

VASSAR

INTERIM RESOLUTION PROCEDURES:¹

Resolution Process for Alleged Violations of the Policy Against Discrimination, Harassment, and Sexual Misconduct (Hereinafter the “Resolution Process”)

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¹ The Policy Against Discrimination, Harassment, and Sexual Misconduct and associated Resolution Procedures are implemented on an interim basis for renewable six-month intervals to comply with recent changes to federal or state laws, implementing regulations and enforcement guidance for Title IX effective August 1, 2024. This policy reflects the unification and revision to three separate policies and supersedes the College’s: (1) Policy Against Discrimination and Harassment, (2) Title IX Grievance Policy, and (3) Sexual Misconduct and Gender-Based Violence Policy. The Interim Policy and Resolution Procedures will remain in effect until a permanent version is adopted, after review by appropriate internal shared governance committees, discussion and vote by the faculty.

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RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY AGAINST DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT

1.0 OVERVIEW OF RESOLUTION PROCESS

The procedures below apply to all allegations of discrimination on the basis of an actual or perceived protected characteristic, harassment, retaliation, or Other Prohibited Conduct involving students, faculty, administrators, and staff, employees, or third parties. The College will act on any report, notice, complaint, or knowledge of a potential violation of the Policy Against Discrimination, Harassment, and Sexual Misconduct (“the Policy”) that the Assistant Vice President (AVP) for Institutional Equity and Title IX Coordinator, Faculty Director of Affirmative Action, a member of the EOAA/Title IX Team or any other Mandated Reporter receives by applying the Resolution Process below.²

2.0 RESOLUTION PROCEDURES

2.1 REPORT/NOTICE/COMPLAINT

2.1.1 EOAA/Title IX’s Initial Response to a Report or Notice

1. A member of the EOAA/Title IX Team will offer a meeting to the Complainant to help them understand their options. This includes receiving support only or pursuing an informal resolution process or administrative resolution (investigation and formal resolution) along with supportive measures. The EOAA/Title IX Team will coordinate supportive measures for the Complainant (and Respondent), as applicable and necessary.

When meeting with an EOAA/Title IX Team member, Complainants are encouraged to report as much or as little information as they feel comfortable providing, and may be accompanied by an Advisor and/or a support person of their choice. The EOAA/Title IX Team member may ask questions about safety, medical needs, or concerns, but the Complainant always has the right to decide how much information they provide. The EOAA/Title IX member will discuss the Complainant’s expressed preference for the manner of resolution and any barriers to proceeding (e.g., confidentiality or retaliations concerns, uncertainty about which process is best for them, etc.).

A Complainant is never required to meet with the EOAA/Title IX Office, and they always have the right to decide whether to respond to outreach and/or meet. The EOAA/Title IX Office will usually attempt to contact a Complainant twice. If the Complainant does not respond, the EOAA/Title IX Team will respect the Complainant’s right not to respond to contact.

² Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

2. Options for Resolution (as defined further below) include:

- a. Supportive and remedial response only; or
- b. Informal Resolution and supportive measures; or
- c. Administrative Resolution Process and supportive measures.

The College will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on the analysis of the situation consistent with federal and state laws and regulations.

If the Complainant indicates they wish to initiate a Complaint, the AVP for Institutional Equity and Title IX Coordinator, the Faculty Director of Affirmative Action, or designee, will work with the Complainant to determine which resolution option is preferred, available and appropriate.

3. Assessment by EOAA/Title IX Office

- a. Following a report, typically within three (3) to five (5) business days of receiving a report or Notice of alleged misconduct. The AVP for Institutional Equity and Title IX Coordinator and/or the Faculty Director of Affirmative Action, as appropriate will:
 - i. Determine whether College has jurisdiction over the reported conduct, as defined in the Policy (see, Policy Against Discrimination, Harassment, and Sexual Misconduct Section 2.2 Jurisdiction).
 - i. If the conduct is not within College jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures (see, Resolution Process Section, Section 2.2.2: Dismissal); and
 - ii. referred to the appropriate College office for support, assistance and/or resolution.
- b. The AVP for Institutional Equity and Title IX Coordinator or Faculty Director of Affirmative Action, as appropriate will determine, based on available information and the totality of the circumstances, what action by the College is needed, including but not limited to determining if a hostile environment exists and the remedies needed to redress. This may include, but is not limited to, working with other campus departments to provide support to impacted individuals or the community to ensure equal access to the College's educational programs and services and/or work environment, education, training, assigned coaching, recommended counseling, conducting climate assessments, and/or identifying other resolution mechanisms, including restorative justice actions.³

³ The EOAA/TIX Team will work with the Associate Dean of the College Student Living and Wellness, Dean of the Faculty, Associate Vice President for Human Resources, and Chief People Officer, and Vice President for Technology & Human Resources and Chief Information Officer, as appropriate, to determine and implement the College's response.

- c. To protect both the Complainant and the Respondent, every effort will be made to protect the privacy interests of the persons involved in a manner consistent with the need for a thorough review of a report or Complaint.

2.2 COLLEGE-INITIATED COMPLAINT AND DISMISSAL BY THE COLLEGE

2.2.1 Dismissal by the College

The College may dismiss a Complaint if, at any time during the initial evaluation, investigation or resolution process, one or more of the following grounds are met:

1. The College determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven; the matter may be referred to another office for response;
2. The College does not have jurisdiction;
3. The College's ability to investigate and respond is limited due to limited information available about the incident or individuals involved; and/or
4. Complainant voluntarily withdraws any or all of the allegations in the Complaint and further action by the College is not necessary or appropriate.
5. An assigned Decision-maker recommends dismissal to the College if they believe the grounds for such a determination are met.

Upon any dismissal, the EOAA/Title IX Office will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the College will also notify the Respondent of the dismissal.

2.2.2 Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if such dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal. The AVP for Institutional Equity and Title IX Coordinator, or designee, will then assign a trained, external Appeal Decision-maker who did not take part in the original dismissal decision to render a final determination.⁴

The grounds for dismissal appeals are limited to:

1. Dismissal was erroneously granted or denied.
2. Substantive procedural irregularity that would change the outcome.
3. New evidence that would change the outcome and that was not reasonably available when the dismissal was decided.

⁴ The Appeal Officer may consult with the AVP for Institutional Equity and Title IX Coordinator, designee, and/or legal counsel on questions of procedure or rationale for clarification, if needed. The AVP for Institutional Equity and Title IX Coordinator, or designee, will maintain documentation of all such consultation.

4. AVP for Institutional Equity and Title IX Coordinator, or designee, or Decision-maker had a conflict of interest or bias for or against the Complainant or Respondent that would change the outcome.

The AVP for Institutional Equity and Title IX Coordinator, or designee, will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the AVP for Institutional Equity and Title IX Coordinator, or designee must then provide the Respondent (if known and if the College has jurisdiction over the Respondent) with a NOIA and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the appeal process, the College will implement dismissal appeal procedures equally for the Parties. The Parties will be given reasonable and equal opportunity to make a statement in support of, or challenging the Appeal request. The AVP for Institutional Equity and Title IX Coordinator, or designee, will forward the appeal request and any written response to the Appeal Officer for consideration.

Within seven (7) business days, the Decision-maker will notify the involved Parties of the result of the appeal and the rationale for the result. In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so. The decision is final.

2.2.3 College-Initiated Investigation

An investigation may be initiated by the EOAA/TIX Office if the known circumstances indicate that the College must do so. When the College initiates a Complaint, they do not become the Complainant. The AVP for Institutional Equity and Title IX Coordinator or other member of the EOAA/Title IX Team will determine what role or involvement, if any, the Complainant would like in a College-initiated Complaint and explain the rights are afforded to them in the Administrative Resolution Process, consistent with this Policy.

The AVP for Institutional Equity and Title IX Coordinator, or designee, will consider the following non-exhaustive factors to determine whether to proceed:

1. Complainant's request not to initiate a complaint;
2. whether the College has jurisdiction;
3. severity of the alleged misconduct and/or imminent safety concerns;
4. risk that additional acts of prohibited conduct, if established, would deny a person equal access;
5. age and relationship of the parties, including whether the Respondent is a college employee;
6. scope of the alleged prohibited conduct, including information suggesting a pattern of ongoing discrimination;
7. availability of evidence to assist a Decision-maker in determining whether discrimination occurred; and/or

8. in light of the totality of the information, whether the College can implement corrective measures to stop the alleged prohibited conduct, prevent its recurrence, and, as appropriate, remedy its effects. When there is a finding of a hostile environment created by harassment based on a protected characteristic, the College will undertake remedial action to remedy the effects of the environment and prevent recurrence.

