

Cincinnati State Technical & Community College

Sex Discrimination, Title IX Sexual Harassment, and Retaliation Policy

I. Purpose

Cincinnati State Technical and Community College (“Cincinnati State” or the “College”) is committed to supporting a safe, respectful, and healthy college environment. In furtherance of this commitment, Cincinnati State prohibits discrimination on the basis of sex as well as sexual harassment, which includes dating violence, domestic violence, sexual assault, stalking, and retaliation, as defined in this Policy, and in compliance with applicable statutory and legal guidance.

If you are in immediate danger, please call 911 or, if you are on campus, the Cincinnati State Police at 513-569-1558.

II. Non-Discrimination Statement

The College is committed to fostering a climate free from discrimination on the basis of sex in the following areas: admissions, educational programs and activities, housing, access to classes and schools, counseling, financial assistance, employment assistance, health and insurance benefits and services, marital or parental status, and athletics. This policy is strictly enforced by the College, and reports of Prohibited Conduct receive prompt and equitable attention and appropriate corrective action. The College takes steps to eliminate Prohibited Conduct, to prevent the recurrence of Prohibited Conduct, and to remedy the effects of Prohibited Conduct, as appropriate.

a. Designation of Title IX Coordinator

The College has designated and authorized the following individual as the Title IX Coordinator to coordinate its efforts to comply with Title IX:

Dr. Lawra Baumann, Vice President, Administration

lawra.baumann@cincinnatiastate.edu

513.569.1759

3520 Central Parkway, Cincinnati, OH 45223-2690

The College has designated and authorized the following individual as the Deputy Title IX Coordinator to coordinate its efforts to complete with Title IX:

Soni Hill, Senior Director of Student Success & Student Development

soni.hill@cincinnatiastate.edu

513-569-4215

3520 Central Parkway, Cincinnati, Ohio 45223-2690

Any inquiries or complaints concerning the application of Title IX may be referred to the Title IX Coordinator using the contact information above, or pursuant to Section VI, below. Questions or concerns about Title IX or the application of Title IX in these procedures may also be referred to the U.S. Department of Education’s Office for Civil Rights at <https://ocras.ed.gov/contact-ocr>.

The Title IX Coordinator is responsible for managing the College's compliance with Title IX and the effective implementation of these procedures. ***Any references to the actions of the Title IX Coordinator in these procedures may be performed by the Title IX Coordinator, the Deputy Title IX Coordinator, or their designee.***

In addition to addressing complaints against a particular party, the Title IX Coordinator also facilitates the handling of reports that College policies or practices may discriminate on the basis of sex, gender, gender identity, gender expression, or sexual orientation. The Title IX Coordinator conducts an assessment of such concerns and, using procedures the Title IX Coordinator determines to be appropriate given the circumstances, works with the College to ensure that its policies and practices are compliant.

III. Jurisdiction and Scope of Policy

The Policy applies to all community members, including students, faculty, staff, affiliates, visitors, applicants for admission or employment, and independent contractors.

This policy applies to allegations of Prohibited Conduct, defined below, that is reported to have occurred:

- in connection with a College's education program or activity; or
- on property owned or controlled by the College; or
- using computer or internet networks, digital platforms, or computer hardware or software owned or operated by, or used in the operations of, the College's programs or activities over which the College has substantial control; or
- where the conduct is reported to have a continuing adverse effect on an educational program or activity of the College, regardless of where the conduct is reported to have occurred.

The College's response to Prohibited Conduct depends in part on its control over the respondent. The procedure applies when the respondent is a member of the College community, or was a member of the College community at the time of the alleged incident and intends to participate in an education program or activity of the College. However, if Prohibited Conduct is reported when the College does not have control over the responding party, the College will still work with the complainant regarding their options and appropriate supportive measures. The College will also consider whether it is appropriate to take any other actions to protect the safety of the College community under these circumstances.

IV. Definitions

Actual Knowledge means notice of Sexual Harassment or allegations of Sexual Harassment to a recipient's Title IX Coordinator or any of the following officials who have the authority to institute corrective measures on behalf of the College: the Provost, the Vice President of Administration, the Director Human Resources. This standard is not met with the only official of the College to have knowledge is the respondent.

Coercion is a type of force that relies on unreasonable pressure for sexual activity against an individual's will. Coercion includes a wide range of behaviors which override the voluntary nature of participation in sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.

Complainant is an individual who is alleged to have experienced conduct that could constitute Prohibited Conduct under this procedure.

Consent is a freely and affirmatively communicated willingness to participate in sexual activity, expressed by clear, unambiguous words or actions. It is the responsibility of the initiator of the sexual activity to ensure that the initiator has the other person's consent to engage in sexual activity, throughout the entire sexual activity. At any time, a participant can communicate that they no longer consent to continuing the activity. Consent may never be obtained through the use of force or coercion, or if the individual is mentally or physically incapacitated, including through the use of drugs or alcohol, or where the individual is not of an age to give consent. Consent cannot be assumed based on the existence of a previous intimate relationship or sexual encounter. Additionally, the initiator's use of alcohol or drugs does not diminish the initiator's responsibility to obtain consent. There is no requirement of a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Education Program or Activity includes all of the College's operations, including locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the conduct occurs, as well as any building owned or controlled by a student organization that is officially recognized by the College.

