Discrimination, Harassment, and Sexual Misconduct Policy
Updated on 11/21/16; 9/18/17; 12/13/17, 6/4/18, 2/11/19

I. Policy

The Christ College of Nursing and Health Sciences (the “College”) is committed to providing an environment for work and study free from discrimination on the basis of race, color, creed, national origin, citizenship, religion, ethnicity, age, gender, gender identity, genetics, marital status, sex, pregnancy, sexual orientation, military or veteran status, disability, or any other status protected by local, state, or federal law (collectively, “protected statuses”). This prohibition against discrimination also includes harassment. Harassment of any person or groups of persons based on their protected status is prohibited by the College.

II. Scope

This policy applies to all College employees, including staff, faculty, and administrators; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the College’s educational programs and activities, including third-party visitors on campus and minors (the “College Community”). For the purposes of this Policy, individuals are considered to be “Employees” when they are currently being paid by the College. Individuals are considered to be “Students” after their matriculation fee has been paid and recorded until graduation or when they have been withdrawn or dismissed from the College. The College’s prohibition on discrimination, harassment, and sexual misconduct extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, and student services.

The College has jurisdiction over conduct covered by this policy occurring on campus, during or at an official College program or activity (regardless of location), or off campus when the conduct could create a hostile environment on campus. The College will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of discrimination or harassment and remedy its effects.

Sexual harassment, sexual misconduct or interpersonal violence involving a minor who is a student will be processed consistent with this Policy. Anyone witnessing or otherwise knowing of a violation of this policy that involves a non-student individual under the age of 18, or under the age of 21 and physically or mentally impaired, should refer to the College’s Mandatory Reporting of Child Abuse or Neglect Policy. Any observed violations of that policy should be reported to the Title IX Coordinator and/or to the Safety and Security Department and the person in charge of the program. Whether involving a student or non-student, the College, the Title IX Coordinator, employees, and/or privileged and confidential resources also may be required to report sexual misconduct involving a minor to Hamilton County’s Children & Family Services at (513) 241-KIDS (5437). (Adapted from John Carroll University Sexual Harassment and Interpersonal Violence Policy).

III. Title IX Statement

It is the policy of the College to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the College’s educational programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination. The College has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination:

- Maureen Schwab, Associate Dean of Compliance/Title IX Coordinator, 513-585-2055 or Maureen.Schwab@thechristcollege.edu, Medical Office Building, Office 306.

The College has also designated the following Deputy Title IX Coordinator to assist the Title IX Coordinator in carrying out his or her duties under this policy:

- Dr. Meghan Hollowell, Dean of College Support Services/Deputy Title IX Coordinator, 513-585-4841 or Meghan.Hollowell@thechristcollege.edu, office 121.
A person may also file a complaint of sex discrimination with the United States Department of Education’s Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

IV. Prohibited Conduct

A. Discrimination

Discrimination occurs when a person is excluded from participation in, or denied the benefits of, any College program or activity because of the person’s protected status. The policy provides a more specific definition of sex discrimination below.

B. Harassment

Harassment is generally defined as verbal, physical, graphic, or written (including through electronic media) conduct based on or motivated by an individual’s protected status that unreasonably interferes with an individual’s work or academic performance or creates a hostile work or educational environment by interfering with or limiting a person’s ability to participate in the College’s educational programs and activities. Such words or conduct include, but are not limited to, objectionable epithets, demeaning depictions or treatment, and threatened or actual abuse or harm. The policy provides a more specific definition of sexual harassment below.

C. Sexual Misconduct

“Sexual misconduct” is an umbrella term covering sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. This term will be used throughout the remainder of this policy and the Complaint Resolution Procedures when collectively referring to these types of conduct.

Sexual misconduct can occur when the complainant and the respondent are members of the same or opposite sex, and the College’s prohibition of sexual misconduct applies regardless of national origin, immigration status, or citizenship status.

1. Sex Discrimination

Sex discrimination occurs when persons are excluded from participation in, or denied the benefits of, any College program or activity because of their sex. Sex discrimination can include adverse treatment based on one’s sex, as well as the other prohibited conduct outlined below. Sex discrimination includes discrimination on the basis of pregnancy, gender identity, and failure to conform to stereotypical notions of femininity and masculinity.