2.3 EMERGENCY REMOVAL/INTERIM SUSPENSION

2.3.1 Emergency Removal/Interim Suspension of a Student

In some circumstances, the AVP for Institutional Equity and Title IX Coordinator, or designee, may determine that a violence risk assessment should be conducted by the College's Behavioral Intervention Team (BIT) to determine whether it may be necessary to remove the Respondent on an emergency basis because of a compelling risk to safety or an immediate threat to a person or the community's health/safety (Emergency Removal). A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.

BIT's primary role and responsibility is to enhance campus safety by identifying and assessing potential threats of harm, including early warning signs of disruptive or violent behavior, and taking action to prevent those threats and/or violent behavior, and taking steps to mitigate those threats. The BIT assessment is conducted independently from the Resolution Process under the Policy Against Discrimination, Harassment, and Sexual Misconduct. It is informed by it but free from outcome pressure. The Behavioral Intervention Team (BIT) Chair, or designee, will assign a trained person(s) to perform the assessment, according to the specific nature of the complaint, who will assess the risk of actionable violence, often with a focus on targeted/predatory escalations. The person(s) conducting the VRA are rigorously trained to mitigate any bias and to provide an analysis and findings in a fair and equitable manner, ensuring that all parties' rights are respected and protected.

The assessment will ordinarily include:

- Appraisal of risk factors that escalate the potential for violence;
- Determination of stabilizing influences or protective factors that reduce the risk of violence;
- Contextual analysis of violence risk by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of the threat; fixation and focus on target; grievance collection; and action and time imperative for violence; and
- Application of intervention and management approaches to reduce the risk of violence.

When an emergency removal or interim suspension is imposed, wholly or partially, the BIT Chair or designee will promptly notify the Respondent in writing of the College's decision and the rationale for the actions taken by the College in response to the outcome of the VRA assessment.

2.3.2 Appeal Process for Emergency Removal/Interim Suspension

1. The student may challenge the emergency removal or interim suspension within two (2) business days of the notification to show cause as to why the removal/action should not be

implemented or should be modified. Such a challenge should be accompanied by supporting information, including expert reports, witness statements, communications, or other documentation for consideration by the College.

2. Upon receipt of a challenge, the Dean of the College, or designee, will afford the student (and their Advisor, if desired) an opportunity to show cause as to why the removal/action should not be implemented or should be modified.⁵ This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or lifted. When this meeting is not requested within two (2) business days, objections to the emergency removal or interim suspension will be deemed waived.
3. A Complainant and their Advisor may be permitted to participate in this meeting if the BIT Chair, or designee, determines it is equitable for them to do so.
4. The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Dean of the College, who serves as the Chair of the BIT Team, or designee for review.
5. An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Dean of the College, or designee, will communicate the final decision in writing, typically within three (3) business days of the review meeting.

2.3.3 Emergency Removal of an Employee

Employees and faculty are subject to existing employment procedures and policies for interim actions and leaves. The College may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

3.0 SUPPORT PERSONS AND ADVISORS

3.1.1 Advisors and Support Persons in the Resolution Process

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings and interviews within the Resolution Process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available. In addition to an Advisor, the Parties may have a support person present with them for all meetings and interviews within the Resolution Process, including intake.

A party may elect to change their Advisor and/or Support Person during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Assistant VP for Institutional Equity and Title IX Coordinator with timely notification. If a party changes Advisors

⁵ The College will determine whether meeting in person is appropriate based on the outcome of the threat/risk analysis.

or Support Persons, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

The Assistant VP for Institutional Equity and Title IX Coordinator will offer to assign a trained Advisor to any party if they do not have an Advisor to assist them with the *Administrative Resolution Process* (see, Section 4.2 Administrative Resolution described below). The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide an attorney to advise that party.

For parties who are entitled to union representation, the unionized employee may have their union representative accompany them to serve as their Advisor of choice. Witnesses are not permitted to have an Advisor or union representative accompany them at meetings, investigation interviews or during any portion of the Administrative Resolution Process.

3.1.2 Advisor's and Support Persons Role in the Resolution Process

The Advisor (and support person) is responsible for assisting their advisee in preparing for each meeting. Advisors and support persons are expected to offer guidance and advice to their advisee in an ethical, integral, and in a good faith manner, and help prepare them for each meeting. They may not testify or speak on behalf of their advisee unless granted specific permission by a member of the EOAA/Title IX Team or the assigned Informal Resolution facilitator or Decision-maker in the Resolution Process. The parties are expected to ask and respond to questions on their own behalf. Advisors and support persons are allowed to consult with their advisee privately, confer, or pass notes during any Resolution Process meeting or interview. In the case of lengthier or more involved discussions, the parties and their advisors or support persons should request breaks to allow for private consultation.

3.1.3 Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to access resolution documents and relevant evidence by way of their advisee. Advisors are expected to maintain the confidentiality of the records shared with them. Advisors may not disclose any College “work product” or evidence the College obtained solely through a College investigation or Resolution Process for any purpose unless explicitly authorized by the College. Accordingly, as appropriate, advisors and support persons will be asked to sign a non-disclosure agreement (NDA) and/or a FERPA acknowledgment agreement. The College may decline to share materials with any Advisor who has yet to execute the NDA or FERPA acknowledgment agreement. The College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the Recipient’s confidentiality expectations.

3.1.4 Advisor and Support Person Expectations

All Advisors and support persons are subject to the same College policies and Resolution procedures, whether they are attorneys or not and whether they are selected by a party or appointed by the College. The College generally expects an Advisor and support person to adjust their schedule to allow them to attend College meetings/interviews when planned. The College may

change scheduled meetings/interviews to accommodate an Advisor's or support person's inability to participate if doing so does not cause an unreasonable delay. The College may also make reasonable provisions to allow an Advisor or support person who cannot be present in person to attend a meeting/interview by telephone, video conferencing, or other similar technologies.

Advisors and support persons may not disrupt or interfere with the College's investigation and/or resolution process. Any Advisor or support person who oversteps their role as defined by the Policy Against Discrimination, Harassment, and Sexual Misconduct and Resolution Procedures may be removed. Advisors and support persons may also be removed for sharing information or evidence in a manner inconsistent with this Policy or Resolution Procedures. Subsequently, the AVP for Institutional Equity and Title IX Coordinator, or designee, will determine how to address the Advisor's or support person's non-compliance and future role.

4.0 RESOLUTION OPTIONS

The College's Resolution Process consists of an Informal Resolution or an Administrative Resolution Process to address all forms of discrimination and harassment based on protected characteristics, sex-based harassment, sexual misconduct, retaliation, and other prohibited conduct under the Policy Against Discrimination, Harassment, and Sexual Misconduct. Resolution proceedings are confidential. All individuals participating in the Resolution Process are expected to maintain the confidentiality of the proceedings by College Policy. While considering the Parties' preferences, the Resolution Process initiated by the College is ultimately determined at the discretion of the AVP for Institutional Equity and Title IX Coordinator, the Faculty Director of Affirmative Action, or their designee.

1. **Informal Resolution.** This is a voluntary process that serves as an alternative to the formal Administrative Resolution process, which involves an investigation and adjudication. The Informal Resolution process aims to facilitate a resolution that is acceptable to both the Complainant and Respondent in a non-adversarial manner. It can serve as the complete and final resolution to a complaint. Participating in the Informal Resolution process does not imply an admission of responsibility for violation of College policy or an admission that the allegations are false. Furthermore, the existence of an Informal Resolution is not considered a finding of responsibility against the Respondent.
2. **Administrative Resolution.** This process involves a formal investigation of the Complaint and allegations and results in an objective finding, based on the preponderance of the evidence, by an independent, external Decision-maker as to whether this Policy or other College Regulations or college policies have been violated. If a Respondent is found responsible for violating this Policy or other College policies, the College will take corrective actions, including imposing sanctions and other remedies.