Force is the use of physical violence and/or imposing on someone physically to engage in sexual activity and/or the use of threats or intimidation to overcome resistance to sexual activity.

Formal Complaint is a document, including an electronic submission, filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, alleging Prohibited Conduct against a respondent about conduct within the College's jurisdiction (as defined in this procedure) and requesting initiation of the formal procedure to investigate the allegation of sexual harassment. The Title IX Coordinator may also file Formal Complaints as explained elsewhere in these procedures.

Incapacitation is a state in which a person cannot make informed, rational decisions about engaging in sexual activity. Incapacitation may result from a temporary or permanent mental or physical disability, from sleep or unconsciousness, and/or from impairment due to drugs and/or alcohol such that the person cannot appreciate the nature and consequences of the sexual activity. Apparent consent by an incapacitated complainant is not valid where a respondent knew or should have known that the complainant was incapacitated.

Preponderance of the Evidence is the standard of evidence used to resolve disputed issue of fact and to make decisions as to whether Prohibited Conduct occurred. A preponderance of the evidence exists where the evidence establishes that the dispute fact is more likely than not to be true. A preponderance of the evidence also exists where the evidence establishes that the Prohibit Conduct is more likely than not to have been committed. In determining whether a preponderance of the evidence exist, the decision-maker relies on the quality and relative weight of the evidence rather than the quantity of evidence.

Prohibited Conduct is the conduct prohibited by these procedures. See Section V, for more detail.

Relevant evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

Relevant evidence and questions do not include the following types of evidence and questions, which are deemed irrelevant at all stages of this procedure:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
 - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege, unless the individual has waived that privilege.

Respondent is an individual who is alleged to have committed conduct that could constitute Prohibited Conduct under this procedure.

Supportive Measures are non-disciplinary and non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or deter sexual harassment. The College maintains as confidential any supportive measures provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Supportive measures also include “protective measures” as that term is defined by the Clery Act and implementing regulations. Information about supportive measures may be found in Section IX, below.

V. Prohibited Conduct

Conduct prohibited by this Policy includes: Title IX Sexual Harassment, Discrimination on the Basis of Sex/Gender, and Retaliation (collectively, “Prohibited Conduct”), each of which is defined more fully below.

Title IX Sexual Harassment

There are six types of Prohibited Conduct that qualify as “Title IX Sexual Harassment,” each of which is defined more specifically below: (1) *quid pro quo* sexual harassment, (2) unwelcome conduct sexual harassment, (3) sexual assault, (4) dating violence, (5) domestic violence, and (6) stalking, on the basis of sex. The definitions used here are mandated by federal regulations.

For reported behavior to qualify as Title IX Sexual Harassment under this Policy, in addition to meeting the elements of the specific type of sexual harassment below, it must meet all of the following threshold requirements, as determined by the Title IX Coordinator and as mandated by federal regulations:

1. The conduct must have occurred against a person in the United States,

AND

2. The conduct must have occurred within the College's education program or activity. For purposes of this provision, this means that the conduct must have occurred either (a) in a location, event, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs or (b) in relation to a building owned by a student organization that is officially recognized by the College,

AND

3. The complainant must be participating in or attempting to participate in the education program or activity of the College at the time the formal complaint is filed.

Conduct that does not meet these threshold requirements may still be addressed by the College through its Code of Conduct or Employee Operations Manual.

1. Quid Pro Quo Sexual Harassment

"*Quid pro quo* sexual harassment" is conduct on the basis of sex where a College employee conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

2. Unwelcome Conduct Sexual Harassment

"Unwelcome conduct sexual harassment" is unwelcome conduct on the basis of sex that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

3. Sexual Assault

"Sexual assault" is conduct on the basis of sex that is defined as a forcible or non-forcible sex offense, or attempted forcible or non-forcible sex offense, as classified under the Uniform Crime Reporting system of the FBI. This includes six separate categories, each of which is considered a form of sexual assault:

- a. *Rape* is defined as the carnal knowledge of a person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical

incapacity. Carnal knowledge is defined as the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).

- b. *Sodomy* is defined as oral or anal sexual intercourse with another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- c. *Sexual Assault With An Object* is defined as the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the complainant.
- d. *Fondling* is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- e. *Incest* is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In Ohio, Revised Code Section 3101.01(A) provides that individuals nearer of kin than second cousins may not marry.
- f. *Statutory rape* is defined as sexual intercourse with a person who is under the statutory age of consent. In Ohio, Revised Code section 2907.02(A)(1)(b) provides that no person may have sex with a child under the age of thirteen. Ohio Revised Code Section 2907.04(A) provides that no person over the age of eighteen may have sex with a child under the age of sixteen.