2. Sexual Harassment

   a. Definition of Sexual Harassment

   Sexual harassment is unwelcome conduct of a sexual nature and includes sexual advances, for sexual favors, and other verbal, physical, graphic, or written conduct of a sexual nature when:

   • Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual’s employment or education
   • Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual, or
   • Such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, or education environment
b. Examples of Sexual Harassment

Some examples of sexual harassment include:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, rubbing, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos, jokes, humor, or gestures
- Displaying sexual graffiti, pictures, videos or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- Social media use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person’s breasts or groin
- Sending sexually explicit emails or text messages
- Commenting on a person’s dress in a sexual manner
- Giving unwelcome personal gifts such as flowers, chocolates, or lingerie that suggest the desire for a romantic relationship
- Commenting on a person’s body, gender, sexual relationships, or sexual activities
- Sexual violence (as defined below)

3. Sexual Violence

a. Definition of Sexual Violence

Sexual violence is a particularly severe form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity, because he or she is below the minimum age of consent in the applicable jurisdiction, or because of his or her incapacitation due to the use of drugs and/or alcohol. Other types of conduct may also constitute sexual violence.

b. Examples of Sexual Violence

Some examples of sexual violence include:

- Rape or sexual assault: sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent
- The use of force or coercion to effect sexual intercourse or some other form of sexual contact with a person who has not given consent
- Unwilling sexual penetration (anal, vaginal, or oral) or other sexual touching with any object or body part that is committed by force, threat, intimidation, or otherwise without consent
- Having sexual intercourse with a person who is unconscious because of drug or alcohol use
- Hazing that involves penetrating a person’s vagina or anus with an object
- Sexual exploitation, which includes, but is not limited to, the following:
  - Sexual voyeurism
  - Use of the “date rape drug” to effect sexual intercourse or some other form of sexual contact with a person
  - Knowingly transmitting a sexually transmitted disease such as HIV to another person through sexual activity
− Secretly videotaping or photographing sexual activity where the other party has not consented
− Disseminating sexual pictures or videos of another person without consent regardless if the pictures or videos were obtained with consent
− Prostituting another person

c. Consent

Lack of consent is a critical factor in determining whether sexual violence has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent; a person’s lack of verbal resistance or submission resulting from the use or threat of force does not constitute consent.
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
  − Warning signs of when a person may be incapacitated due to drug and/or alcohol use include: slurred speech, falling down, passing out, and vomiting.
- If a person is asleep or unconscious, there is no consent.
- A person who is under age in the applicable jurisdiction cannot provide consent to sexual activity.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to past sexual activity does not imply consent to future sexual activity.
- Dressing in a certain manner does not constitute consent.
- Consent to sexual activity with one person does not constitute consent to engage in sexual activity with another.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.
- Being in a romantic relationship with someone does not imply consent to any form of sexual activity.
- Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee).

d. Coercion

When force or intimidation is used to make someone do something they do not want to do. This includes physical, emotional, psychological, social, or other threat. This also applies when a person is incapacitated.

e. Incapacitation

The state of being impaired or in a physical or mental state where the person lacks the ability to knowingly and deliberately make a choice including if asleep or unconscious. A person who is asleep, unconscious, or involuntarily restrained is incapacitated and cannot give effective consent.

Indicators of incapacitation include, but are not limited to: outrageous/unusual behavior; inability or diminished ability to accurately discern one's environment (who, what, where, when and/or how); slurred speech; vomiting; severe intoxication; loss of voluntary motor skills; loss of involuntary motor skills; disjointed speech patterns (unable to follow a conversation or verbalize complete thoughts); and/or sleepiness that demonstrates an inability to control one's ability to stay awake. Because incapacitation may be difficult to discern, the person seeking the sexual behavior is strongly encouraged
to err on the side of caution; i.e., when in doubt, assume the other person is incapacitated and therefore unable to give effective consent (John Carroll University Sexual Harassment and Interpersonal Violence Policy).