4.1 INFORMAL RESOLUTION

4.1.1 Overview

1. The Informal Resolution Process provides Complainants and Respondents with a voluntary, structured environment to resolve allegations of violations of this Policy. The process is separate and distinct from the College's formal Administrative Resolution and investigation process. Some informal resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue with the assistance of a trained, neutral, facilitator. The College does not compel face-to-face meetings between the parties (in person or virtual) or participation in any particular form of Informal Resolution. Informal Resolution is designed to assure fairness, facilitate communication between the parties, and maintain an equitable balance of power between the parties. The Informal Resolution process selected is tailored to the needs of the Parties and nature of the Complainant.
2. Participation is strictly voluntary.
3. In all cases, the AVP for Institutional Equity and Title IX Coordinator and/or the Faculty Director of Affirmative Action, as appropriate, will have the discretion to determine whether an informal resolution is relevant and applicable to the circumstances and what form the informal resolution will take considering the needs and requests of the Complainant and Respondent.
4. Engaging in the informal resolution process is not an admission of responsibility for the allegation or an admission of the falsehood of the allegations. The existence of an informal resolution is not viewed as a finding of responsibility for violating this Policy or other College Regulations or college policies against the Respondent.
5. If an investigation is already underway, the AVP for Institutional Equity and Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.
6. If a resolution is reached, the AVP for Institutional Equity and Title IX Coordinator and/or the Faculty Director of Affirmative Action will review and approve the terms of the informal resolution agreement. Additionally, if they may determine at any point in the process that informal Resolution is no longer appropriate, terminate the process and return to a formal investigation and administrative resolution process. The results of Complaints successfully resolved by Informal Resolution are not appealable.
7. Either party can withdraw from the process and return to the prior investigation or formal administrative proceeding.
8. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, or application of the enforcement terms of the agreement).

9. The EOAA/TIX Office maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained consistent with the College's record retention policy.

4.1.2 Informal Resolution Options

A. Supportive Measures Response Only

If a complainant requests only supportive measures, the AVP for Institutional Equity and Title IX Coordinator, Faculty Director of Affirmative Action, or other members of the EOAA/Title IX Team will meet with the Complainant to determine the most appropriate support or accommodations, and coordinate their implementation. These measures can be adjusted as the Complainant's needs change over time or as circumstances change.

If the Respondent has received a Notice of Investigation and Allegations (NOIA), the AVP for Institutional Equity and Title IX Coordinator or their designee will identify and coordinate any reasonable supportive measures for the Respondent. These measures can be adjusted if the Respondent's needs change over time or as circumstances change.

B. Educational Conversation/Coaching/Training

The AVP for Institutional Equity and Title IX Coordinator, or designee, may decide to use informal resolution or other intervention methods, such as educational conversations, coaching, or training with the Respondent, department, group, or broader campus community. A Complainant can also request that the College have a non-disciplinary and non-punitive meeting with the Respondent(s) to address their concerns. The College may also take other actions to clarify policies and College expectations, minimize the risk of any future behaviors not in line with policy, or address climate issues and concerns. The results of any educational conversation, training, or coaching will be documented by the EOAA/Title IX Office.

C. Alternative Resolution

Alternative Resolution is a flexibly structured, voluntary, and remedies-focused process for resolving complaints of prohibited conduct under this Policy. Both the Complainant and Respondent must agree to attempt to resolve the matter through an alternative resolution mechanism (which could include but is not limited to mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below. Parties may, but are not required, to meet with the other Party.

The terms of an Alternative Resolution are unique to each case and depend on several considerations, including:

- the wishes of the parties;
- the nature of the conduct, and
- the safety concerns of the campus community.

It is not necessary to attempt an Alternative Resolution process first in order to participate later in an Administrative Resolution Process. The Complainant or Respondent may request to initiate an Alternative Resolution Process with a member of the EOAA/Title IX Team at any time, but prior to a final determination of the Administrative Resolution Process.

The AVP for Institutional Equity and Title IX Coordinator and/or Faculty Director of Affirmative Action has the authority to determine whether alternative resolution is available and appropriate. The process considers the Parties' preferences but is ultimately determined at the EOAA/Title IX Office's discretion.

Factors that may be considered, but not limited to, include

- The nature and severity of the alleged misconduct and Complaint complexity;
- The Parties' amenability to informal resolution and likelihood of potential resolution, considering any power dynamics between the Parties;
- The Parties' motivation to participate, goals and expected outcomes;
- Availability of the Parties;
- Respondent's disciplinary history, if any;
- Whether an emergency removal or other interim action is needed and results of a violence risk assessment/ongoing risk analysis, if required.

4.1.3 Alternative Resolution Requirements

Note of the following requirements and guidelines:

1. All parties involved must agree to utilize an Alternative Resolution approach. They may, but are not obligated to, have direct or indirect contact during the process.
2. Note: The Alternative Resolution is not available to instances of alleged sex-based harassment involving a student Complainant and employee Respondent (faculty, administrator, or staff member).
3. Alternative Resolution proceedings are confidential. All individuals present at any time during the Alternative Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with College's Policy.
4. Before initiating the Alternative Resolution Process, the EOAA/Title IX Office will provide the Complainant and Respondent with written notice of the allegations and the available Informal Resolution and Administrative Resolution options for addressing the matter under the College's Policy Against Discrimination, Harassment, and Sexual Misconduct (see, Section 4.1.4 Notice of Allegations).

5. The EOAA/Title IX Office will obtain voluntary, written confirmation to participate in the Alternative Resolution Process from the Complainant and Respondent, and will not exert pressure on the Parties to participate in any informal resolution process.
6. Once the Alternative Resolution Process has begun, any participating party has the right to withdraw at any time and commence or resume the Administrative Resolution Process. The Complainant also has the option to withdraw the Complaint.
7. The AVP for Institutional Equity and Title IX Coordinator and/or Faculty Director of Affirmative Action will assign an external, neutral facilitator with comprehensive training and experience in facilitated dialogue, mediation, restorative practices, conflict resolution, interpersonal group dynamics, diversity, equity, inclusion, and access (DEIA), leadership, and supervision. EOAA/Title IX facilitators also receive training on Title IX, Title VI, Title VII, ADA/Section 504, and other relevant civil rights laws and regulations as they apply to a higher education setting. The facilitator cannot be a member of the EOAA/Title IX Team, an investigator, Decision-maker, or Appeal Decision-maker.
8. Parties are entitled to be accompanied by their Advisor and/or a support person at all meetings.
9. Parties can propose and mutually agree, as documented by the Alternative Resolution facilitator, on what statements made or evidence shared during the Alternative Resolution process may be considered in an investigation and formal Administrative Resolution process, if the alternative resolution process is successful.
10. The AVP for Institutional Equity and Title IX Coordinator, the Faculty Director of Affirmative Action, or their designee, has the authority to decide whether to accept the Parties' proposed resolution, as documented by the facilitator, including any proposed terms regarding information and evidence shared during the Alternative Resolution process. This may include terms of confidentiality, release, and non-disparagement for the Parties.
11. Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the Alternative Resolution Process. The College will determine whether additional individual or community remedies are necessary to meet the College's compliance obligations in addition to the alternative resolution.
12. The EOAA/Title IX Office maintains records of any resolution attempted or that is reached and will provide notification to the Parties of what information is maintained.
13. All Parties are required to adhere to requirements detailed in an agreed-upon Informal Resolution agreement or the agreed-upon terms of an Informal Resolution agreement. Failure to abide by an executed resolution agreement may result in appropriate responsive actions (e.g., dissolution of the agreement and resumption of the Administrative Resolution Process, referral to the student or employee conduct process for failure to comply, application of the enforcement terms of the agreement).
14. The results of Complaints successfully resolved by Alternative Resolution are final and not appealable.

15. If an Alternative Resolution process is not an option, not available, or not selected by the Parties, or if the Alternative Resolution process is unsuccessful, the College may continue an investigation and subsequent Administrative Resolution Process may continue or begin. The Complainant also has the right to withdraw their Complaint.