4. Dating Violence

“Dating violence” is conduct on the basis of sex that consists of violence committed by a person who is or has been in a romantic or intimate relationship with the complainant. The existence of such a romantic or intimate relationship is determined by the length of the relationship, the type of relationship, and the frequency of interactions between the individuals involved in the relationship.

5. Domestic Violence

“Domestic violence” is conduct on the basis of sex that consists of a felony or misdemeanor crime of violence committed by:

- a. A current or former spouse or intimate partner of the victim,
- b. A person with whom the victim shares a child in common,
- c. A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner,
- d. A person similarly situated to a spouse of the victim under the domestic/family violence laws of the jurisdiction
- e. Any other person against an adult or youth victim who is protected from that person’s acts under the domestic/family violence laws of the jurisdiction.

Domestic violence that is not based on sex, but otherwise meets the definition above, is addressed in the Student Code of Conduct and the Employee Handbook.

6. Stalking

“Stalking” is conduct on the basis of sex that consists of engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person’s safety or the safety of others; or (B) suffer substantial emotional distress. For purposes of the definition of Stalking under this Policy:

- A “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- A “reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking that is not based on sex, but otherwise meets the definition above, is addressed in the Student Code of Conduct and the Employee Handbook.

Sex/Gender Discrimination

Sex/Gender Discrimination is discrimination that occurs when conduct or a policy has the purpose or effect of restricting or denying access to opportunities, programs, or resources in relation to sex, gender, gender identity, gender expression, or sexual orientation in a manner that interferes with an individual’s ability to participate in a College education program or activity. Such discrimination does not include behavior explicitly permitted by federal regulations, including single-gender housing, athletic participation, chorus participation, and hiring when sex/gender is a bona fide occupational qualification reasonably necessary to the normal operation of the College.

The College will not, on the basis of sex:

- Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- Deny any person any such aid, benefit, or service;
- Subject any person to separate or different rules of behavior, sanctions, or other treatment;
- Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;
- Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or services to students or employees;

- Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

Retaliation

Neither the College nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing provided for in this Policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes retaliation.

Complaints alleging retaliation may be filed according to the grievance procedures outlined in Section [x] of this Policy.

An individual who brings a complaint under this Policy in good faith, even if it may be erroneous, will not be subject to discipline. However, the use of this policy for false, malicious, or frivolous purposes is strictly prohibited. The College's decision to charge an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this provision.

VI. Reporting Prohibited Conduct

a. *To the College*

Individuals who believe they may have witnessed or been subjected to Prohibited Conduct are encouraged to make a report with the Title IX Coordinator. Any person may report Prohibited Conduct, whether or not the person reporting is the person who has been subject to the conduct that constitutes sex discrimination or sexual harassment. This may be done by:

- filing a Maxient incident report, accessible at <https://publicdocs.maxient.com/incidentreport.php?CincinnatiState>
- in person, by mail, by telephone, or by electronic mail, using the contact information found in Section II, above.

Such a report can be made at any time (including during non-business hours) by using the telephone number, email address, or by sending mail to the office address listed for the Title IX Coordinator identified in this Policy.

Please note that a report of Prohibited Conduct does not automatically result in a formal investigation as defined in this Policy.

Upon receipt of a report, the Complainant will be offered the opportunity for an initial discussion to give the Complainant the opportunity to recount what has taken place and discuss how best to proceed. The Complainant will be permitted to have an advisor of their choice during this discussion.

The Title IX Coordinator will review with the Complainant the College's procedures for filing a formal complaint, informal and formal resolution, the rights of the Complainant, the availability of supportive measures, information relating to law enforcement reporting if appropriate, and available medical and/or counseling resources as appropriate.

Options for, and available assistance in, changing academic schedules can be discussed and provided if so requested, and if such changes are reasonably available. Except in certain serious circumstances as discussed more below, it is at all times the Complainant's decision whether they will file a formal complaint, seek supportive measures, file a formal complaint, and pursue informal resolution and/or formal resolution (including the grievance process outlined in this Policy).

As a result of this meeting, depending on the nature of the allegations, the Title IX Coordinator may be obligated to report the incident to law enforcement pursuant to state law.

Upon receiving a report, the Title IX Coordinator will conduct an initial assessment to evaluate whether it alleges sufficient information to meet the jurisdictional and threshold requirements listed in Section V, above.

Amnesty for Students

Students reporting violations of this Policy or who participate in investigations of alleged violations of this Policy will not be subject to disciplinary action by the College for violation of the College's drug or alcohol possession or consumption policies, provided that such violations did not and do not place the health or safety of any other person at risk.

b. To Law Enforcement

Where an individual has been subjected to violence or other criminal acts, the College encourages such individuals to seek assistance from medical providers and/or law enforcement immediately after the incident, whether or not the complainant intends to pursue criminal charges. This is to assist in the preservation of evidence and to begin a timely response by law enforcement. Preserving evidence may later assist in proving that an alleged criminal offense occurred, or it may be helpful in obtaining a protection order if one is desired.

