

Converse College Sexual and Gender-Based Misconduct Policy

Important information for individuals who may be victims of sexual assault: If you or someone you know may have been a victim of sexual assault or any other type of sexual misconduct, you are encouraged to seek immediate assistance. Assistance can be obtained 24 hours a day, seven days a week from the Residence Director on call at 864.621.7114 or call Campus Safety at 864.596.9026.

For additional information about seeking medical assistance and emotional support, as well as important resource information, contact a member of the Wellness Center staff at 864.596.9258 or wellnesscenter@converse.edu.

During business hours, you also are encouraged to contact one of the following individuals:

Title IX Coordinator: Tori McLean Good, MEd
Title IX Coordinator
Assistant Director for Philanthropy
864.596.9233
tori.good@converse.edu
Location: Wilson 352
Campus Representative

Title IX Deputy Coordinators: Keshia Jackson Gilliam, EdD
Director of Human Resources
864.596.9029
nikeshiajackson.gilliam@converse.edu
Location: Carnegie 204
Faculty, Staff, Adjunct, Subsidiary Representative

Jodi Strehl, MSW
Assistant Athletic Director
864.596.9671
jodi.strehl@converse.edu
Location: Marsha H Gibbs 216
Athletics Representative

Duties and responsibilities of the Coordinators are to monitor and oversee implementation of Title IX compliance at the College, including coordination of training, education, communication, and administration of procedures for faculty, staff, students and other members of the College community, such as contract employees, Board members, and auxiliary staff. Complaints against Converse Faculty, Staff, Adjuncts, Students, or Converse contracted vendors that involve allegations of sexual harassment, sex discrimination, or sexual assault should be directed to the appropriate Coordinator(s).

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I. Statement of Purpose and Values

Converse College is dedicated to providing a learning, living, and working environment that is free from sexual harassment and sex discrimination. We are committed to ensuring a safe campus climate for our entire College community. We promote fundamental rights, advance individual and institutional integrity, and uphold the vital aims of Title IX. Converse College prohibits sexual and gender-based misconduct (hereafter “prohibited conduct”) in any form, including sexual assault, sexual harassment, gender-based harassment, sexual exploitation, stalking, domestic violence, dating violence, and retaliation, all as defined in Appendix A of This Policy. The College will respond to reports of prohibited conduct in accordance with this Policy.

II. Title IX

Title IX of the Education Amendments of 1972 is a federal law that states “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

Subsequent guidance from the Office for Civil Rights clarified that educational institutions should regard sexual harassment, including all forms of sexual violence, as a form of sex discrimination prohibited by Title IX. Educational institutions, including Converse College, have trained Title IX Coordinators, adopted a Sexual and Gender-Based Misconduct Policy, and expanded prevention and education efforts on campus.

III. Notice of Non-Discrimination

Converse College is an independent, privately-supported institution committed to providing a high-quality education to qualified students regardless of race, color, creed, religion, sexual orientation, disability, age, national or ethnic origin, veteran status, genetic information, or any other status protected by applicable federal, state, or local law unless allowed by law and deemed necessary to the administration of the College’s educational programs or operations. This policy applies to all of the College’s operations, including but not limited to, the administration of all educational, athletic, financial and employment activities. The College’s policies comply with the requirements of Title IX, and all other applicable federal, state, and local statutes, regulations, and guidelines. For more information, call the director of human resources: (864) 596-9029 or visit <https://www.converse.edu/about/non-discrimination-policy/>.

IV. Policy Scope

A. Who This Policy Covers

This Policy applies to all Converse College students, all individuals employed by Converse College, individuals contracted with the College to provide service to students, and all third-party vendors related to Converse College. In particular, this Policy protects students and employees who fit either of the following descriptions:

1. Are victims of any form of prohibited conduct, by any other person (student, employee, or others outside the College community)
2. Are accused of engaging in behavior prohibited by This Policy.

Any person may file a complaint alleging prohibited conduct (see Appendix A) against a Converse College student or employee. However, with respect to any complaint that is 1) by a person who is not a member of the College community, or 2) relating to non-College conduct, the College reserves the right to determine, in its sole discretion, whether the conduct described in the complaint bears a sufficient nexus to the educational program or employment relationship of a Converse College student/employee or constitutes a sufficient risk to the College community to proceed under this Policy.

B. Geographic Location

This Policy is applicable to College community members (students, employees, contracted services, and third party vendors) regardless of the geographic location or virtual location of the incident.

C. Conduct This Policy Covers

This Policy encompasses all conduct prohibited under Appendix A of This Policy. Prohibited conduct can be committed by a person of any gender, and it can occur between people of the same or different gender.

D. Amnesty for Investigation Participants

The College encourages all individuals to report incidents of prohibited conduct and to participate in good faith in an investigation into an incident of misconduct. Although the College does not condone underage drinking or illegal drug use, the College will not pursue disciplinary action against those individuals for improper use of alcohol or other drugs by those reporting incidents in good faith and/or assisting the victims of prohibited conduct.

E. Retaliation

It is the policy of Converse College that no retaliatory action shall be taken against any person exercising their rights as an employee or student in reporting misconduct, irrespective of the outcome of any procedure instituted hereunder. Should retaliation actually occur, such act shall be considered a serious violation of College policy and will be dealt with accordingly. Encouraging others to retaliate is also a violation of this policy.

F. Prohibition on Providing False Information or Interfering with an Investigation.

Any individual who knowingly files a false Complaint under this Policy or who interferes with an investigation may be subject to disciplinary action. Interference with an investigation may include, but is not limited to:

- Attempting to coerce, compel or prevent an individual from providing testimony or relevant information;
- Removing, destroying or altering documentation relevant to the investigation; or
- Providing false or misleading information to College officials who are involved in the investigation and resolution of a Complaint, or encouraging others to do so.