4. Domestic Violence, Dating Violence, and Stalking

The crimes of domestic violence, dating violence and stalking can also constitute sexual misconduct when motivated by a person’s sex. These types of conduct, no matter the motivation behind them, are a violation of this policy and will be addressed pursuant to the Complaint Resolution Procedures below.

a. Domestic Violence

Ohio law provides a definition of “Domestic Violence” at Section 3113.31 of the Ohio Revised Code. Under this statute, domestic violence means the occurrence of one or more of the following acts against a family or household member: (a) attempting to cause or recklessly causing bodily injury; (b) place another person by the threat of force in fear of imminent serious physical harm…; (c) committing any act with respect to a child that would result in the child being an abused child…; (d) committing a sexually oriented offense.

• “Family or household member” means any of the following:
  (a) Any of the following who is residing with or has resided with the respondent:
     (i) A spouse, a person living as a spouse, or a former spouse of the respondent;
     (ii) A parent, foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;
     (iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.

  (b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.

• “Person living as a spouse” means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.

b. Dating Violence

“Dating Violence”, which is not defined under Ohio law, is characterized by violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

c. Stalking

Stalking is referred to as “Menacing by Stalking” in Section 2903.211 of the Ohio Revised Code. It is defined as follows:

  (A)(1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.
  (2) No person, through the use of any electronic method of remotely transferring information, including but not limited to, any computer, computer network, computer program, or computer system,
shall post a message with purpose to urge or incite another to commit a violation of division (A)(1) of this section.

(3) No person, with sexual motivation, shall violate division (A)(1) or (2) of this section.

…

(D) As used in this section:

(1) “Pattern of conduct” means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents. …[T]he posting of messages or receipt of information or data through the use of an electronic method of remotely transferring information, including, but not limited to, a computer, computer network, computer program, computer system, or telecommunications device, may constitute a "pattern of conduct."

(2) “Mental distress” means any of the following: (a) any mental illness or condition that involves some temporary substantial incapacity; (b) any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.

…

(7) “Post a message” means transferring, sending, posting, publishing, disseminating, or otherwise communicating, or attempting to transfer, send, post, publish, disseminate, or otherwise communicate, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another.

V. Roles and Responsibilities

A. Title IX Coordinator

It is the responsibility of the Title IX Coordinator to: (1) ensure the College’s compliance with Title IX; (2) identify and address any patterns or systemic problems of sexual misconduct at the College; (3) coordinate dissemination of information and education and training programs; (4) receive complaints under this policy; (5) assist members of the College Community in understanding that discrimination, harassment, and sexual misconduct is prohibited by this policy; (6) answer questions about this policy; (7) ensure that employees and students are aware of the procedures for reporting and addressing complaints of discrimination, harassment, and sexual misconduct; and (8) to implement the Complaint Resolution Procedures or to designate appropriate persons for implementing the Complaint Resolution Procedures. The Deputy Title IX Coordinator will assist the Title IX Coordinator in carrying out these responsibilities.

B. Administrators, Deans, Department Chairs, and Other Managers

It is the responsibility of administrators, deans, department chairs, and other managers (i.e., those that formally supervise other employees) to:

- Inform employees under their direction or supervision of this policy
- Work with the Title IX Coordinator to implement education and training programs for employees and students
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy

C. Employees

Throughout this policy, the term “employees” includes all faculty, staff, and administrators. It is the responsibility of employees to review this policy and comply with it.
D. Students

It is the responsibility of students to review this policy and comply with it.

E. The College

When the College is aware that a member of the College Community may have been subjected to or affected by conduct that violates this policy, the College will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate steps to stop and remedy the discrimination, harassment, or sexual misconduct. The College will act in accordance with its Complaint Resolution Procedures.

VI. Reporting Discrimination, Harassment, and Sexual misconduct

A. Reports by Those Who Have Experienced Discrimination, Harassment, or Sexual Misconduct

The College encourages any member of the College Community who has experienced discrimination, harassment, or sexual misconduct to make a report to the Title IX Coordinator or the Deputy Title IX Coordinator. Contact information for these individuals is as follows:

- Maureen Schwab, Associate Dean of Compliance/Title IX Coordinator, 513-585-2055 or Maureen.Schwab@thechristcollege.edu, Medical Office Building, Office 306.
- Dr. Meghan Hollowell, Dean of College Support Services/Deputy Title IX Coordinator, 513-585-4841 or Meghan.Hollowell@thechristcollege.edu, office 121.