The Title IX Coordinator can assist in notifying law enforcement authorities if the complainant chooses. Complainants may also decline to notify such authorities. Depending on the situation, the Title IX Coordinator may have an obligation to report the information to law enforcement, such as where child abuse or neglect is reported, or where the conduct may constitute a felony. In such cases, law enforcement will typically respect the wishes of the Complainant as to whether to open a criminal investigation.

VII. Confidentiality and Privacy

Confidentiality and privacy are two distinct concepts under these procedures.

Privacy means that information will be protected except to the extent it is necessary to disclose information in order to respond to a report, effectuate supportive measures, facilitate an informal resolution, administer a formal complaint under these procedures, provide remedies to those who experience Prohibited Conduct, and ensure the safety of individuals and the College community. The Title IX Coordinator and other College employees are expected to respect the privacy of the parties and witnesses to a report or formal complaint and share information only on a “need to know” basis. Personally identifiable information regarding students is further protected by the federal Family Educational Rights and Privacy Act, but sharing information as required by these procedures is permitted under that Act.

Confidentiality means that information will not be shared by the individual who receives the information except in limited circumstances, such as where there is an imminent threat of harm to the individual or to others, or where there is knowledge or suspicion of child abuse or neglect. Confidential resources include licensed counselors, medical providers, attorneys, clergy, and certified rape crisis counselors.

Individuals seeking confidential assistance through campus resources may contact the following:

- Cincinnati State Student Counseling Services – 513.569.5779 (Students)

Individuals seeking confidential assistance off campus may contact the following:

- TriHealth EAP – TriHealthEAP.com or 800.642.9724 (Employees)
- Women Helping Women, 215 E 9th St. #7, Cincinnati, OH 45202 -- 513.381.5610
- Legal support through the following:
 - Legal Aid Society of Greater Cincinnati – <https://www.lascinti.org/>
 - Southeastern Ohio Legal Services – www.seols.org
- 24/7 Hotlines:
 - ChildHelp National Child Abuse Hotline – 800.422.4453
 - Crisis Text Line – text HOME to 741741
 - Gay, Lesbian, Bisexual and Transgender National Hotline – 888.843.4564
 - National Domestic Violence Hotline – 800.799.7233
 - National Human Trafficking Hotline – 888.373.7888
 - National Sexual Assault Hotline – 800.656.HOPE
 - National Suicide Prevention Lifeline – 800.273.8255
 - National Teen and Young Adult Dating Abuse Helpline – 866.331.9474 or text “loveis” to 22522
 - Ohio Hispanic Coalition Domestic Violence Hotline – 614.746.3534 (Spanish and English)
 - Ohio Sexual Violence Helpline – 844.OHIO HELP

VIII. Employee Reporting Responsibilities

The College recognizes that complainants may be most comfortable disclosing certain conduct to a College employee they know well, such as a faculty member, coach, or advisor. Students are welcome to speak with them about sex discrimination, sexual harassment, and retaliation, but should understand that these individuals and many other faculty and staff members are required to inform the Title IX Coordinator regarding any such information that they may receive as soon as possible. Employees who are designated as confidential resources (listed above) are not permitted to make such reports to the Title IX Coordinator.

IX. Supportive Measures

“Supportive Measures” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or deter sexual harassment.

Supportive measures may include one or more of the following:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules,
- Mutual restrictions on contact between the parties
- Changes in work locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Other similar measures

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures and shall consult with appropriate supervisors as necessary. The Title IX Coordinator is also responsible for maintaining records of all supportive measures that are given to each party, information about which measures were requested by a party but not offered and the rationale for such decision, and information about which supportive measures were offered but rejected by a party. If the College does not offer supportive measures to a party, it must document the reasons why such response was reasonable in light of the known circumstances.

X. Emergency Removal

The College retains the authority to remove a respondent from its program(s) or activity(ies) on an emergency basis, where the College (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct justifies a removal.

If the College determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal.

XI. Administrative Leave

Non-student employees may be placed on administrative leave during the grievance process. Placement on such leave is not considered to be an “emergency removal” and is not subject to the challenge procedure outlined in that section, above.

XII. Bias and Conflicts of Interest

Any individual designated by the College as a Title IX Coordinator, investigator, decision-maker, or informal resolution process facilitator, must not have a conflict of interest or bias for or against complainants or respondents generally, or for or against an individual complainant or respondent. For purposes of this Policy, the following will not be considered evidence of bias:

- The Title IX Coordinator’s initiation of a formal complaint, or;
- An individual’s decision that allegations warrant an investigation.

The College will apply an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating whether a particular person serving in a Title IX role is biased, and will exercise caution not to apply generalizations that might unreasonably conclude that bias exists. An individual’s current job title, professional qualifications, past experience, identity, or sex will not, alone, indicate bias.

Use of trauma-informed practices will not be considered evidence of bias when such practices do not:

- Rely on sex stereotypes;
- Apply generalizations to allegations in specific cases;
- Cause loss of impartiality, and;
- Prejudge of the facts at issue.

XIII. Presumption of Non-Responsibility

There is a presumption that a respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

XIV. Standard of Evidence

The standard of evidence for review of Formal Complaints under this Policy is preponderance of the evidence. “Preponderance of the evidence” is a determination based on facts that are more likely true than not.