4.1.4 Notice of Allegations (NOA). Before initiation of an Alternative Resolution process, the EOAA/Title IX Office will provide the Parties simultaneously with a written Notice of Allegations (NOA) that explains:

1. nature of the allegations;
2. requirements of the Alternative Resolution process;
3. statement that, prior to agreeing to a resolution, any party has the right to withdraw from the process, initiate or resume the College's Administrative Resolution Process;
4. identification of potential terms that may be requested or offered, or cannot be provided, as appropriate, in an agreement approved by the College;
5. statement of a Parties' agreement to a resolution at the conclusion of the Alternative Resolution process will preclude the Parties from initiating or resuming the Administrative Resolution Process arising from the same allegation(s);
6. statement that if the Parties do not reach an agreement to a resolution, the College may begin or continue an investigation and subsequent Administrative Resolution Process. The Complainant also has the right to withdraw their Complaint; and
7. description of what information the College will maintain, and whether and how it could disclose such information for use in its Administrative Resolution Process, if necessary.

4.1.5 Respondent Accepts Responsibility

If the Respondent expresses a willingness to take responsibility for all alleged Policy violations, the current process (alternative resolution, see below, or investigation and formal administrative resolution) will be put on hold. At this point, the AVP for Institutional Equity and Title IX Coordinator or Faculty Director of Affirmative Action, as appropriate, will assess whether this is a workable option. If it is, the AVP for Institutional Equity and Title IX Coordinator or Faculty Director of Affirmative Action, as appropriate, will refer the matter to the Community Expectations Office (for students), Human Resources (for administrators and staff), or the Dean of the Faculty (for faculty) for a final decision. The decision, any sanctions or corrective measures implemented, and the rationale will be provided in writing to both the Complainant and Respondent. Once all involved parties agree in writing to the terms of the resolution, it cannot be appealed.

If the parties cannot agree on all terms, the Alternative Resolution Process or the Administrative Resolution process described below will commence or continue.

4.2 ADMINISTRATIVE RESOLUTION

4.2.1 Overview

Administrative Resolution is used for formal Complaints of alleged discrimination or harassment on the basis of protected characteristics, harassment, sexual assault, intimate partner/dating violence, domestic violence, stalking, retaliation, and other Prohibited Behaviors (as defined in this Policy) or when Informal Resolution is either not elected or is unsuccessful.

- When the Respondent is a student, faculty, administrator, or member of the staff, decisions on policy violations will be made by a neutral, external Decision-maker assigned by the AVP for Institutional Equity and Title IX Coordinator.
- When the Respondent is the President or a Member of the Board of Trustees, the Complaint will be forwarded to the Chair of the Board of Trustees and Personnel and Compensation committee, who will oversee the investigation and resolution process.

The Administrative Resolution Process consists of a hand-off of the Draft Investigation Report and all relevant evidence gathered by the Investigator to an external, neutral Decision-maker to make a finding and determination on Policy violations and sanctions (if applicable). Neither the EOAA/Title IX Team nor the assigned investigator will reach a determination on whether or not the Respondent violated this Policy or other College Policies.

The assigned Decision-maker will consider all available relevant and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations will not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

4.2.2 Resolution Timeline

The College will make a good faith effort to complete the Investigation and Administrative Resolution Process within sixty to ninety (60-90) business days, including any appeals.

Investigations are completed expeditiously, normally within thirty to sixty (30-60) business days, though some investigations may take longer, depending on the nature of the allegations, extent, complexity of the allegations, number of parties and witnesses involved, Parties' and witnesses availability, law enforcement involvement and/or a concurrent criminal investigation, amongst other factors. After the Decision-maker receives the Draft Investigation Report, the Administrative Resolution Process typically takes approximately fifteen (15) to thirty (30) business days to complete. The AVP for Institutional Equity and Title IX Coordinator, or designee, can expedite or extend the timeline as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

If a Party to the Complainant or a witness chooses not to participate in the College's investigation or Administrative Resolution Process or becomes unresponsive, the College reserves the right to

continue it without their participation to ensure a prompt resolution. The investigator and Decision-maker may not draw any inference solely from a Party's or witness's absence or refusal to participate in the investigation or Administrative Resolution process.

4.2.3 Delays

Circumstances may lead the College to undertake a short delay in its investigation or Administrative Resolution process. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the College's investigation, the need for language assistance or other accommodations, the absence of Parties and/or witnesses, and/or health conditions. During such a delay, the College will implement and maintain supportive measures for the Parties, as deemed appropriate.

A. Delays in the Investigation Process and Interactions with Law Enforcement

The College's investigation, administrative resolution proceedings, and criminal investigation may happen simultaneously. College actions and processes are usually not significantly changed or prevented because civil or criminal charges related to the incident have been filed or not filed, or criminal charges have been dropped or reduced. The College may pause its investigation briefly (typically for ten (10) business days) as advised by law enforcement or as requested by the district attorney's office to avoid compromising the criminal process. Once clear that any such concerns have passed or can be mitigated, the College will promptly resume its investigation and Administrative Resolution process.

When such a delay is necessary, the AVP for Institutional Equity and Title IX Coordinator or designee will communicate the expected delay duration and reason in writing to the Complainant and Respondent. The EOAA/Title IX office will update the Parties as needed. In all cases, the AVP for Institutional Equity and Title IX Coordinator will provide appropriate supportive measures so that the affected Parties can continue participating in and benefit from the College's programs and activities.

B. Delays Requested by a Party or Advisor of Choice

The EOAA/Title IX Office will not intentionally schedule meetings, including investigation interviews, informal or administrative resolution meetings on dates when the Parties and their Advisors of Choice are not reasonably available. However, the Parties and their respective Advisors should work together to find dates and times that work for everyone and remain flexible in their availability. The College cannot agree to long delays to accommodate one Party or Advisor of choice. The College will not delay a meeting or resolution process more than five (5) business days due to the unavailability of a Party or Advisor.

4.2.4 Ensuring Impartiality

Any individual materially involved in the administration of the Administrative Resolution Process, including the AVP for Institutional Equity and Title IX Coordinator, the Faculty Director of Affirmative Action or a member of the EOAA/Title IX Team, the assigned Investigator(s), and

Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent. The AVP for Institutional Equity and Title IX Coordinator, or designee, will vet the assigned Investigator(s) and Decision-maker(s) for impartiality and assess whether there are actual or apparent conflicts of interest or disqualifying biases.

During the Resolution Process, the Parties may raise concerns regarding bias or conflict of interest. The AVP for Institutional Equity and Title IX Coordinator, or designee, will promptly and thoroughly investigate the matter to determine its reasonableness and supportability. If the concern is valid, another person will be assigned, and the impact of the bias or conflict, if any, will be remedied.

4.3 INVESTIGATION

4.3.1. Notice of Investigation and Allegations (NOIA)

Before starting the investigation, the EOAA/Title IX Office will give the Parties (Complainant and Respondent) a detailed written Notice of Investigation and Allegations (NOIA) after a formal Complaint is filed, if an Alternative Resolution Process is unsuccessful, or if the College starts an investigation. If an investigation does not have an identifiable Respondent, the NOIA will be sent to the department or division head(s) for the areas/programs that are the focus of the investigation.

Notification will be made in writing and may be delivered by one or more of the following methods: may be delivered by one or more methods: sent through Maxient, a web-based application that manages the College's conduct records, emailed to the Parties' College-issued or designated email account, in person, or mailed to the Parties' local or permanent address as indicated in official College records. The outcome notification is presumptively delivered once sent, emailed, or received in person.

The NOIA typically includes:

1. A written description of the incident known at the time, including the identity and affiliation of the involved Parties (if known), a meaningful summary of the allegations shared with the EOAA/Title IX office, the date and location of the alleged incident(s)(if known), the precise misconduct being alleged, and the College policies implicated;
2. A statement that the College presumes the Complaint has been brought forth in good faith unless and until the evidence supports a different conclusion made by an external, neutral Decision-maker; and a statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination made by an external, neutral Decision-maker;
3. A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Administrative Resolution Process;
4. The name(s) of the assigned Investigator(s), along with a process to notify the AVP for Institutional Equity and Title IX Coordinator, or designee, of any perceived conflict of

interest that the Investigator (s) or an EOAA/Title IX Team member may have in advance of the Party's interview;

5. Instructions to preserve any evidence that is directly related to the allegations;
6. A statement that determinations of responsibility are made only after the Administrative Resolution process ends and only after the Parties have been given a full and fair opportunity to respond to the allegations, introduce evidence, suggest witnesses, propose questions to be asked of the other Party and witnesses, inspect and review all relevant evidence (and not otherwise impermissible evidence), introduce evidence, suggest witnesses, propose questions to be asked of the other Party and witnesses, and provide a written response to the Investigator's findings.
7. A statement about the confidentiality of the process, including expectations for the Parties and their Advisors, and support persons not to share any College "work product" obtained during the investigation and Administrative Resolution Process;
8. A statement that the College's Policy prohibits knowingly making false statements, including knowingly submitting false information during the investigation and resolution process (informal and administrative);
9. Information on how a party may request disability accommodations or other support assistance during the Resolution Process; and
10. A statement that retaliation is prohibited.