The College encourages persons to make complaints of discrimination, harassment, and sexual misconduct as soon as possible because late reporting may limit the College’s ability to investigate and respond to the conduct complained of.

B. Employees’ Duty to Report

All College employees have a duty to report discrimination, harassment, and sexual misconduct to the Title IX Coordinator within 24 hours when they receive a report of such conduct, witness such conduct, or otherwise obtain information about such conduct. This includes employees who may have a professional license requiring confidentiality if they are not employed by the College in that professional role. An employee not reporting sexual misconduct as required by this policy may be disciplined accordingly, up to and including termination.

This duty to report does not apply to the confidential resources discussed in the next section. College Community members should be aware that disclosing information about discrimination, harassment, or sexual misconduct to any other employee of the College besides the persons noted in the next section will result in that information being shared with the Title IX Coordinator.

C. Confidential Discussions

If a victim desires to talk confidentially about his or her situation, there are resources available. Students may have confidential conversations by contacting a counselor through the IMPACT Student Life Assistance Program. Access to the program is available 24/7 at (866) 780-0855. An IMPACT counselor will not report details regarding the incident to the College for investigation without your consent, though they will make a non-identifying report of information about crimes for inclusion in the College’s annual disclosure of crime statistics. For more information about the IMPACT counseling services, please contact the Title IX Coordinator or Deputy Title IX Coordinator.

Students may also have confidential conversations by contacting Women Helping Women, 24/7 at 513-381-5610.
D. Content of a Report

So that the College has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the College may follow up appropriately.

E. Information Provided to Complainant and Respondent

A complainant who makes a claim of sexual misconduct to the College will be given a copy of the document titled “Rights and Options Related to Sexual Misconduct.” This document provides information about this policy and the Complaint Resolution Procedures used to investigate and resolve complaints of sexual misconduct, options for filing complaints with the local police, resources that are available on campus and in the community, etc. The respondent will also be given similar information about the process and resources.

F. Conduct that Constitutes a Crime

Any person who wishes to make a complaint of conduct falling under this policy that also constitutes a crime—including sexual violence, domestic violence, dating violence, or stalking—is encouraged to make a complaint to local law enforcement. If requested, the College will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A victim may decline to notify such authorities.

G. Vendors, Contractors, and Third-Parties

This policy applies to the conduct of vendors, contractors, and third parties. Members of the College Community who believe they have been subject to discrimination, harassment, or sexual misconduct in violation of this policy by a vendor, contractor, or other third party can make a complaint in the manner set forth in this section. Likewise, vendors, contractors, and other third parties can also make a complaint under this policy by contacting the Title IX Coordinator.

H. Amnesty

The College recognizes that an individual who has been drinking alcohol or using drugs may be hesitant to report sexual violence. As such, the College has developed an Amnesty Policy that encourages students to report in these instances. In certain prescribed situations outlined in the policy, a student will not be charged with a Code of Conduct violation under the College’s Alcohol and Drug policy when the student is seeking emergency assistance for themselves or a fellow student. The full Amnesty Policy can be found at Amnesty Policy.

I. Bad Faith Complaints

While the College encourages all good faith complaints of discrimination, harassment, and sexual misconduct, the College has the responsibility to balance the rights of all parties. Therefore, if the College’s investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

J. External Reports

Though individuals with a concern or complaint of conduct falling under this policy are encouraged to attempt to resolve the situation pursuant to the College’s policy and Complaint Resolution Procedures, some forms of discrimination complaints can also be filed with the U.S. Department of Education’s Office for Civil Rights and/or the Ohio Civil Rights Commission.
VII. Retaliation

It is a violation of this policy to retaliate against any member of the College Community who reports or assists in making a complaint of discrimination, harassment, or sexual misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint to the Title IX Coordinator or Deputy Title IX Coordinator as described above.

