination (if applicable);
7. Whether remedies will be provided; and

## 8. The procedures for an appeal.

This report shall be provided to the Civil Rights/Title IX Coordinator. In the event that the Decisionmaker has determined that a violation of Alma College policy has occurred, but the Decisionmaker is not the appropriate Sanctioning Authority, the Civil Rights/Title IX Coordinator shall then provide the report to the appropriate Sanctioning Authority to determine the sanction(s), and the Civil Rights/Title IX Coordinator shall then determine the appropriate remedy(ies) for the Complainant and any impacted parties.

The Civil Rights/Title IX Coordinator shall then provide simultaneously the parties and their advisors, if any, with a written Notice of Outcome and a copy of the Decisionmaker's report.

The Notice of Outcome shall include:

1. Any disciplinary sanctions for the Respondent;
2. Whether remedies will be provided;
3. And the procedures for appeal.

In addition, the Complainant shall be informed of any remedies that apply to the Complainant.

## **REMEDIES & SANCTIONS**

Remedies must be designed to restore or preserve equal access to Alma College's education program or activity.

### Sanctions and Responsive Actions

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual's disciplinary history.
- Previous reports or allegations involving similar conduct.
- Any other information deemed relevant by the hearing body.
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation.
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the reporting party and the community.

### 1. Student Sanctions

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

- *Warning*: A formal statement that the behavior was unacceptable and a warning that further infractions of any Alma College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Disciplinary Probation*: A written reprimand for violation of College policy by a student,

providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any Alma College policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non- contact orders, and/or other measures deemed appropriate.

- *Suspension*: Termination of student or organization status for a definite period of time not to exceed one year, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Alma College.
- *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend Alma College-sponsored events.
- *Organizational Sanctions*. Deactivation, de-recognition, loss of all privileges (including College registration), for a specified period of time.
- Educational Sanctions
- *Other Actions*: In addition to, or in place of the above sanctions, Alma College may assign any other sanctions, as deemed appropriate.

## 2. Employee Sanctions

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

- *Warning*: A formal statement that the behavior was unacceptable and a warning that further infractions of any Alma College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required counseling*: Requirement to attend a set number of sessions with a counselor of Alma College's choice.
- *Demotion*: An employee may be placed in a position with lesser responsibility; a decrease in pay will be associated with this.
- *Leave with pay*: An employee may be required not report to work for a specified number of days.
- *Leave without pay*: An employee may be required not report to work for a specified number of days and may not use sick or vacation time for days away from work.
- *Termination*: Permanent termination from employment responsibilities, revocation of rights to be on campus for any reason or attend Alma College-sponsored events.

## 3. Educational Sanctions

- *Other Actions*: In addition to, or in place of the above sanctions, Alma College may assign any other sanctions, as deemed appropriate.

The Title IX Coordinator is responsible for effective implementation of any remedies.

### **Failure to Complete Sanctions/Comply with Responsive Actions**

All responding parties are expected to comply with conduct sanctions/responsive actions/

corrective actions within the timeframe specified by Alma College.

Responding parties needing an extension to comply with their sanctions must submit a written request to the Civil Rights/Title IX Coordinator stating the reasons for needing additional time.

Failure to follow through on conduct sanctions/responsive actions/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive actions/corrective actions, such as suspension, expulsion, termination, or a transcript notation. Students who fail to comply will be referred to Student Conduct in accordance with Alma College's Student Handbook.

## **APPEALS**

Determinations may be appealed in writing by either party. Appeals will be sent to the Civil Rights/Title IX Coordinator, who will then send the appeal to the designated Appeals Authority assigned to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within ten (10) days following the issuance of the Notice of Outcome.

When an appeal is filed, the other party shall be notified and provided with a copy of the filed appeal within one (1) day and have five (5) days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) days of an Appeal Authority being assigned, either party may provide written objection to the Appeal Authority on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Civil Rights/Title IX Coordinator. Should the Civil Rights/Title IX Coordinator determine that there is an actual bias or conflict of interest, the Civil Rights/Title IX Coordinator will appoint another Appeal Authority.

Appeals may be filed only on the following three grounds:

1. **Procedural Error:** A procedural error occurred would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
2. **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
3. **Actual Conflict of Interest or Demonstrated Bias:** The Civil Rights/Title IX Coordinator, Investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

Any appeal request that is not timely, and/or not pertaining to these grounds will not be considered. An appeal authority who was not involved in the resolution process previously will

consider all appeal requests. When any party requests an appeal, the other party or parties will be notified that an appeal has been submitted.

Where the Appeal Authority finds that at least one of the grounds is met, and proceeds, additional principles governing the hearing of appeals include the following:

- Appeals decisions are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal.
- Appeals granted based on new evidence should normally be remanded to the original hearing body for reconsideration. Other appeals may be remanded at the discretion of the Civil Rights/Title IX Coordinator or heard by the appeal authority.
- Sanctions imposed are implemented immediately unless the Civil Rights/Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The appeal authority will render a written decision on the appeal to all parties within 2-3 business days from hearing of the appeal. The appeal authority may request additional time when needed to ensure a thorough review; if an extension is granted, the new timeline will be communicated in writing to the parties.
- All parties will be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final: further appeals are not permitted.

The Appeal Authority will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Civil Rights/Title IX Coordinator who will communicate the Appeal Authority's decision to the parties. The decision of the Appeals Authority is final.

## **Records**

In implementing this Policy, records of all reports and resolutions will be kept by the Civil Rights/Title IX Coordinator in accordance with the applicable Alma College records retention schedule. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing confidentiality of student information. This means that Alma College will protect the party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process complaints under this Policy. In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Confidential Resources will not report Clery crimes they learn about through confidential communications for purposes of Alma College's compilation of campus crime statistics.

## **Required Trainings**

The Civil Rights/Title IX Coordinator, investigators, decisionmakers, and any person who

facilitates an alternative resolution process (whether internal or external) shall receive training on the definition of Prohibited Sexual Harassment under this policy, the scope of Alma College's education program or activity, how to conduct an investigation, and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. These individuals shall receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

### **Revision**

These policies and procedures will be reviewed and updated regularly, and/or as warranted by changes to federal guidance by the Civil Rights/Title IX Team.. The Civil Rights/Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party without additional approval. Policy in effect at the time of the offense will apply even if the policy is changed subsequently.

**This policy was last revised 7/25/2025 and is effective as of 8/1/2025**