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

4.3.2 Counter-Complaints

The College is resolute in its stance to ensure that the Resolution Process is not abused for retaliatory purposes. Counter-complaints determined to have been reported in good faith will be processed using the Resolution Process below. At the discretion of the AVP for Institutional Equity and Title IX Coordinator, or designee, an investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

Although the College permits counter-complaint filing, the AVP for Institutional Equity and Title IX Coordinator, Faculty Director of Affirmative Action, or designee will assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted and may be considered potentially retaliatory in violation of this Policy.

4.3.3 Consolidation of Complaints

The College may consolidate Complaints involving one or more Complainants or Respondents when the allegations arise from the same facts or circumstances or implicate a potential pattern, collusion, or other similar and shared conduct or actions.

4.3.4 Investigation Process

Once an investigation is initiated, the AVP for Institutional Equity and Title IX Coordinator or designee appoints an Investigator(s) to conduct it. The assigned Investigator(s) may be a member of the EOAA/TIX Team or an external Investigator(s). The Investigator(s) will investigate the allegations and alleged Policy violations thoroughly, reliably, impartially, promptly, and fairly. The burden is on the Investigator(s), not the Parties, to gather evidence, identify all offenses implicated by the alleged misconduct, notify the Complainant and Respondent of specific policies implicated, and investigate the allegations.

Steps ordinarily taken during the investigation include but are not limited to,

1. The Complainant and Respondent will have the opportunity to participate fully in the investigation, present information and evidence, identify witnesses, submit documentary evidence, and suggest questions they would like asked of the other Party and witnesses by the Investigator.
2. The investigator has the authority and responsibility to determine which witnesses to interview, which questions are relevant and appropriate, and which documents to consider as relevant evidence.
3. Investigator(s) are responsible for gathering evidence, which includes:
 - a. Interviewing the Complainant and the Respondent and conducting any necessary follow-up interviews with each.
 - b. Interviewing all available, relevant witnesses and conducting follow-up interviews as necessary.
 - c. When participation of a party or witness is expected, providing that party or witness with advance written notification of the date, time, and location of the meeting, as well as the expected participants and purpose of the meeting or interview. The Complainant and Respondent are expected to coordinate their availability and their Advisor's availability to attend scheduled meetings and interviews.
 - d. Providing each interviewed party and witness an opportunity to review and verify the investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings.
 - e. Allowing each Party the opportunity to provide documentary evidence and suggest witnesses and questions they wish the Investigator(s) to ask of another party. The Investigator(s) will document which parties were interviewed and questions that were asked with a rationale for any changes or omissions in the Draft Investigation Report and Final Investigation Report.
 - f. Prior to the conclusion of the investigation, providing the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding. The Parties will be asked to provide a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question.

4. Where possible, completing the investigation promptly and without unreasonable deviation from the intended timeline.
5. Providing the Parties with regular status updates throughout the investigation.
6. Writing a Draft Investigation Report that gathers, assesses, and synthesizes the relevant evidence. Note: The EOAA/Title IX Office and assigned Investigator(s) do not reach policy findings.
7. Providing the Parties and their respective Advisors an electronic copy of the Draft Investigation Report to afford the Parties an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, and a meaningful and reasonable opportunity to respond. The review and comment period is ordinarily up to ten (10) business days but may be shortened or extended by the AVP for Institutional Equity and Title IX Coordinator, or designee for good cause.

4.3.5 Investigation Interviews

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx), or, in limited circumstances, by telephone. The College will take appropriate steps to ensure the security/privacy of remote interviews. Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though this method is not preferred.

All interviews are recorded, and all involved persons should be made aware of the fact and intended use of the transcript. The transcript of those meetings will be provided to all Parties for their review, after which the Parties may raise additional questions that they would like the investigator to pose to the other party. Those subsequent meetings or interviews are also recorded and/or transcribed and the transcript shared with the Parties. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

Witnesses from outside the College community cannot be required to participate but are encouraged to cooperate with College's investigation and to share what they know about a Complaint.

4.3.6 Evidentiary Considerations

The Investigator(s) and Decision-Makers will only consider evidence that is deemed relevant and not otherwise impermissible.

- Relevant Evidence is evidence that may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.
- Impermissible evidence includes evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless (a) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or (b) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent. However, the fact of prior consensual sexual conduct occurred between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered as evidence unless there is an allegation of a pattern of misconduct. Barring a pattern allegation, this information is not shared during the investigation and is only considered after the Decision-maker has reached a finding. Such information may, however, be considered in determining an appropriate sanction upon a determination of responsibility.

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

4.3.7 Participation in the Administrative Resolution Process

A. Students

1. Student Complainants and Respondents are encouraged to participate in the College's investigation and resolution process. Student witnesses are also encouraged to participate in, and make themselves reasonably available for, meetings and interviews.
2. Should a student Complainant or Respondent decide not to participate in the College's investigation or the Resolution Process, the process will proceed without their participation.
3. If a student Respondent withdraws from the College, the AVP for Institutional Equity and Title IX Coordinator or designee may exercise discretion to dismiss the Complaint. Regardless of whether the Complaint is dismissed or the Resolution Process is pursued to completion, the College will continue to provide reasonable supportive or remedial measures to the Complainant as deemed necessary and remedy any systemic issues or concerns that may have contributed to the alleged violation(s).
4. When a student Respondent leaves the College (on personal leave or withdraws from the College) while the process is pending, the student may not return to the College in any capacity until the Complaint is resolved.
5. If the student Respondent takes leave for a specified period (e.g., one or more semesters), the Resolution Process may continue remotely, and the Respondent may participate remotely. If found in violation and permitted to return to the College, the Respondent is not allowed to return to the College unless and until all sanctions, if any, have been satisfied.
6. Concerns about retaliation that may prevent a Party from participating should be reported immediately to the AVP for Institutional Equity and Title IX Coordinator or the Faculty Director of Affirmative Action.

B. Employees (faculty, administrators, and staff)

1. Employees are expected and encouraged to cooperate with and participate in the College's investigation and resolution process, and make themselves reasonably available for all meetings and interviews.
2. If an employee Respondent leaves their employment with the College with unresolved allegations pending, the investigation and College's administrative process may continue in their absence; the AVP for Institutional Equity and Title IX Coordinator, or designee, may exercise their discretion to dismiss the Complaint.
3. Regardless of whether the Complaint is dismissed or the Resolution Process is pursued to completion, the College will continue to provide reasonable supportive or remedial measures to Complainant as deemed necessary and remedy any systemic issues or concerns that may have contributed to the alleged violation(s).
4. When an employee resigns with unresolved allegations pending, the employee may not return to the College in any capacity. Human Resources and/or the Dean of the Faculty will be notified accordingly. A note will be placed in the employee's file that they resigned with allegations pending. The records retained by the EOAA/Title IX Office will reflect that status.

4.4 ADMINISTRATIVE RESOLUTION: EXTERNAL DECISION-MAKER

The EOAA/Title IX Office is responsible for this hearing process. The Parties will be regularly updated on the timing and any significant deviation from this typical timeline.

The AVP for Institutional Equity and Title IX Coordinator, or designee, will appoint a trained external, neutral Decision-maker. The Decision-maker will have received specialized training with respect to adjudication of alleged policy violations of discrimination and harassment based on protected characteristics, including sexual assault, intimate partner/dating violence, domestic violence, stalking, and other allegations of misconduct covered under this Policy in a higher education setting. The Decision-maker must be impartial and free from actual bias and conflict of interest, and must not have had previous involvement with the Complaint or Resolution Process.