The Respondent is presumed not to be responsible for the reported conduct until a determination regarding responsibility is made at the conclusion of the grievance process. In the preponderance of the evidence standard, where the evidence in a case is “equal” or “level” or “in equipoise,” the preponderance of the evidence standard results in a finding that the respondent is not responsible.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties.

XV. Investigation Process for Formal Complaints of Sex/Gender Discrimination or Retaliation.

Complaints alleging a violation of the College’s prohibition on sex/gender discrimination or retaliation are investigated and resolved for students through The Student Code of Conduct, and for employees through College Operations Manual. In all cases, the College strives to ensure a prompt and equitable resolution of complaints of discrimination on the basis of sex/gender.

XVI. Investigation Process for Formal Complaints of Title IX Sexual Harassment.

a. Timeframes

The College will attempt to complete most investigations within 60 business days. The timeframe for investigations will begin upon filing of a Formal Complaint and will conclude upon dissemination of the investigative report to the parties. Investigations and decision-making may be delayed, and timeframes may be extended, for good cause and with written notice provided to Complainants and Respondents including the reason for the delay or extension. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement or civil rights enforcement activity; or the need for language assistance or accommodation of disabilities.

b. Filing a Formal Complaint

After the initial discussion with the Complainant described in Section VI above, the Complainant will be asked whether they would like to file a Formal Complaint. “Formal Complaint” is defined as a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in an education program or activity of the College. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information found above. Additionally, a “document filed by a complainant” can be in the form of an electronic submission (such as by electronic mail or through an online portal provided for this purpose by The College) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

If the Title IX Coordinator initiates or signs a Formal Complaint, the Title IX Coordinator will not be considered a “Complainant” as that term is defined in this Policy.

Where a Formal Complaint alleges both Title IX Sexual Harassment and other potential violations of College policy, the Title IX Coordinator may choose to resolve those other violations through this process or to refer them to other College administrators for handling under other College policies.

i. Consolidation of Formal Complaints

The College may consolidate Formal Complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment rise out of the same facts or circumstances. The same facts and circumstances means that the multiple complainants’ allegations are so intertwined that their allegations directly relate to all the parties.

c. Grounds for Dismissal of Formal Complaint

If, after the initial review of the Formal Complaint by the Title IX Coordinator, it is determined that any of the following conditions exist, the College **will dismiss** the Formal Complaint from the Grievance Procedures outlined in this Policy:

- The alleged conduct, even if proved, would not constitute Title IX Sexual Harassment as defined by this Policy;
- The alleged conduct did not occur in the College's educational programs or activities, or;
- The alleged conduct did not occur against a person in the United States.

Although prior determinations on each of these issues were likely made earlier in the process, additional information may be uncovered during an investigation that requires them to be reconsidered. The Title IX Coordinator is responsible for reconsidering these issues at any point during the processes outlined in the Policy, which may result in the report of misconduct being referred to Human Resources, the Provost, or Student Development, and/or being dismissed from the Grievance Procedures outlined in this Policy.

The Title IX Coordinator **may**, in their sole discretion, also dismiss a formal complaint or allegations therein if:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by The College, or;
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Such a dismissal does not preclude the College from proceeding under another College conduct process.

The College will send written notice of the dismissal and the reasons for dismissal simultaneously to all parties.

d. Notice to the Parties

The College will provide to all known parties written notice of:

- The College's grievance process;
- The identities of the parties involved;
- The specific section(s) of the College policies that are reported to have been violated;
- The approximate date, time, and location of each reported incident;
- The presumption that the Respondent is not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- The parties' right to have an advisor of their choice, who may be an attorney;
- The parties' right to inspect and review evidence; and
- The date, time, location, participants, and purpose of all hearings, investigative interviews or other meetings to which the party is invited, with sufficient time for the party to prepare to participate.

If, during the course of the investigation, additional allegations of Title IX Sexual Harassment or the violation of other policies are reported or otherwise discovered, the parties will receive notice of these additional allegations that were not included in the original notice. The obligation to notify the parties of the allegations being investigated is an ongoing one.

e. Role of Advisors During an Investigation

Each party will have the right to bring an advisor of their choosing to any meetings or discussions relating to the investigation of a Formal Complaint. The advisor may advise the party directly and ask clarifying questions, but may not speak for the party or disrupt the investigation. If a party's advisor refuses to comply with restrictions set by the College, the College may require that the party use a different Advisor. This provision applies to all parts of the grievance proceeding except for the live hearing described in the section entitled "Hearing," below. For information about the role of Advisors during the live hearing, see the section entitled, "Advisors at Hearing."

f. Investigations

During the investigation, both the Complainant and Respondent may present statements, witnesses and other evidence to the investigator. The Complainant, the Respondent, and witnesses with relevant information may be interviewed as part of the full investigation. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. Follow-up interviews may be conducted by the investigator as needed.