G. Time Frames for Reporting and Response

The College strongly encourages prompt reporting of complaints and information. While there is no time limit in invoking This Policy in responding to complaints of alleged sexual or gender-based misconduct, a complaint should be submitted as soon as possible after the event takes place (with exception to “Responsible Employees,” please see section VI.B.i. Individuals are encouraged to report prohibited conduct immediately in order to maximize the College’s ability to respond promptly and equitably. The College does not, however, limit the time frame for reporting.

The College will not be able to pursue disciplinary action against an individual who is no longer affiliated with the College. Under those circumstances, the College will still conduct a Title IX review and offer resources to Complainants or reporting individuals.

Generally, the College will attempt to complete the investigation and resolution process within 60 days. However, the time frames set forth in these procedures are meant to provide guidance, and the College may alter or extend time frames, with notice to the parties, as appropriate. The time it takes to complete the resolution of a complaint of prohibited conduct may vary based on the complexity of the investigation and the severity and extent of the alleged conduct, as well as on whether there is a parallel criminal investigation or if school breaks occur during the process. However, the College would not halt or suspend a case because of an ongoing criminal investigation.

V. Medical Services

In case of emergencies, dial 9-1-1 and/or Campus Safety 864.596.9026.

Victims of sexual violence or any unwanted touching should consider seeking medical advice for treatment of injuries, in case of exposure to sexually transmitted infections (STIs), for pregnancy concerns, and to preserve evidence of sexual assault so that options can be considered at a later time. A confidential advocate can accompany a victim to the hospital and throughout the reporting process. To request an advocate, please contact the Safe Homes Rape Crisis Coalition 24-hour hotline at 1.800.273.5066.

a. Sexual Assault Forensic Exams

DNA evidence can be collected from a victim’s body, clothing, and other personal belongings. To have this evidence collected, the victim may choose to have a sexual assault forensic exam. The victim does not have to report the crime to have an exam, but the exam allows the victim to have evidence stored in case the individual chooses to report at a later time.

To learn more about what can be expected during a sexual assault forensic exam and locations that perform these exams, please visit <https://www.rainn.org/articles/rape-kit>.

b. On Campus Medical Services

Wellness Center

Rear of Andrews Hall
864.596.9258
wellness.center@converse.edu

The Wellness Center cannot offer on-campus sexual assault forensic exams.

c. Off Campus Medical Services

Spartanburg Medical Center
101 E Wood St
Spartanburg, SC 29303
864.560.6000

Spartanburg Medical Center offers nurses, sexual assault nurse examiners (SANE), who have specific training to provide sexual assault forensic exams. To ensure a sexual assault nurse examiner will be at the hospital when needed, call 864.560.7059 or 864.706.4417.

VI. Privacy and Confidentiality

The College encourages victims of sexual violence to talk to somebody about what happened so victims can get the support they need, and so the College can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality. Some employees are required to maintain near complete confidentiality while others are required to report all the details of an incident to the Title IX Coordinator. A report to these employees constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

A. Confidential Communications

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the College community (and including those who act in that role under the supervision of a licensed counselor), when acting in that professional role, are not required to report any information about an incident to the Title IX coordinator without a victim's permission. Additionally, licensed medical professionals (e.g., physicians, nurses, physicians' assistants, etc.), when acting in that professional role, are not required to report any information to the Title IX Coordinator. Following is the contact information for the Confidential Resources provided by Converse College:

College Chaplain
Montgomery Student Center, 201
864.596.9078

Wellness Center, Health Services (provided by Mary Black Health System)
Rear of Andrews Hall
864.596.9258

For Students: Counseling Services in the Wellness Center
Rear of Andrews Hall
864.596.9258

For Employees: Employee Assistance Program
888.628.4824

Additional community and national resources are available in section XI.B.

NOTE: While professional counselors may maintain a victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law.

ALSO NOTE: If the College determines that the alleged perpetrator(s) pose a serious and immediate threat to the College community, Campus Safety may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim. Additionally, in some circumstances, due to state law, the College may have to forward non-identifiable information to the State Law Enforcement Division to inform the proper authorities an incident occurred; however, it is the right of the victim to determine whether they would like to file a police report. Please see section VI.D. for more information.

B. Private Communications

Communications with the below employees are considered "private." These individuals will share information only with the Title IX Coordinator, Title IX Deputy Coordinators, and employees who need to know the information in order to do their jobs.

i. Responsible Employees

A "Responsible Employee" is any College employee, including community advisors and peer academic coaches, who is not a confidential resource. A Responsible Employee is required to share with the College's Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of prohibited conduct that involves any College community member (as a Complainant, Respondent, or witness). Relevant details must be shared with the Title IX Coordinator within 24 hours of a Responsible Employee receiving the information, including, if known, the names of the individuals involved; any witnesses; and the date, time, and specific location of the alleged incident.

Responsible Employees should share with students their duty to share information with the Title IX Coordinator and should provide information regarding confidential resources. Responsible Employees will keep all information private and will only share information with the Title IX Coordinator, a Title IX Deputy Coordinator, and employees who need to know the information in order to do their jobs.

ii. Reporting Prohibited Conduct Where Either the Complainant or the Respondent is an Employee

Under this Policy, supervisors, management, and human resources professionals are required to report to the College's Title IX Coordinator all relevant details about an incident of Prohibited Conduct where either the Complainant or the Respondent is an employee within 24 hours of receiving the information. Reporting is required when such supervisors, management, and human resource professionals know (by reason of a direct or indirect disclosure) or should have known of such Prohibited Conduct. For academic faculty, supervisors include department chairs and deans. Supervisors, managers, and human resources professionals will keep all information private and will only share information with the Title IX Coordinator, a Title IX Deputy Coordinator, and employees who need to know the information in order to do their jobs.

C. Requesting Confidentiality from the College: How the College Will Weigh the Request and Respond.

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action

taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim. If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. Although rare, there are times when the College may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of prohibited conduct, such as:
 - whether there have been other sexual violence complaints about the same alleged perpetrator; or whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
 - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group. The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action.

If none of these factors is present, the College will likely respect the victim's request for confidentiality.

If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan.