VIII. Special Guidance Concerning Complaints of Sexual Violence, Domestic Violence, Dating Violence, or Stalking

If you are the victim of sexual violence, domestic violence, dating violence, or stalking, do not blame yourself. These crimes are never the victim’s fault. When a physical crime of violence has been perpetrated against you, the College recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy.

If you are the victim of sexual violence, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. As necessary to preserve evidence, victims of sexual violence, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination. Rape examinations are available at any UC Hospital Emergency Department or St. Elizabeth Hospital Emergency Department.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, social media posts, etc., rather than evidence of physical contact and violence.

Once a complaint of sexual violence, domestic violence, dating violence, or stalking is made to the College, the complainant has several options such as, but not limited to:

- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling (always recommended)
- Pursuing legal action against the perpetrator
- Pursuing disciplinary action through the College
- Requesting that no further action be taken
- Requesting further information about the College’s policy and procedures for addressing conduct of this nature
- Requesting further information about available resources

IX. After a Report Has Been Made

A. Protecting the Complainant

Pending final outcome of an investigation in accordance with the Complaint Resolution Procedures, the College will take steps to protect the complainant from further discrimination or harassment. This may include assisting and allowing the complainant to change his or her academic, transportation, or work situation, to the extent that the College has control over these environments, if options to do so are reasonably available and upon request of the complainant. Such changes may be available regardless of whether the victim chooses to report the crime to local law enforcement. Requests to change an academic, transportation, or work situation, or for any other protective measure, should be made to the Title IX Coordinator or Deputy Title IX Coordinator. The College will maintain as confidential any accommodations or protective measures provided to the complainant to the extent that maintaining confidentiality will not impair the College’s ability to provide them. If necessary to
disclose personal information to provide an accommodation or protective order, the College will endeavor to notify the complainant before doing so.

If a complainant has obtained an ex parte order of protection, full order of protection, or any other temporary restraining order or no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator or Deputy Title IX Coordinator. The College, in conjunction with The Christ Hospital Department of Safety and Security, will take all reasonable and legal action to implement the order.

Particular care will be taken to protect complainant’s that are minors. In addition to the protections available to all complainants, this also includes, but is not limited to, the College fulfilling any reporting obligations required by law when there is reasonable cause to suspect that a minor has been subject to abuse (including sexual violence, dating violence, and domestic violence).

B. Investigation and Confidentiality

All complaints of discrimination, harassment, and sexual misconduct will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures, and the College will take disciplinary action where appropriate. The College will make reasonable and appropriate efforts to preserve an individual’s privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the College cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the College’s ability to respond may be limited. The College reserves the right to initiate an investigation despite a complainant’s request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College Community.

The Title IX Coordinator is the person responsible for evaluating requests for confidentiality. The Title IX Coordinator may consult with other appropriate College officials and legal counsel as necessary.

C. Resolution

If a complaint of discrimination, harassment, or sexual misconduct is found to be substantiated, the College will take appropriate corrective and remedial action to prevent the recurrence of the conduct and correct its discriminatory effects. Students and employees found to be in violation of this policy will be subject to discipline up to and including written reprimand, probation, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from College programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic and work accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

X. Academic Freedom

While the College is committed to the principles of free inquiry and free expression, discrimination, harassment, and sexual misconduct are neither legally protected expression nor the proper exercise of academic freedom.

XI. Education

Because the College recognizes that the prevention of discrimination, harassment, and sexual misconduct is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; the role and identity of the Title IX Coordinator; safe and positive options for bystander intervention; and risk reduction information, including recognizing warning signs of
Discrimination, Harassment, and Sexual Misconduct Complaint Resolution Procedures
Updated 8/2/16

I. General Principles

A. Applicability

With one exception noted in the next paragraph, these Complaint Resolution Procedures apply to the resolution of all reports falling under the Discrimination, Harassment, and Sexual Misconduct Policy. They apply to the resolution of complaints against students, faculty, administrators, staff, and third parties, and they are the exclusive means of resolving complaints of discrimination, harassment, and sexual misconduct at the College. To the extent there are any inconsistencies between these Complaint Resolution Procedures and other College grievance, complaint, or discipline procedures, these Complaint Resolution Procedures will control the resolution of complaints alleging violations of the Discrimination, Harassment, and Sexual Misconduct Policy.