The College will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The College will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. A party's communication with a witness or potential witness is considered part of a party's right to meaningfully participate in furthering the party's interests in the case, and not an "interference" with the investigation. However, where a party's conduct toward a witness might constitute "tampering" (for instance, by attempting to alter or prevent a witness's testimony), such conduct may be prohibited as retaliation.

The College will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent.

The parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source. The College will not consider or provide for inspection and review evidence which the College knows was illegally or unlawfully created or obtained. The College may impose on the parties and the party's advisors restrictions or require a non-disclosure agreement not to disseminate any of the evidence subject to inspection and review.

Prior to completion of the investigative report, The College will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The Title IX Coordinator has the discretion to determine the manner in which such evidence shall be shared, including any restrictions on dissemination of such evidence.

All evidence subject to the parties' inspection and review will be available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

g. Investigative Report

The investigator will prepare an investigative report that fairly summarizes relevant evidence and send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. If a party chooses to submit a written response, it must be submitted to the Title IX Coordinator within 10 calendar days of receipt of the report, unless an extension is granted. The responses will be shared with the other party(ies). If a party disagrees with an investigator's determination about relevance, the party may argue relevance in their written response, during the party's pre-hearing conference, and/or to the decision-maker at the hearing.

If the report involves multiple complainants, multiple respondents, or both, The College may issue a single investigative report.

If a party, after receiving and reviewing the investigation report, believes that an incorrect determination was made pursuant to the section regarding "Grounds for Dismissal of Formal Complaint," above, that party may submit a written appeal of the decision to proceed with the case as one of Title IX Sexual Harassment. The appealing party must submit a written appeal that explains the basis for their objection within 3 calendar days of receiving the investigation report. The appeal will then be considered by an appropriately trained staff member designated by the Title IX Coordinator, and an appeal decision will be communicated in writing, to the parties, their advisors, and the Title IX Coordinator within 3 calendar days.

In cases where there is an appeal at this juncture, the parties will have 10 calendar days from the date of the appeal decision to submit a written response to the Investigation Report. The written appeal and appeal decision will be included for consideration in the resolution process.

XVII. Hearings

When the investigation is concluded, and the parties have had the opportunity to review the evidence and the opportunity to respond in writing to the draft investigation report as described in the section entitled "Investigation Report," above, the College will facilitate a live hearing during which each party's advisor will be permitted to ask the other party and any witnesses all relevant question and follow-up questions, including those questions that challenge credibility. The Title IX Coordinator will appoint a person to serve as a trained decision-maker during the hearing. The decision-maker will not be the Title IX Coordinator or the individual who investigated the Formal Complaint. The decision-maker may also ask questions of the parties and witnesses.

Hearings will be conducted with all parties physically present in the same geographic location or, at the discretion of the College, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

Hearing witnesses will only participate in the Hearing when they are answering questions. They will not be permitted to observe or otherwise participate in the Hearing unless they are serving as an Advisor, at outlined below in "Advisors at Hearings."

The College will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

a. *Pre-Hearing Conference*

Each party will have their own Pre-Hearing Conference with the decision-maker prior to the hearing, which will be scheduled no less than 10 days after the investigator has sent the investigative report to each party and the party's advisor. The Title IX Coordinator or decision-maker will communicate to the parties and their advisors the date, time, and format for their Pre-Hearing Conference. The decision-maker and the advisor must be in attendance. While the parties are encouraged to attend, they are not required to do so.

During the Pre-Hearing Conference, the advisor must share with the decision-maker their list of witnesses to appear at the hearing, the identity of any requested witnesses that were not questioned during the investigation, the request for any new evidence to be considered that was not submitted previously to the investigators, and the availability of the advisor and the party for hearing dates.

Evidence and witnesses may only be presented at the hearing if they were submitted to the investigators and made available to the parties for review, unless they were unavailable at the time of the investigation or the relevance was unknown until the investigation report was submitted. The decision-maker will address any requests to present new evidence and new witnesses at the Pre-Hearing Conference.

The advisor is offered the opportunity to, but is not required to, discuss lines of questioning with the decision-maker at the Pre-Hearing Conference to obtain guidance from the decision-maker on relevancy prior to the hearing. Additionally, the decision-maker will discuss the expectations and guidelines for appropriate behavior and decorum during the hearing.

After the conclusion of the Pre-Hearing Conferences, the Title IX Coordinator or decision-maker will provide each party and their advisor with written notice of the date, time, and manner for the hearing, which will typically occur no less than 10 days after the conclusion of the final Pre-Hearing Conference.

b. *Role of Advisors at Hearings*

In order to question a party or witness at a hearing, a party must be accompanied by an Advisor. Parties will not be permitted to conduct cross-examination on their own. The College will not limit the choice or presence of any advisor for a complainant or respondent, and the advisor of their choice may be, but is not required to be, an attorney. If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

At the live hearing, the decision-maker will permit each party's advisor to ask relevant questions of the other party and any witnesses, including those challenging credibility. Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. All questioning at the live hearing must be relevant, respectful, and non-abusive. No party will be "yelled" at or asked questions in an abusive or intimidating manner. If a party's advisor refuses to comply with restrictions set by the College, the College may require that the party use a different Advisor.

c. Relevance

During the hearing, only relevant cross-examination and other questions may be asked of a party or witness.