The College may not require a victim to participate in any investigation or disciplinary proceeding. Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual or gender-based misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices. If the College determines that it can respect a victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

D. Compliance with Federal and State Laws: Clery Act and the Jessica Horton Act

Pursuant to the Clery Act, the College includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the College to issue timely warnings to the College community about certain crimes that have been reported and may continue to pose a serious or

continuing threat to students and employees. Consistent with the Clery Act, the College withholds the names and other personally identifying information of Complainants when issuing timely warnings to the College community.

When the Title IX Coordinator receives a report regarding sexual assault, stalking, dating violence and/or domestic violence, they will submit relevant, but no personally identifiable information, to Campus Safety. Campus Safety will determine whether a timely warning needs to be issued and will send information to the State Law Enforcement Division, pursuant to the Jessica Horton Act, whenever legally required.

VII. Reporting Options

Title IX provides options for an individual to make a report regarding prohibited conduct. If, after reading this section, the options are unclear, please contact a confidential resource (section VI.A.) to further discuss options and possible outcomes. Additional community and national resources are available in section XI.B.

A. Emergency Reporting

In an emergency, individuals should always call 9-1-1. If the situation is not an emergency and an individual would like to make a report, please choose from the below options.

B. Reporting to a Title IX Coordinator or Deputy Coordinator

Reports of sexual or gender-based misconduct can be made to a Title IX Coordinator or Deputy Title IX Coordinators. Title IX Coordinators and Deputy Title IX Coordinators are College employees who are specially trained to oversee the resolution of complaints of prohibited conduct.

For more information about the investigation process, please see section IX.D.ii.

C. Reporting to Campus Safety/Law Enforcement

Because prohibited conduct may constitute both a violation of a college policy and a criminal activity, the college encourages, but does not require, individuals to report concerns of prohibited conduct to law enforcement as soon as possible after the incident. Individuals may proceed under this Policy whether they elect to report to law enforcement as well.

If an individual/Complainant chooses to proceed with a complaint on campus and with law enforcement, the College, if requested by the Complainant, will coordinate with local law enforcement if possible.

The following contact information includes non-emergency numbers for Campus Safety and local police:

Converse College Campus Safety
864.596.9026

Spartanburg Police Department
145 W Broad St
Spartanburg, SC 29306
864.596.2222

D. Reporting Anonymously

Although the College encourages victims to talk to someone, the College provides an online form for anonymous reporting on My.Converse on the Title IX page. The system will notify the user

(before they enter information) that entering personally identifying information may serve as notice to the College for the purpose of triggering an investigation.

VIII. Policies Applicable to All Complaints of Prohibited Conduct

A. Case Oversight

The Assigned Title IX Deputy Coordinator will be responsible for overseeing the prompt, fair, thorough and impartial investigation and resolution of Complaints filed with or disclosed to the College. The Title IX Coordinator may also serve the function of the Assigned Title IX Deputy Coordinator in the resolution of a Complaint.

B. Accommodations for Individuals with Disabilities

Individuals with disabilities will receive necessary and appropriate accommodations throughout the processes set forth in this Policy. To receive accommodations, an individual must notify the assigned Title IX Deputy Coordinator that they have a disability and require accommodations. The assigned Title IX Deputy Coordinator will work with the individual, the Title IX Coordinator, the Assistant Dean of Academic Support & Accommodations, and/or the Director of Human Resources to provide accommodations throughout the processes set forth in This Policy. Individuals with disabilities who need accommodations during the processes set forth in This Policy but who do not have approved accommodations through the College must submit a request to the Assistant Dean of Academic Support & Accommodations (for students) or the Director of Human Resources (for faculty/staff).

C. Respondent's Acknowledgement of Responsibility

At any time prior to the imposition of sanctions, the Respondent may elect to acknowledge their actions and take responsibility for the alleged Sexual or Gender-based Misconduct. In such a situation, the resolution will move to the appropriate administrator to assign appropriate sanctions outlined in Appendix B.

D. Conflicts

If any employee designated by this Policy to participate in the investigation or resolution of a Complaint is the Complainant, Respondent, or a witness, then the Title IX Coordinator will appoint another College administrator to perform such person's duties under this Policy. (If the Title IX Coordinator is the Complainant, Respondent, or a witness, then the President of the College will appoint another College employee to perform their duties under this Policy).

If a Deputy Coordinator, Investigator, or College administrator assigned to any stage of the process has a conflict of interest or is suspected of bias, parties should inform the Title IX Coordinator as soon as possible to ensure a timely process.

E. Support Persons

The Complainant and the Respondent are not limited in their choice of support person. However, a person may not serve as both a support person and a witness in a proceeding. Support persons may be friends, family members, victim advocates, lawyers, or others. The Complainant and the Respondent may consult with their respective support persons during meetings, provided that such consultation is not disruptive. Support persons may not, however, have a speaking role during any meeting. In addition, the support person's attendance may be disallowed if such support person's presence would be obstructive or would otherwise warrant their removal. Absent accommodation for disability, the Complainant and the Respondent may

not be accompanied by more than one support person or by other individuals during meetings. For the avoidance of doubt, the College may seek advice from the College's counsel at any time.

F. Timing

The College will make every reasonable effort to ensure that the investigation and resolution of a Complaint occurs in as timely and efficient a manner as possible. The timelines set forth in this Policy are intended as guidelines and may be altered for good cause. The College will strive to complete its investigation and resolution of a Complaint (not including an appeal, if applicable) within 60 calendar days of the receipt of the Complaint, absent extenuating circumstances. If circumstances, such as complexity of the case, non-availability of parties or witnesses, College breaks or other circumstances require the College's investigation and resolution to extend past 60 days, the College will notify the parties of that fact.

Any party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Title IX Coordinator may modify any deadlines contained in this Policy as necessary and for good cause; in such case, the Title IX Coordinator will provide the Complainant and the Respondent with written notice of the modification and the reason therefor.