4.4.1 Review by Decision-maker

1. Sharing of Investigation File: The AVP for Institutional Equity and Title IX Coordinator, the Faculty Director of Affirmative Action, or designee provides the investigation file to the external Decision-maker, which includes the Draft Investigation Report, interview transcripts, investigation file, and all relevant evidence.
2. Right to Dismiss: Once the Decision-maker receives and reviews the file, they can recommend dismissal to the AVP for Institutional Equity and Title IX Coordinator, if they believe the grounds are met (see, Sections 2.2.1 Dismissal by the College and 2.2.2 Dismissal Appeal Process). The Decision-maker will provide a written rationale to the AVP for

Institutional Equity and Title IX Coordinator and/or the Faculty Director of Affirmative Action of their decision. The Parties will be notified in writing of the decision simultaneously.

3. **Questioning**: After a thorough review of the investigation file, the Decision-maker will then provide the Investigator(s) with a list of relevant questions to ask the Parties or any witnesses, if further questioning is needed. To the extent credibility is in dispute and relevant to one or more of the allegations, the Decision-maker's questions may also explore credibility of the Parties and witnesses.

The Decision-maker will also ask each of the Parties (in consultation with their respective Advisor) to provide a proposed list of questions to be asked of the other Party and any witnesses. To the extent credibility is in dispute and relevant to one or more of the allegations, questions proposed by the Parties may also explore credibility. For any question deemed not relevant, duplicative, or permissible, the Decision-maker will provide a written rationale to the Parties for why that question will not be allowed.

The Decision-maker will finalize the question list with the Investigator. The Investigator(s) will then hold individual meetings with the Parties and witnesses to ask the questions posed by the Decision-maker, as well as the questions proposed by the Parties that have been approved by Decision-maker as appropriate, relevant, and not duplicative. For any question deemed not relevant or duplicative, the Investigator(s) will provide a rationale for not asking the question, either during the recorded meeting, or in writing (typically as an appendix to the Final Investigation Report). These following meetings will be recorded and transcribed. The transcripts will be shared with the Decision-maker and the Parties.

Typically, within three (3) business days of the last of these meetings, the transcripts of them will be provided to the Parties for their review. The Parties will then have five (5) business days to review these transcripts and propose any follow-up questions for the Investigator(s) to ask. The Investigator(s) will review the proposed questions from the Parties with the Decision-maker to determine relevance and permissibility. If deemed necessary, the Investigator(s) will then meet individually with the Parties or witnesses for whom there are relevant, and not duplicative, follow-up questions. These follow-up meetings will also be recorded, and the Decision-maker and the Parties will receive the transcripts of these meetings.

This final round of questioning is the last round permitted, unless permission is granted to extend by the Decision-maker.

4. **Final Investigation Report**: The Investigator(s) will then incorporate any new, relevant evidence and information obtained, including summaries of the interviews into a Final Investigation Report. The Final Investigation Report will include a description of the procedural steps taken from the receipt of the formal complaint through investigation, including any notifications to the parties' interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held.

In the Final Investigation Report, the Investigator(s) will respond to the relevant elements of the Parties' responses to the Draft Investigation Report and incorporate any new, relevant evidence into the final report. The new relevant evidence will be admitted to the record if the evidence is not duplicative of evidence already in the record, and it is not impermissible.

The Investigator will share Final Investigation Report, all appendices, relevant evidence, and the final investigation file with the Decision-maker and AVP for Institutional Equity and Title IX Coordinator and/or Faculty Director of Affirmative for review. The Parties will be sent an electronic copy of the Final Investigation Report, all appendices and relevant evidence simultaneously.

5. Decision-Maker Review: The Decision-maker will review the Final Investigation Report, all appendices, relevant evidence, and the final investigation file. If the record is incomplete, the Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including separate meetings with the Parties (and their Advisors) or any witnesses, if needed. To the extent credibility is in dispute and relevant to one or more of the allegations, the Decision-maker may also meet individually with the Parties (and their Advisors), and witnesses to ask follow-up questions and assess credibility that will aid the Decision-maker in reaching their findings. These meetings will be recorded, and the transcript will be shared with both Parties.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for reopening an investigation, and/or referring that information to another process for resolution.

4.4.2 Standard of Proof

The College uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of complaints covered under the Policy Against Discrimination, Harassment, and Sexual Misconduct.

4.4.3 Determination Regarding Responsibility

The Decision-maker will deliberate privately to determine whether the Respondent is responsible for the alleged College policy violation(s) using the preponderance of the evidence. This means the Decision-maker determines whether it is more likely than not that a violation occurred based on all relevant and not otherwise impermissible evidence and the totality of the circumstances. The Decision-maker may not draw any inference solely from a party's or witness's absence or lack of participation in the investigation or administrative resolution process.

The decision-making process usually takes up to ten (10) business days, but this timeframe can change due to reasonable factors and variables as determined by the Decision-maker and AVP for Institutional Equity and Title Coordinator and/or the Faculty Director of Affirmative Action. Any delays and their reasons will be communicated in writing to the Complainant and Respondent. In the event of a Policy violation or violation of other College regulations or policies, the Decision-maker and the designated College officer will collaborate to decide on appropriate sanctions, corrective actions, and remedies.

The Decision-maker will then prepare a written outcome letter that describes the procedural steps taken and documents their findings on all Policy allegations. The Decision-maker will include a substantive rationale for each finding based on relevant and not impermissible evidence used in support of the determination(s). The decision-maker will also identify evidence not relied upon in the determination(s), including any credibility assessments.

The Decision-maker will share their written findings with the AVP for Institutional Equity and Title IX Coordinator and/or the Faculty Director of Affirmative Action. Then, the AVP or Faculty Director will share the outcome letter with the appropriate College officer as described below:

1. Associate Dean of the College for Residential Life and Wellness (student Respondent);
2. Dean of the Faculty (faculty Respondent)
3. Associate Vice President for Human Resources/Chief People Officer and relevant Senior Officer (administrator or staff Respondent)
4. President (Senior Officer or member of the President's Senior Leadership Team)

In cases where a violation of this Policy and/or other College regulations or policies is found, the Decision-maker and designated College officer will consult and decide on the appropriate sanctions, corrective actions, and remedies.

4.4.4 Impact Statements

The Parties can submit a written impact or mitigation statement to the AVP for Institutional Equity and Title IX Coordinator and/or Faculty Director of Affirmative Action. They will review these statements upon receipt to determine any immediate needs, issues, or concerns but will otherwise hold them until after the Decision-maker has made Policy determinations on the allegations. If there are any findings of a policy violation, the decision-maker will request the impact statements, which will also be shared with the appropriate College officer, as defined above. Impact Statements will also be exchanged between the Parties at that time.

4.4.5 Respondent Admits Responsibility

During the Administrative Resolution proceedings, if the Respondent decides to admit responsibility for the violations and waive further process, the Decision-maker has the authority to accept the admission of responsibility as their finding. The Decision-maker will still prepare a written outcome letter detailing the procedural steps and determination on each Policy allegation(s). In cases where a violation of the Policy and/or other College regulations is admitted, the Decision-maker and designated College officer will collaborate to determine the appropriate sanctions, corrective actions, and remedies.

If the Respondent accepts the finding and final determination on sanctions, corrective actions, and remedies, they waive their right to appeal the decision. However, if the Respondent rejects the finding, final determination, or sanctions, or does not admit to all of the charged Policy violation(s), the resolution process will continue to its conclusion. It's important to note that in cases where the

Respondent admits responsibility, the Complainant still retains the right to appeal the determination.

4.4.6 Notice of Outcome

Within five to ten (5-10) business days of the conclusion of the Administrative Resolution Process, the designated College officer provides the Parties with the written Notice of Outcome prepared by the external Decision-Maker. Notice of Outcome will be sent simultaneously to the Complainant and Respondent or without significant time delay between notifications. The outcome notification may be delivered by one or more methods: sent through Maxient, a web-based application that manages the College's conduct records, emailed to the Parties' College-issued or designated email account, in person, or mailed to the Parties' local or permanent address as indicated in official College records. The outcome notification is presumptively delivered once sent, emailed, or received in person.

5.0 SANCTIONS AND CORRECTIVE ACTION

Any person found responsible for violating the Policy Against Discrimination, Harassment, and Sexual Misconduct may receive a sanction ranging from a warning or probation to expulsion or termination, depending on the severity of the incident, and taking into account any concurrent or previous College conduct violations. The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by the College. Sanctions, corrective action, and remedial measures will be determined by the Decision-maker and the appropriate College officer (Associate Dean of the College for Residential Life and Wellness, Dean of the Faculty, Associate Vice President for Human Resources/Chief People Officer and relevant Senior Officer, or President).