The following is considered irrelevant:

- Repetition of the same question;
- Evidence that is duplicative of other evidence;
- Questions related to information that is protected by a legally recognized privilege, unless such privilege has been waived by the individual who holds the privilege;
- Questions related to a party's medical, counseling/psychological, and similar treatment records unless the party has given voluntary, written consent; and
- Questions related to information about the complainant's sexual predisposition or prior sexual behavior, unless:
 - The information is to offered to prove that someone other than the respondent committed the alleged Title IX Sexual Harassment, or
 - The information concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Evidence will not be excluded at the hearing solely because it is unduly prejudicial, concerns prior bad acts, or constitutes character evidence. However, the Decision-Maker may objectively evaluate such evidence by analyzing whether that evidence warrants a high or low level of weight or credibility.

During the hearing, the decision-maker will first determine whether a question is relevant, and explain any decision to exclude a question as not relevant, before a complainant, respondent, or witness answers a cross-examination or other question.

The College will not require parties to submit cross-examination questions before they are asked.

Decision-makers are not required to give a lengthy or complicated explanation of a relevancy determination during the hearing. The decision-maker may send to the parties after the hearing any revisions to the decision-maker's explanation that was provided during the hearing.

d. Credibility

The decision-maker will evaluate all admissible, relevant evidence for weight or credibility. The degree to which any inaccuracy, inconsistency, or implausibility in a narrative provided by a party or witness should affect a determination regarding responsibility is a matter to be decided by the decision-maker, after

having the opportunity to ask questions of parties and witnesses, and to observe how parties and witnesses answer the questions posed by the other party. Corroborating evidence is not required.

Credibility determinations are not based solely on observing demeanor, but also are based on other factors (e.g., specific details, inherent plausibility, internal consistency, corroborative evidence). Cross-examination brings those important factors to a decision-maker's attention.

A party's answers to cross-examination questions can and should be evaluated by a decision-maker in context, including taking into account that a party may experience stress while trying to answer questions.

e. Decision

The decision-maker must objectively evaluate all relevant evidence, both inculpatory and exculpatory, and must independently reach a determination regarding responsibility without giving deference to the investigative report. The decision-maker has the right to ask questions and elicit information from parties and witnesses on the decision-maker's own initiative to aid the decision-maker in obtaining relevant evidence, both inculpatory and exculpatory. The parties will have equal rights to present evidence in front of the decision-maker so the decision-maker has the benefit of perceiving each party's unique perspectives about the evidence.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker will not rely on any statement (factual assertion to prove or disprove the allegations) of that party or witness in reaching a determination regarding responsibility. The decision-maker will not draw an inference about the determination regarding responsibility based solely on a party's or witness' absence from the live hearing or refusal to answer cross-examination or other questions.

Video evidence showing the conduct alleged within a Formal Complaint may be considered, even if the party performing said conduct does not submit to cross-examination.

In cases where a respondent's alleged verbal conduct is, itself, the conduct alleged to be Title IX Sexual Harassment, statements regarding the alleged verbal conduct are not considered the respondent's statement for purposes of this section. This is because the verbal conduct at issue does not constitute the making of a factual assertion to prove or disprove the allegations of sexual harassment; instead, the verbal conduct constitutes part or all of the underlying allegations of sexual harassment itself.

Within 21 days of the hearing, the decision-maker will issue a written determination of responsibility. This determination will include:

- Identification of the allegations potentially constituting Title IX Sexual Harassment
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including:
 - a determination regarding responsibility,
 - any disciplinary sanctions the College imposes on the respondent,

- whether remedies will be provided by The College to the complainant; and
- The College's procedures and permissible bases for the complainant and respondent to appeal

The determination will lay out the evidentiary basis for conclusions reached in the case. The nature of remedies, if any, will not be included within the determination. The determination will be provided to the parties simultaneously.

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

f. *Sanctions and Remedies*

Sanctions that may be imposed include:

- Continuing “no contact” orders;
- Trespass order prohibiting presence on campus, at College-owned facilities, and/or at campus activities or events;
- Fines/work detail;
- Required counseling;
- Alcohol/drug assessment;
- Restitution/Restoration, where property has been damaged/stolen or funds have been misappropriated;
- Campus Restriction on behavior, access to certain campus facilities, participation in campus activities, housing restrictions, and/or scheduling restrictions;
- Social Probation
- Suspension of student;
- Dismissal;
- Written warning of employee;
- Suspension of employee, with or without pay;
- Termination of employment; and
- Cancellation of third-party contract.

When a determination of responsibility for Title IX Sexual Harassment has been made, the College will provide remedies to a complainant designed to restore or preserve equal access to the College’s education program or activity. Such remedies may include the same individualized services provided as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent after a determination of responsibility for Title IX Sexual Harassment has been made. The Title IX Coordinator is responsible for effective implementation of remedies. Where the final determination has indicated that remedies will be provided, the complainant can then communicate separately with the Title IX Coordinator or their designee to discuss what remedies are appropriately designed to preserve or restore the complainant’s equal access to education. Remedies for a complainant which do not affect the respondent must not be disclosed to the respondent by the College.