G. Documentation

The College will retain documentation (including but not limited to the written Complaint, notifications, the Investigative Report, written findings of fact, petitions for appeal, notifications of decisions (including the Final Outcome Letter) and any written communication between the parties), for at least seven years. Documentation pertaining to expulsions or degree revocations will be retained indefinitely or in accordance with College policy.

H. Confidentiality and Disclosure

In order to comply with FERPA, Title IX, and other applicable laws, and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the resolution processes are not open to the general public. Accordingly, documents prepared in anticipation of the alternative and/or the formal resolution processes (including the Complaint, the Investigative Report, and notices and communications to or from the Complainant or the Respondent); documents, statements, or other information introduced in the interviews, meetings, and proceedings; and the Final Outcome letter may not be disclosed outside of those processes except as may be required or authorized by law. The College reserves the right to notify parent(s) or guardian(s) of a student Respondent of the outcome of any investigation involving that Respondent, redacting names of any other students who do not consent to the disclosure of their information. For the avoidance of doubt, College policy does not prohibit the further disclosure of the Final Outcome Letter by either the Complainant or the Respondent. However, the College strongly encourages parties to maintain privacy in proceedings pursuant to this policy.

I. Violations Involving Groups of Individuals

Members of a student group, an organization, a College department or a team, or individuals collusively acting in concert in violation of this policy may be charged as a group and/or as individuals, and an investigation may proceed against the group as joint respondents or against one or more involved individuals as appropriate given the available information and the circumstances. A student group, an organization, or a team's officers and members may be held

collectively and individually responsible when violations of this policy by the organization or its members:

1. occurred at organization-sponsored events;
2. received the consent or encouragement of the organization or of the organization's leaders or officers; or
3. were known or reasonably should have been known to the membership or its officers.

In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and/or individually in proportion to the involvement of each individual. Moreover, consistent with the provisions of section IX.B., the College may impose interim measures against a group including but not limited to social suspension and restriction of access to College facilities.

J. Consolidation of Investigations

The Title IX Coordinator may consolidate multiple reports against a single Respondent or group of Respondents into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident(s).

Additionally, if a report of Prohibited Conduct also includes related conduct prohibited by another College Policy, the Title IX Coordinator in consultation with the appropriate administrator(s) will evaluate all reported allegations to determine whether the alleged Prohibited Conduct and the alleged related conduct prohibited by other College policies should be investigated together and/or adjudicated together. Where the Title IX Coordinator and appropriate administrator(s) determine that a single investigation is appropriate, the determination of responsibility for the violation of College policy will be evaluated under the applicable policy, but the investigation and resolution will be conducted in accordance with these Procedures.

IX. Process for Responding to Reports of Sexual or Gender-Based Misconduct

A. A Report of Prohibited Conduct Becomes a Complaint

When the Title IX Coordinator receives an initial report of sexual or gender-based misconduct, the Title IX Coordinator will set up an initial meeting with the potential complainant to review options and resources. If the individual decides to move forward with the process outlined in This Policy, or if the College determines that it is necessary or appropriate to investigate, the report will become a Complaint. At this time, the individual will be referred to as the "Complainant."

As soon as is practicable, but within three (3) business days, the Title IX Coordinator will assign a Title IX Deputy Coordinator to directly oversee the Complaint process.

B. Evaluation of Interim Measures

Following the initiation of a Complaint (and at any point during the complaint, investigative or disciplinary processes), if the assigned Title IX deputy Coordinator deems it necessary for the protection of any member of the college community, the assigned Title IX Deputy Coordinator will determine which, if any, measures and/or actions should be taken.

Interim actions to support both a Complainant and/or a Respondent include but are not limited to: providing counseling and/or medical services, academic support, living arrangement

adjustments, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, and referral to campus and community resources. Additionally, for the protection of the parties, the College may implement no contact orders and/or no trespass notices.

The College may suspend, on an interim basis, a student or student organization or place an employee on administrative leave pending the completion of the investigation and procedures. In cases in which an interim suspension or administrative leave is imposed, the student, employee, or student organization will be given the opportunity to meet with an appropriate administrator prior to such action being imposed, or as soon thereafter as reasonably possible, to appeal the action and to show cause why the action should not be implemented. Failure to comply with interim provisions will be grounds for disciplinary action.

During an interim suspension or administrative leave, a student or employee may be denied access to College housing and/or the College campus, facilities, or events, either entirely or with specific application. As determined by the appropriate administrator, this restriction includes classes and/or all other College activities or privileges for which the individual might otherwise be eligible. At the discretion of the appropriate administrative officer, alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent student. At the discretion of the appropriate administrative officer, alternative employment/work options may be pursued to ensure as minimal an impact as possible on the respondent employee.

Interim measures may be reevaluated if the measures become burdensome throughout the duration of the investigation and findings. Duration of interim measures will be evaluated on a case by case basis.

- i. **Risk Factors.** The seriousness of the alleged prohibited conduct as well as the increased risk that the Respondent will commit additional acts of prohibited conduct such as (1) whether there have been other reports or complaints against the Respondent, (2) whether the Respondent has a history of arrests or records from a prior institution indicating a history of prohibited conduct or a history of violence, (3) whether the respondent threatened further prohibited conduct or threatened violence against the Complainant or others, or (4) whether the prohibited conduct was committed by multiple perpetrators.

C. Initial Meetings with the Assigned Title IX Deputy Coordinator

Complainant's Initial Meeting with the Assigned Title IX Deputy Coordinator. Within two business days, the Assigned Title IX Deputy Coordinator will contact the Complainant to schedule an initial meeting to discuss the Complaint and avenues for its resolution.

Following the meeting with the Complainant, the Assigned Title IX Deputy Coordinator will, if applicable, promptly determine the interim measures to be provided to the Complainant during the investigative and resolution processes. (If interim protective measures have already been implemented pursuant to section IX.B., the Assigned Title IX Deputy Coordinator will evaluate whether they should continue to be provided and whether other interim measures should also be implemented.) These interim measures may include the protective measures listed in section IX.B. and/or other appropriate interim measures.

Such determination will promptly be communicated to the Complainant (no later than it is communicated to the Respondent) and, to the extent that it affects them,

the Respondent.