Factors the Decision-maker and College officer may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to 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 Complainant and the community
- The impact on the Parties
- The Respondent's acceptance of responsibility
- Any other information deemed relevant by the Decision-maker(s)

Sanctions and corrective actions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal when no appeal is requested by either Party.

5.1 STUDENT SANCTIONS AND CORRECTIVE ACTION

Sanctions and responsive actions for students, may be imposed singly or in combination, with the following sanctions and/or corrective actions:

1. **Warning 1 - Awareness:** A communication warning that a logical consequence of not meeting expectations in the future may be a more substantial outcome.
2. **Warning 2 - Advisory:** A communication warning that a logical consequence of not meeting expectations in the future may be a more substantial outcome that would include an outreach to the student's parent(s)/guardian(s).
3. **Warning 3 - Intervention:** A communication warning that a logical consequence of not meeting expectations in the future may likely result in a temporary or permanent removal from Vassar College. In an effort to feel confident that everything has been done to avoid removal from Vassar, this outcome includes an outreach to the student's parent(s)/guardian(s). This outreach would be made regardless of concerns regarding how parent(s)/guardian(s) might respond.⁶
4. **Required training, education, coaching or counseling.**
5. **Restorative interventions:** When an incident results in harm done to one or more individuals, a community expectations administrator will work with the student(s) who accepted responsibility in an effort to repair the relationship(s) that have been adversely affected by the incident and possibly engage in an educational effort related to the behavior and/or the impact of the behavior.
6. **Restitution:** Monetary restitution is applied to cover the cost of damage or loss of property or services.
7. **Loss of privileges:** The withdrawal of one or more campus privileges, including but not limited to use of services, participation in a program, event, or activity for a specified period of time.
8. **Ban:** A student who is banned will be prohibited from entering certain campus locations or other college-owned, operated, or leased facilities; initiating contact with certain individuals; or participating in a program, event or activity for a specified period of time.
9. **Reassignment:** A student who is reassigned will be required to move from one assigned space to another; most often in a different house. It will often include a ban from the previous house.
10. **Removal from campus housing:** Removal from campus housing may be permanent or temporary. A student barred from the residences may also be banned from entering any college student housing without written authorization from the Associate Dean of the College or designee.
11. **Suspension** from the College represents a temporary dismissal for a specified duration. During this period, all rights and privileges linked to student status are temporarily revoked. This includes, but is not limited to:
 - a. The right to attend classes
 - b. Access and use of the college library or other facilities

⁶ It is the responsibility of financially independent students to immediately notify the individual issuing this outcome of their financial independence in order to avoid any such outreach.

- c. Obtaining credit for academic work
- d. Participation in any college programs or activities
- e. Holding any position on college committees or student organizations, whether by appointment or election
- f. Being on the college property without written authorization from the Associate Dean of the College, Student Living and Wellness or designated representative.

Upon return from a suspension, the student will be placed on probation for the remainder of their time at the college until graduation. Any further violations during this probationary period may result in additional disciplinary actions.

- 12. **Expulsion** from the College: Expulsion is permanent dismissal from the College with termination of all rights and privileges. Expelled students are restricted from entering any part of campus or other college-owned, operated, or leased facilities. Financial reimbursement is made according to the tuition refund schedule listed in the College Catalogue.
- 13. **Other Actions:** The College reserves the right to take whatever measures they deem necessary in response to an allegation of prohibited conduct in order to protect the rights and personal safety of students, faculty, administrators, staff, and other College community members. In addition to, or in place of, the above sanctions, the College may assign any other sanctions and remedies as deemed appropriate.

5.2 EMPLOYEE SANCTIONS AND CORRECTIVE ACTION

Sanctions and responsive actions for an employee (faculty, administrator, or staff member) may be imposed singly or in combination with the following sanctions and/or corrective actions:

- 1. Verbal or Written Warning
- 2. Performance Improvement Plan/Management Process
- 3. Enhanced Supervision, Observation, or Review
- 4. Required Counseling
- 5. Required Training or Education
- 6. Probation
- 7. Denial of Pay Increase/Pay Grade
- 8. Loss of Oversight or Supervisory Responsibility
- 9. Demotion
- 10. Transfer
- 11. Shift or schedule adjustments
- 12. Reassignment
- 13. Assignment to a New Supervisor
- 14. Restriction of Resources
- 15. Suspension/Administrative Leave with Pay
- 16. Suspension/Administrative Leave without Pay
- 17. Termination
- 18. **Other Actions:** The College reserves the right to take whatever measures they deem necessary in response to an allegation of prohibited conduct in order to protect the rights

and personal safety of students, faculty, administrators, staff, and other College community members. In addition to or in place of the above sanctions, the College may assign any other responsive actions as deemed appropriate.

5.3 FAILURE TO COMPLY WITH SANCTIONS, RESPONSIVE ACTIONS, AND/OR INFORMAL RESOLUTION TERMS

All Respondents are expected to comply with the assigned sanctions and other corrective action assigned by the College or the agreed upon terms of an Informal Resolution agreement within the timeframe specified by the final Decision-maker(s). Failure to abide by the imposed deadline specified, whether by refusal, neglect, or for any other reason, may result in additional sanction or corrective actions, including up to suspension, expulsion, or termination from the College. A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the College's satisfaction.

Senior officers, division or department heads, supervisors, and managers, as appropriate, are expected to assist with the implementation of sanctions and corrective measures, enforce the completion of sanctions/responsive actions, monitor for retaliation, as needed, and document progress and completion of sanctions/responsive actions with the Office of Equal Opportunity and Affirmative Action/Title IX.

5.4 LONG-TERM REMEDIES/OTHER ACTIONS

The AVP for Institutional Equity and Title IX, the Faculty Director of Affirmative Action, or designee, in consultation with the Associate Dean of the College for Student Living and Wellness (students), Dean of the Faculty (faculty), Human Resources (administrators/staff), or the President, may recommend or implement additional long-term remedies or actions that are intended to stop behavior that violates the Policy (i.e., discrimination, harassment, hostile environment, or retaliation), remedy the effects of such violations, and prevent their recurrence.

Remedies/actions appropriate for the Complainant and Respondent may include, but are not limited to:

- Implement supportive resources, including referral to counseling and health services, resource center, or the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals or financial remedies
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.
- Training, coaching, and educational interventions
- Permanent alteration of housing assignments (students)
- Permanent alteration of work arrangements for employees and student employees
- Provision of campus safety escorts
- Provision of transportation assistance
- Safety planning

Remedies/actions directed at the College community may also include, but are not limited to:

- Targeted announcements to campus community
- Climate surveys to identify needs
- Policy modifications
- Training, coaching, and educational interventions for a department, supervisor, or broader campus community
- Monitoring of meaningful efforts to comply
- Supporting inclusive campus community initiatives

At the discretion of the AVP for Institutional Equity and Title IX Coordinator, the Faculty Director of Affirmative Action, or designee, certain long-term supportive measures may also be provided to the Parties, even if no Policy violation is found. The College will maintain the confidentiality of any long-term remedies, corrective actions and supportive measures, provided confidentiality does not impair the College's ability to provide these services.

6.0 APPEAL OF DETERMINATION

6.1.1. Request for Appeal

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision by the Decision-maker (Notice of Outcome), indicating the grounds for the appeal.

The Request for Appeal should be sent electronically to:

- Belinda Guthrie, AVP for Institutional Equity and Title IX Coordinator, guthrie@vassar.edu and/or
- Jeffrey Schneider, Faculty Director of Affirmative Action, jeschneider@vassar.edu

The written Request for Appeal may also be mailed or hand-delivered to the Office of Equal Opportunity and Affirmative Action, Vassar College, 124 Raymond Avenue, Box 645, Poughkeepsie, New York 12604-0645. The EOAA/ Title IX Office is located in Main Building, 1st Fl., South- Suite 182.

6.1.2 Grounds for Appeal

The limited grounds for appeal available are as follows:

- a. A procedural irregularity that would change the outcome.
- b. New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made.