XVIII. Informal Resolution

In many situations where a Formal Complaint has been filed, the College offers an informal resolution process to address certain Prohibited Conduct. Informal resolution is not available to resolve Title IX Sexual Harassment allegations brought by a student against an employee of the College, or where the Title IX Coordinator, in their discretion, believes it is inappropriate under the circumstances.

Participation in the College's informal resolution process is voluntary. The College will not require that a complainant or respondent participate in informal resolution under any circumstance, and the College will not require a complainant or respondent to waive their right to a full investigation and adjudication under this Policy. The College will not condition enrollment, continued enrollment, employment, or continued employment, or another other right granted by the College, on participation in an information resolution process.

The goal of the College's informal resolution process is to find an acceptable resolution for both parties without invoking the full investigation and adjudication process described above. The informal process may include counseling the Complainant on ways to address the Respondent directly regarding their behavior if the Complainant is comfortable doing so, counseling of the Respondent by the Title IX Coordinator on changing their behavior, a facilitated discussion between the Complainant and Respondent, a mediated agreement between the Complainant and Respondent, or any other informal process that is appropriate under the circumstances.

The parties may choose to pursue a formal resolution and end the informal resolution process at any time prior to reaching a determination of responsibility.

The College is responsible for taking the following steps prior to facilitating an informal resolution:

- Providing written notice to the parties of:
 - the allegations,
 - the requirements of the informal resolution process including the circumstances under which an agreed course of action would preclude the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and
 - any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- Obtaining the parties' voluntary, written consent to the informal resolution process.

Complainants and respondents are permitted to bring an advisor of their choosing to any discussions as part of the informal resolution process. An advisor may offer their assistance to the complainant or respondent, but may not speak for them during the process.

XIX. Appeals

Complainants and respondents may appeal the decision-maker's determination regarding responsibility within five (5) business days from the date of the written determination described in Section XVII.e, above. Complainants and respondents may also appeal the College's dismissal of a Formal Complaint or any allegations therein within five (5) business days from the date of the written notice of dismissal described in "Grounds for Dismissal of Formal Complaint," above. The College will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The non-appealing party will have five (5) business days from the date of the written notice of the appeal to submit a written statement in response to the appeal.

Grounds for appeal include:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

All grounds for appeal will be available to all parties.

The decision-maker for the appeal will not be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator. The decision-maker for the appeal will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties within 10 business days of the date the non-appealing party's written response to the appeal is received.

XX. Training

The College provides annual training opportunities on sexual harassment, sexual misconduct, dating violence, domestic violence, and stalking for faculty, staff, and Board of Trustee members. Students are provided with various training opportunities on Title IX.

The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, will receive training on the definition of sexual harassment, the scope of The College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. This includes how to apply the definitions with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with this policy.

Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Decision-makers will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Training materials for training under this section will be made publicly available through the College's website. Published training materials will be up-to-date and reflect the latest training provided.

The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, will receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

XXI. Record-Keeping

The College will retain all records of each investigation instituted under this policy for seven (7) years. Records will include all documents, recordings, or transcripts from investigations, hearings, appeals, and informal resolutions, as well as records of any actions taken in response to a report or Formal Complaint of sexual harassment, including consideration of supportive measures. The College will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity.

The first date of the first record created by the College will begin the seven year retention period. Records will be maintained for all investigations including investigations that have been dismissed, completed, or otherwise resolved.

The College will also maintain and publish on the College's website training materials of employees who serve as Title IX Coordinators, investigators, decision-makers, and persons who facilitate informal resolutions.

XXII. Consensual Relationships

Consensual sexual relationship misconduct among employees: Consensual sexual relationships between administrators, supervisors, deans or chairpersons and the employees they supervise, professionally advise, counsel, or employees over whom they have direct impact on the employee's terms and conditions of employment is strictly prohibited.

Consensual sexual relationship misconduct with students: The college strictly prohibits consensual sexual relationships between faculty members and the students or student employees enrolled in a class or class sequence(s) taught, advised, counseled, coached or supervised by the faculty member, or over whom the faculty member has direct impact on the student or student employee's academic enrollment or success.

The college strictly prohibits consensual sexual relationships between administrators, supervisors, deans, chairpersons or employees and the student or student employees whom they advise, counsel, coach or

supervise, or over whom they have a direct impact on the student or student employee's academic enrollment or success.

XXIII. Academic Freedom

The College is committed to providing a safe, anti-harassing, and nondiscriminatory environment that protects the civil rights of individuals, and the College recognizes academic freedom and the constitutional protection of the First Amendment.

This procedure is not intended to restrict serious discussion of controversial issues in a training or academic situation. In order to prevent claims that course content is discriminatory, harassing, or offensive, it is recommended that participants in such discussions are provided with a disclosure that the content may be controversial.