Respondent's Initial Meeting with the Assigned Title IX Deputy Coordinator. Within two business days after the Assigned Title IX Deputy Coordinator's initial meeting with the Complainant, the Assigned Title IX Deputy Coordinator will schedule an initial meeting with the Respondent to discuss the Complaint, to inform the Respondent of any interim measures already determined and being provided to the Complainant that directly affect the Respondent, and to discuss the process for resolving the Complaint. Following the interview with the Respondent, the Assigned Title IX Deputy Coordinator will, if applicable, promptly determine the interim measures to be provided to the Respondent during the pendency of the investigative and resolution processes (such as those listed in section IX.B.). Such determination will promptly be communicated to the Respondent (no later than it is communicated to the Complainant) and, to the extent that it affects them, the Complainant.

Reasonable Grounds. If it is clear based on the assigned Title IX Deputy Coordinator's initial meetings with the parties that no reasonable grounds exist for believing that the conduct at issue constitutes a violation of this Policy, the assigned Title IX Deputy Coordinator will close the Complaint and notify the Complainant and Respondent concurrently in writing of the closure and the rationale for the closure.

Appeals. The Complainant and/or the Respondent may appeal the assigned Title IX Deputy Coordinator's decision in writing to the Title IX Coordinator or their designee and provide a copy of the appeal to the assigned Title IX Deputy Coordinator within five (5) business days of receipt of the notice of closure. The assigned Title IX Deputy Coordinator promptly will inform the other party of the appeal.

Following the receipt of the appeal, the Title IX Coordinator or their designee will make a determination as to whether the Complaint warrant further investigation or resolution under This Policy and whether any additional or remedial action is necessary. The Title IX Coordinator or their designee will notify the Complainant and Respondent concurrently in writing of the decision within 5 business days of receipt of the appeal. The Title IX Coordinator's decision is final.

D. Determination of Formal resolution vs. Alternative resolution process

The Complainant may request that the Complaint proceed to the Formal Resolution process or may seek Alternative Resolution in place of an investigation and Formal Resolution. The College, however, has the discretion to determine whether the nature of the reported conduct is appropriate for Alternative Resolution, to determine the type of Alternative Resolution that may be appropriate in a specific case, and, to refer a report for Formal Resolution at any time. Forms of Alternative Resolution that involve face-to-face meetings between the Complainant and the Respondent, such as mediation, are not available in cases involving Sexual Assault. The Complaint will only proceed under the Alternative Resolution process if both the Complainant and Respondent agree. Either party can change their mind at any time during the Alternative Resolution process. Should either party change their mind, the Complaint will move forward under the Formal Resolution process.

i. Alternative Resolution Process:

Participation in Alternative Resolution (including any specific form of Alternative Resolution) is voluntary. The College will not compel a Complainant or Respondent to engage in Alternative Resolution, will not compel a Complainant to directly confront the Respondent, and will allow a Complainant or Respondent to withdraw from Alternative Resolution at any time. The College may decline the request for Alternative Resolution in any particular case and may terminate an ongoing Alternative Resolution process at any time. Pursuing Alternative Resolution does not preclude later use of Formal Resolution if the Alternative Resolution fails to achieve a resolution acceptable to the parties and the College. Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Formal Resolution.

With any form of Alternative Resolution, each party has the right to choose and consult with a Support Person. The Support Person may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). The parties may be accompanied by their respective Support Persons at any meeting or proceeding held as part of Alternative Resolution. While the Support Persons may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

Alternative Resolution may include the following:

- *Resolution with the Assistance of a Third Party:* A Complainant may seek assistance in informally resolving a report of Prohibited Conduct from the assigned Title IX Deputy Coordinator, who can arrange to have a trained representative facilitate a meeting or meetings between the parties or individually with the parties. The availability of this form of Alternative Resolution, and any resolution reached through such form of Alternative Resolution, is subject to the agreement of the assigned Title IX Deputy Coordinator in consultation with the Title IX Coordinator, the Complainant and the Respondent. This form of Alternative Resolution may not be used where the allegation involves Sexual Assault.
- *Interventions and Remedies:* Alternative Resolution agreements may involve a host of interventions and remedies, such as actions designed to maximize the Complainant's access to educational, extracurricular, and/or College employment activities; increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic and/or College housing modifications for Student Complainants; workplace modifications for Employee Complainants; one or more of the restorative remedies or other sanctions described in these Procedures; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Sexual and Gender-based Misconduct Policy.

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the College, the Complainant, and the Respondent is reached through Alternative Resolution, the terms of the agreement are implemented and the matter is resolved and closed. If an agreement is not reached, and the assigned Title IX Deputy Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Formal Resolution under these Procedures.

The Title IX Coordinator will maintain records of all reports and conduct referred for Alternative Resolution, which typically will be completed within thirty (30) calendar days.

NOTE: A resolution that is reached pursuant to this section will not be included in a student respondent's student conduct record or in an employee's personnel record, unless the inclusion of such information is agreed to as part of the Alternative Resolution of the matter.

ii. Formal Resolution Process

The procedures in this section will be followed in the below circumstances:

1. A Complainant reports that an individual has engaged in one or more instances of Prohibited Conduct and requests, at any time, an investigation and disciplinary action and the assigned Title IX Deputy Coordinator in consultation with the Title IX Coordinator determines that the alleged conduct could rise to the level of a policy violation; or
2. Alternative Resolution does not resolve a reported incident of Prohibited Conduct and, in the Title IX Coordinator's discretion, an investigation of the report of Prohibited Conduct is required; or
3. Based upon a review of the totality of the circumstances and guided by a consideration of the risk factors section IX.B.i. that investigation of the reported conduct is necessary to ensure the health and safety of the Complainant and/or other members of the College community, notwithstanding the Complainant's request that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken.
 - a. **Investigation.** Whenever Formal Resolution is commenced, the assigned Title IX Deputy Coordinator will designate one or more Investigators to conduct a prompt, thorough, fair, and impartial investigation. The College reserves the right to hire, based on the sole discretion of the Title IX Coordinator or their designee, third party investigator(s) to conduct interviews and assist the Title IX Deputy Coordinator in making a determination of "responsible" or "not responsible" pursuant to this Policy. All Investigators will receive annual training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of Complainants and the College community while promoting accountability.
 - i. **Notice of Investigation.** The assigned Title IX Deputy Coordinator will notify the Complainant and the Respondent, in writing, of the commencement of an investigation. Such notice will (1) identify the Complainant and the Respondent; (2) specify the date, time (if known), location, and nature of the alleged Prohibited Conduct; (3) identify potential Title IX Policy violation(s); (4) identify the Investigator(s); (5) include information about the parties' respective expectations under the Title IX Policy and these Procedures; (6) explain the prohibition against Retaliation; (7) instruct the parties to preserve any potentially relevant evidence in any format; (8) inform the parties how to challenge participation by the Investigator(s) on the basis of bias or a conflict of interest; and (9) provide a copy of the Sexual and Gender-based Misconduct Policy and these Procedures.

ii. Prompt, Fair, Thorough, and Impartial Investigation

Process. The investigation is a neutral fact-gathering process. Neither party is required to participate in the investigation nor any form of resolution under these Procedures, and the Investigator(s) will not draw any adverse inference from a decision by either of the parties not to participate. The Investigator(s) will determine, using a preponderance of the evidence standard, whether a violation of This Policy occurred.

iii. Overview of Investigation. During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the Investigator(s) to each other or to any witness. The Investigator(s) will notify and seek to meet separately with the Complainant, the Respondent, and third-party witnesses, and will gather other relevant and available evidence and information, including, without limitation, electronic or other records of communications between the parties or witnesses (via voicemail, text message, email and social media sites), photographs (including those stored on computers and smartphones), and medical records (subject to the consent of the applicable party).

iv. Prior or Subsequent Conduct. Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Sexual and Gender-Based Misconduct Policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct. Such prior or subsequent conduct may also constitute a violation of the College's Non-Discrimination policy and/or the College's Code of Conduct, in which case it may subject the Respondent to additional sanctions. The Investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

v. Sexual History. The sexual history of a Complainant or Respondent will never be used to prove character or reputation. Moreover, evidence related to the sexual history of either of the parties is generally not relevant to the determination of a Sexual and Gender-Based Misconduct Policy violation and will be considered only in limited circumstances. For example, if the existence of Affirmative Consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether Affirmative Consent was sought and given during the incident in question. However, even in the context of a relationship, Affirmative Consent to one sexual act does not, by itself, constitute Affirmative Consent to another sexual act, and Affirmative Consent on one occasion does not, by itself, constitute Affirmative Consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the report. The Investigator(s) will determine the relevance of this

information and both parties will be informed if evidence of sexual history is deemed relevant.

vi. Relevance. The Investigator(s) have the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the Investigator(s) will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait.

vii. Site Visit(s). The Investigator(s) may visit relevant sites or locations and record observations through written, photographic, or other means.

viii. Expert Consultation(s). The Investigator(s) may consult medical, forensic, technological or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.

b. Draft Investigation Report.

At the conclusion of the investigation, the Investigator(s) will prepare a Draft Investigation Report summarizing the information gathered and outlining the contested and uncontested information. The Draft Investigation Report will not include any findings. The Complainant and the Respondent will have an opportunity to review the Draft Investigation Report; meet with the Investigator(s); submit additional comments and information to the Investigator(s); identify any additional witnesses or evidence for the Investigator(s) to pursue; and submit any further questions that they believe should be directed by the Investigator(s) to the other party or to any witness. The Investigator(s) will designate a reasonable time for this review and response by the parties, not to exceed five (5) calendar days. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator(s) during the designated review and response period will not be considered in the determination of responsibility for a violation of the Sexual and Gender-based Misconduct Policy.

c. Final Investigation Report. Following the timeframe for the review and response period, the Investigator(s) will consider any additional comments, questions and/or information submitted by the parties and take any further investigatory steps deemed necessary. After any additional necessary steps, the Investigator(s) will prepare a Final Investigation Report with guidance and support of the Title IX Deputy Coordinator. Both parties will have an opportunity to review the Final Investigation Report and submit position and/or impact statements within five (5) calendar days of receipt of the Final Investigation Report.

d. Investigator(s) Determination.

Following the parties' opportunity to review the Final Investigation Report, the Investigator(s) will review the Report and make a determination, based on a preponderance of the evidence standard, whether there is sufficient evidence to support a finding of responsibility for a violation of the Sexual and Gender-based Misconduct Policy. The Final Investigation Report, position and/or impact statements, and the Investigator(s) findings and rationale will be submitted to the assigned Title IX Deputy Coordinator within three (3) business days after the Final Investigation Report review period.

i. Findings of "Not Responsible"

If the Respondent is found “Not Responsible” for violating the Sexual and Gender-Based Misconduct Policy, within three (3) business days of receiving the determination and rationale from the Investigator(s), the assigned Title IX Deputy Coordinator will send a final outcome letter with the Investigator(s) findings and rationale to both parties concurrently.

ii. Findings of “Responsible”

If the Respondent is found “Responsible” or accepts responsibility for violating the Policy, the assigned Title IX Deputy Coordinator will promptly share the Final Investigation Report, the position and/or impact statements, and the Investigator(s) findings and rationale with the Title IX Coordinator. The Title IX Coordinator will review all materials with the appropriate administrator, based on the status of the Respondent, to determine sanctions that are appropriate, consistent with those issues in similar cases, and are intended to end the misconduct and remedy the effects. See Appendix B for Sanctioning Guidelines.