- c. Evidence that the AVP for Institutional Equity and Title IX Coordinator, Faculty Director of Affirmative Action, assigned investigator(s), Decision-maker or other designated College officer had a conflict of interest or bias for or against a party, or for or against complainants or respondents in general, that substantially affected and would change the outcome of the matter. A perceived conflict of interest or bias is not alone or in itself grounds for appeal, without further evidence.
- d. The sanctions fall outside the range of sanctions designated for the Policy violation, considering the cumulative conduct/disciplinary record of the Respondent.

Appeals that do not meet submission standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

The submission of appeal stays any outcome for the pendency of an appeal. Supportive measures and emergency removal decisions remain in effect during the pendency of the appeal.

6.1.3 Appeal Decision-Makers

1. **Student Respondents:** Appeal decisions will be decided by an external Appeal Decision-Maker in consultation with the Dean of the College.
2. **Employee Respondents (administrators, staff, senior officers/senior leadership team):** Appeal decisions will be decided by an external Appeal Decision-maker in consultation with the Vice President for Technology & Human Resources Chief Information Officer.

Required Training: The AVP for Institutional Equity and Title IX Coordinator, or designee, will assign a trained external, neutral Appeal Decision-maker. The Decision-maker will have received specialized training with respect to adjudication of alleged policy violations of discrimination and harassment based on protected characteristics, including sexual assault, intimate partner/dating violence, domestic violence, stalking, and other allegations of misconduct covered under this Policy in a higher education setting. The Appeal Decision-makers must be impartial and free from actual bias and conflict of interest, and must not have had previous involvement with the Complaint or prior Administrative Resolution Process.

3. **Faculty Respondents:** For matters involving Faculty Respondents, the elected faculty Appeal Committee hears all appeals, except for appeals of a remedy or outcomes determined by the Appeal Committee itself, which are heard by the Academic Affairs Committee of the Board of Trustees.

Required Training: The Appeal Committee and Academic Affairs Committee of the Board of Trustees will have received specialized training with respect to adjudication of alleged policy violations of discrimination and harassment based on protected characteristics, including sexual assault, intimate partner/dating violence, domestic violence, stalking, and other allegations of misconduct covered under this Policy in a higher education setting. The

appeal Decision-makers in faculty cases must be impartial and free from actual bias and conflict of interest, and must not have had previous involvement with the Complaint or prior Administrative Resolution Process.

6.1.4 Review by Appeal Body

1. The Request for Appeal will be forwarded to the Appeal Decision-maker(s) for consideration to determine if the request meets the grounds for appeal, which is a Review for Standing. This is not a review of the merits of the appeal, but solely a determination as to whether the request for appeal could reasonably be construed to meet the grounds and is timely filed.
2. If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker(s), and the Parties will be simultaneously notified in writing of the denial and the rationale.
3. If any of the information in the Request for Appeal meets the grounds in this Policy, then the Appeal Decision-maker(s) will notify all Parties in writing of the decision and rationale. The Request for Appeal will be forwarded to the Parties, the AVP for Institutional Equity and Title IX Coordinator or Faculty Director of Affirmative Action, and, when appropriate, the Investigator(s) and/or the original Decision-maker. They will then be given five (5) business days to submit a written response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.
4. The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker(s) to determine if it meets the grounds in this Policy and will either be approved or denied. If denied, the Parties and their Advisors will be notified accordingly, in writing. If approved, it will be forwarded to the Party who initially requested an appeal, the AVP for Institutional Equity and Title IX Coordinator or Faculty Director of Affirmative Action, and, when appropriate, the Investigator(s) and/or the original Decision-maker. They will then be given five (5) business days to submit a written response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.
5. No party may submit any new Requests for Appeal after this time period. The Appeal Decision-maker(s) will collect any additional information needed and all documentation regarding the approved appeal grounds,, who will promptly render a decision.
6. The Appeal Decision-maker(s) may consult with the original Decision-maker, the AVP for Institutional Equity and Title IX Coordinator, or designee, and/or legal counsel, on questions of procedure, for clarification, if needed. The AVP for Institutional Equity and Title IX Coordinator, or designee, will maintain documentation of all such consultation.

6.1.5 Appeal Outcome and Determination

1. The record of appeal will ordinarily consist of and be limited to the written request for appeal, written responses to the appeal by the involved parties, the written decision of the original Decision-maker, and any documentation relevant to the grounds for appeal.
2. All decisions are made by applying the preponderance of the evidence standard of proof.
3. An appeal may be granted or denied.
 - a. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration.
 - b. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the AVP for Institutional Equity and Title IX Coordinator and/or the Faculty Director of Affirmative Action, the Appeal Decision-maker(s) may order a new investigation and/or a new determination with new Investigator and Decision-maker roles.
4. When appeals result in no change to the finding or sanction, that decision is final.
5. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.
6. If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the five (5) available appeal grounds.
7. Once an appeal outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination).

6.1.6 Notice of Appeal Outcome

A Notice of Appeal Outcome letter (“Appeal Outcome”) will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which the College is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent the College is permitted to share under federal or state law.

Notice of Outcome will be sent simultaneously to the Complainant and Respondent or without significant time delay between notifications. The outcome notification may be delivered by one or more methods: sent through Maxient, a web-based application that manages the College's conduct records, emailed to the Parties' College-issued or designated email account, in person, or mailed to

the Parties' local or permanent address as indicated in official College records. The outcome notification is presumptively delivered once sent, emailed, or received in person.

7.0 TRANSCRIPT NOTATION FOR STUDENTS

As required by New York Education Law Article 129-B, a student who has been suspended or expelled for conduct that constitutes a crime of violence (including but not limited to sexual assault, dating violence, domestic violence, and stalking) as defined in the Clery Act, will have a notation placed on the student's official academic transcript indicating the disciplinary suspension or expulsion. If a student withdraws from the institution during the pendency of a disciplinary matter, a transcript notation will indicate that the student withdrew with the disciplinary charges pending. A student who withdraws from the College prior to an outcome of a pending disciplinary matter should understand that the investigation and proceeding may continue, with or without their participation.

The following transcript notations are used by College:

1. Interim Suspension: Temporarily suspended on [Date] pending a code of conduct hearing.
2. Suspension: Suspended after a finding of responsibility for a code of conduct violation from [Date] to [Date].
3. Expulsion: Expelled after a finding of responsibility for a code of conduct violation on [Date].
4. Withdrawal: Withdrew with conduct charges pending on [Date].

Transcript notations will only be added to the student's record upon the conclusion of any timeframe for appeal or once all appeal processes have concluded.

Expulsion transcript notations are permanent and cannot be appealed or removed. However, if a finding of responsibility is vacated, any such transcript notation will be removed.

Transcript notations for a student who is suspended or who chose to withdraw during the pendency of an investigation will remain on the student's transcript for a minimum of one year following the conclusion of the suspension period or date of withdrawal. Once the year has concluded, the student may request to have the transcript notation removed by filing an appeal with the Associate Dean of the College for Residential Living and Wellness.

8.0 RELEVANT DOCUMENTATION

- Vassar College Discrimination, Harassment, and Sexual Misconduct Policy Interim Policy (effective Aug 1, 2024)
- College Regulations
- Administrative Handbook
- Faculty Handbook

9.0 RESPONSIBLE DEPARTMENT AND POSITIONS

- Office of Equal Opportunity and Affirmative Action / Title IX
 - Assistant Vice President of Institutional Equity and Title IX Coordinator
 - Faculty Director of Affirmative Action

10.0 REVIEW HISTORY

- These procedures are effective August 1, 2024.⁷
- This Policy succeeds previous policies addressing alleged incidents of discrimination or harassment based on a protected characteristic.
 - Consistent with Title IX Final Rule (2024), these procedures are applicable to alleged incidents of sex-based discrimination, sex-based harassment, sexual assault, intimate partner/dating violence, domestic violence, and stalking that occur on or after August 1, 2024.
 - For alleged incidents of sex-based discrimination or sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply.
- The Office of Equal Opportunity and Affirmative Action and Title IX in consultation with the Committee on College Life and the Faculty Policy and Conference Committee reviews and updates these policies and procedures regularly.
- The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect. If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings.
- This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

11.0 REVISION HISTORY

⁷ Based on the ATIXA 2024 One Policy, One Procedure (1P1P) Model. ©2024 ATIXA. Used with permission.