If the respondent is a...	The appropriate administrator is the...
Student	Dean of Students (or their designee)
Faculty Member	Provost (or their designee)
Staff Member	Director of Human Resources (or their designee)

The Title IX Coordinator will serve in an advisory capacity to the appropriate administrator. Within three (3) business days of the appropriate administrator's determination of sanctions, the assigned Title IX Deputy Coordinator will send a final outcome letter with the Investigator(s) findings, rationale, and the sanctions determined by the administrator to both parties concurrently.

e. Appeals

The Complainant and Respondent may appeal the decision of the Investigator(s) and/or the sanctions determined by the Title IX Coordinator and appropriate administrator within three (3) calendar days from the date of the final outcome letter. The decision of the Investigator(s) and the sanction(s) imposed may be appealed simultaneously.

i. Grounds for Appeal

The only permissible grounds for appeal of the Investigator(s) finding of responsible or not responsible are (a) availability of germane new evidence not available at the time of the investigation that could significantly impact the outcome and/or (b) procedural errors that significantly impacted the outcome. The sanctions imposed on the respondent may be appealed on grounds that severity of the sanction(s) imposed is incommensurate to the gravity of the Prohibited Conduct for which the respondent was found responsible.

ii. Submission of Appeal

Appeals must be made in writing to the assigned Title IX Deputy Coordinator. The assigned Title IX Deputy Coordinator promptly will inform the other party of the filing of the appeal and will forward the appeal and all relevant materials to the Vice President for Finance and Administration.

iii. Appeal Consideration

The Vice President of Finance and Administration will make one of the following determinations: (1) the appeal does not meet the permissible grounds for appeal; (2) the decision of the Investigator(s) and/or the Title IX Coordinator and appropriate administrator should stand; (3) the decision of the Investigator(s) and/or the Title IX Coordinator and appropriate administrator should be overturned. In the event that the Vice President for Finance and Administration determines that the decision of the Investigator(s) and/or the Title IX Coordinator and appropriate administrator should be overturned, the Vice President for Finance and Administration will specify, after consultation with the assigned Title IX Deputy Coordinator and appropriate administrators, the appropriate steps to be taken to come to a final resolution of the complaint. Within five (5) business days of receipt of the Appeal, the Vice President for Finance and Administration will inform the assigned Title IX Deputy Coordinator of their decision and rationale. The assigned Title IX Deputy Coordinator promptly will notify the complainant and the respondent of the Vice President of Finance and Administration's decision concurrently and in writing.

X. Prevention, Training, and Policy Education

The College is committed to education, communication, and training in order to prevent prohibited conduct and to ensure an appropriate and prompt response when incidents occur. The following section details the education and training provided by the College to faculty, staff, and students.

A. Students

Sexual Assault Prevention. Sexual Assault Prevention is a two-part, online sexual violence awareness and prevention course that educates all students on the issues associated with sexual assault and relationship violence and provides information about on-campus resources for support for those issues. Students must complete the module each year to comply with federal mandate under the Campus SaVE Act.

AlcoholEdu. AlcoholEdu is an educational online course about alcohol and other drug safety. The online program aims to assist and empower students to make well-informed decisions about issues that affect your college years and beyond.

Community Advisors/Peer Academic Coaches. Student residential life staff members, as Responsible Employees, receive in-depth Responsible Employee training each year during their intensive training week.

B. Faculty and Staff

Haven. Haven is a two-part, online sexual violence awareness and prevention course that educates all new faculty and staff during the onboarding process on the issues associated with sexual assault and relationship violence and provides information about on-campus resources for support for those issues.

Responsible Employee Training. All faculty and staff receive Title IX Responsible Employee Training each year at faculty or staff meetings. This training provides general information about Title IX and what a faculty/staff member should do if they receive a report of a possible Title IX violation. In addition

C. Title IX Coordinators and Deputy Title IX Coordinators

Title IX Coordinators and Deputy Title IX Coordinators receive training from the Association of Title IX Coordinators about how to respond to and investigate Title IX reports. Additionally, Title IX Coordinators and Deputy Title IX Coordinators receive ongoing trainings about sexual assault, stalking, sexual harassment, and intimate partner

violence; trauma-informed response and investigation; and cultural competency.

D. Campus Safety

Converse College Campus Safety meets regularly to review policies and response. Additionally, the Campus Safety team participates in ongoing trainings about sexual assault, stalking, sexual harassment, and intimate partner violence; and trauma-informed response and investigation.

XI. Confidential Resources

A. On Campus

College Chaplain
Montgomery Student Center, 201
864.596.9078

Wellness Center, Health Services (provided by Mary Black Health System)
Back of Andrews Hall
864.596.9258

For Students: Counseling Services in the Wellness Center
Back of Andrews Hall
864.596.9258

For Employees: Employee Assistance Program
888.628.4824

B. Off Campus

Safe Homes-Rape Crisis Coalition

24/7 Hotline: 1.864.583.9803 or 1.800.273.5066
Administrative Office:
236 Union Street
Spartanburg, SC, 29302
Phone: 864-583-9803 (M-F 8:30 am – 5:00 pm)
Email: shrcc@aol.com

RAINN (Rape, Abuse & Incest National Network)
24/7 Hotline: 800.656.HOPE (4673)
rainn.org (24/7 online chat available)

Julie Valentine Center

24/7 Crisis Hotline: 864.467.3633
2905 White Horse Rd.
Greenville, SC 29611
864.331.0560

National Suicide Prevention Lifeline

24/7 Hotline: 1.800.273.8255
24/7 Chat: <https://suicidepreventionlifeline.org/chat/>

XII. State and Federal Complaints

Office for Civil Rights (OCR) / U.S. Department of Education

Educational institutions have a responsibility to protect every student's right to learn in a safe environment free from unlawful discrimination and to prevent unjust deprivations of that right.

How to File a Complaint: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

South Carolina Human Affairs Commission (SHAC) & Equal Employment Opportunity Commission (EEOC).

In South Carolina, a workplace discrimination claim can be filed either with SHAC or the federal administrative agency, the EEOC:

South Carolina Human Affairs Commission

P.O. Box 4490
2611 Forest Drive, Suite 200
Columbia, SC 29204
Phone: (803) 737-7800
Toll-free: (800) 521-0725
TDD: (803) 253-4125

EEOC's Greenville Local Office

301 North Main Street
Suite 1402
Greenville, SC 29601
Phone: (864) 241-4400
TTY: (864) 241-4403

Appendix A: Definitions

1. Prohibited Conduct

Terms defined below will be adjudicated based on the Converse College Sexual and Gender-based Misconduct Policy. All allegations that an individual or group has engaged in prohibited conduct as defined below will be investigated to determine whether a hostile environment (as defined in section 2 below) was created based on a preponderance of the evidence standard (also defined in section 2 below):

a. Dating Violence

Violence committed by a person who has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined by factors such as length, type, and frequency of interaction.

b. Domestic Violence

Violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, a person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

c. Failure to Comply

Refusal or neglect to obey an official order as it pertains to interim measures or sanctions imposed.

d. Gender-Based Harassment

Unwelcome conduct based on a student's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling, as well as gender-motivated (e.g., gender identity, pregnancy, and sexual orientation, etc.) physical threats, attacks, or other hateful conduct.

e. Inappropriate Consensual Relationships

Romantic or sexual relations between students and faculty/staff members in violation of other College policies.

f. Retaliation

An individual's adverse action against another person because that person has filed a complaint or participated in an investigation. Retaliation includes intimidation, harassment, or threats.

g. Sexual Assault

Actual or attempted sexual contact with another person without that person's consent including, but not limited to: intentional touching of another person's intimate parts without that person's consent; other intentional sexual contact with another person without that person's consent; coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; fondling and/or rape. Sexual assault encompasses situations in which one person is incapacitated (see definition below). Consent cannot be obtained through physical force or where there is reasonable belief of the threat of physical force, when one person overcomes the physical limitations of another person, or by taking advantage of another person's incapacitation. A respondent's voluntary intoxication is never an excuse for or a defense to prohibited conduct, and it does not diminish the responsibility to determine that the other person has given consent.

i. Fondling

The touching of the intimate body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consistent because of their youth or because of their temporary or permanent mental incapacity.

ii. Rape

The penetration, no matter how slight, of the vagina or anus with any body part of object, or oral penetration by a sex organ of another person, without consent of the victim.

h. Sexual Exploitation

Occurs when a person or group of people takes advantage of another person by doing something sexual in a nonconsensual, abusive, or unjust manner. Examples include nonconsensual video or audio taping of a sexual activity, nonconsensual photography of a sexual nature, voyeurism, knowingly transmitting a sexually transmitted infection (STI) or HIV, or prostituting another person.

i. Sexual Harassment

Unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

j. Sexual Violence

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

k. Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for their or others' safety, or to suffer substantial emotional distress. Stalking as a course of conduct includes, but is 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. Stalking can also include appearing at a person's home, class, or work; continuing to contact a person after receiving requests not to; leaving written messages, objects, or unwanted gifts; vandalizing a person's property; photographing a person; and other threatening, intimidating, or intrusive conduct. Stalking may also involve the use of electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices (often referred to as cyber-stalking).

l. Unwelcome Conduct

Unrequested or uninvited behavior that is undesirable or offensive. Unwelcome conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex. Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that an individual may have welcomed some conduct does not necessarily mean that they welcomed other conduct. Also, the fact that a person requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

2. Related Definitions

a. Business Days

Includes any days the College is open, excluding holidays.

b. Calendar Days

Includes any day, regardless of whether or not the College is open including weekends and holidays.

c. Coercion

Compelling another individual by implied force or threat to act or yield.

d. Consent

Informed, voluntary, and mutual agreement that can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

d. Due Diligence

The care that a reasonable person exercises to avoid harm to other parties or their property.

e. Hostile Environment

Unwelcome conduct by an individual or individuals against another based upon their protected class that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile, or offensive.

f. Incapacitation

Inability to evaluate or control conduct, because an individual is unconscious, asleep, intoxicated, or under the influence of other drugs, or for any other reason, physically, mentally, or legally unable to communicate or grant consent.

g. No-Contact Order

An order issued by the College mandating two or more individuals refrain from having contact with one another. Restricted forms of contact may include: in person, by telephone, email, text message or other electronic means of communication, or through a third party.

h. Preponderance of Evidence

A standard of evidence set forth for hearing cases of sexual misconduct; “it is more likely than not” that a policy violation occurred.

Appendix B: Sanctioning Guidelines

Sanctioning Guidelines

Recommended Ranges of Sanctions

<i>Violation</i>	<i>Recommended Range of Sanctions for Students</i>	<i>Recommended Range of Sanctions for Employees</i>
Failure to Comply	educational sanctions (such as community service, reflection paper(s), and/or fines), social restrictions, disciplinary probation, expulsion or suspension from campus housing, suspension or expulsion from the College	written warning/probation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments
Inappropriate Consensual Relationship	educational sanctions (such as community service, reflection paper(s))	written warning/probation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments
Retaliation	educational sanctions (such as community service, reflection paper(s), and/or fines), social restrictions, disciplinary probation, expulsion or suspension from campus housing, suspension or expulsion from the College	written warning/probation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments
Sexual Harassment, Sex-Based Harassment, Gender-Based Harassment	educational sanctions (such as community service, reflection paper(s), and/or fines), social restrictions, disciplinary probation, expulsion or suspension from campus housing, suspension or expulsion from the College	written warning/probation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments

Sexual Exploitation	disciplinary probation, social restrictions, expulsion or suspension from campus housing, suspension or expulsion from the College	written warning/probation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments
Stalking, Dating Violence, Domestic Violence	disciplinary probation, social restrictions, expulsion or suspension from campus housing, completion of batterer intervention program, suspension or expulsion from the College	written warning/probation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, completion of batterer intervention program
Sexual Assault, Sexual Violence	disciplinary probation, social restrictions, expulsion or suspension from campus housing, suspension or expulsion from the College*	terminating employment, temporary suspension without pay

*The appropriate sanctions for any penetrative sexual assault for a student will include at a minimum a period of suspension from the College.