Notwithstanding the previous paragraph, if at any point it becomes known or apparent that the grievance or concern relates to the College’s obligations under Section 504 of the Rehabilitation Act (e.g., to provide reasonable accommodations and physical access to students with disabilities), the grievance or concern will be promptly referred to the Associate Dean, Compliance (Disability Coordinator), pursuant to the College’s Disability-Related Grievance Procedure. In such cases, the College will conduct a single investigation pursuant to the applicable policy and procedures.

B. Procedural Differences Based on Status of Involved Parties

When a student is involved in a complaint under the Discrimination, Harassment, and Sexual Misconduct Policy (as a complainant and/or respondent), the investigation and appeal procedures outlined below will govern the complaint. This includes situations involving an employee.

However, the following provisions also apply to situations involving employees:

- The Investigating Officer (as defined in the next section) will consult with Human Resources during the investigation.

- In situations that do not involve a student (e.g., the complainant and the respondent are both employees), there are no appeal rights and the appeal procedures listed in Section III are inapplicable.

C. Administration

For purposes of these Complaint Resolution Procedures, “Investigating Officer” means the Title IX Coordinator, or individual(s) designated by the Title IX Coordinator, to investigate a particular complaint. The Investigating Officer shall have responsibility for administering these Complaint Resolution Procedures. During the course of an investigation, the Investigating Officer may consult with other College administrators, the College’s attorneys, or other parties as needed.

D. Promptness, Fairness and Impartiality

These procedures provide for prompt, fair, and impartial investigations and resolutions. All College officials involved in the investigation or appeal process shall discharge their obligations under these Complaint Resolution Procedures fairly and impartially. If an involved College official determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, another appropriate individual will be designated to administer these procedures.
E. Training

These procedures will be implemented by College officials who receive annual training on the issues related to discrimination, harassment, sexual violence, domestic violence, dating violence, and stalking and how to conduct an investigation that protects the safety of victims and promotes accountability.

II. Investigation and Resolution of the Complaint

A. Preliminary Matters

1. Timing of the Investigation

The College will endeavor to conclude its investigation and resolution of the complaint within thirty (30) calendar days of receiving it, though this timeframe may be extended if necessary based on the circumstances surrounding the complaint. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Investigating Officer in writing explaining how much additional time is needed and why it is needed. The Investigating Officer shall respond to any such request within three (3) days.

2. Informal Resolution

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. The following standards apply to any informal resolution method that is utilized:

- The informal process can only be used with both parties’ voluntary cooperation and appropriate involvement by the institution (e.g., the Title IX Coordinator).
- The complainant will not be required to “work out” the problem directly with the respondent.
- Either party may terminate the informal process at any time and elevate the complaint to the formal investigation procedures described below.
- Informal resolution in the form of mediation, even on a voluntary basis, will not be used to resolve complaints alleging sexual assault.

3. Interim Measures

At any time during the investigation, the Investigating Officer may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of the Discrimination, Harassment, and Sexual Misconduct Policy.

4. Support Person/Advisor

During the investigation process, both a complainant and a respondent may ask a support person/advisor to accompany him or her at all stages of the process. In cases involving multiple complainants or respondents, the support person/advisor cannot be another complainant or respondent. The support person/advisor does not serve as an advocate on behalf of the complainant or respondent, may not be actively involved in any proceedings, and must agree to maintain the confidentiality of the process. A support person/advisor may be removed if he or she becomes disruptive or does not abide by the limitations discussed in the previous sentence. Additionally, the College is not required to allow a particular support person/advisor to be involved in the process if it would cause undue delay of any meeting with the Investigating Officer. A support person/advisor will be asked to sign an affirmation that he or she understands his or her role in the process.
5. Pending Criminal Investigation

Some types of conduct falling under the Discrimination, Harassment, and Sexual Misconduct Policy may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the College will assist the complainant in doing so. An ongoing criminal investigation, however, does not relieve the College of its responsibilities under the law. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the complaint.

6. Rights of the Parties

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence.
- Similar access to all information considered by the Investigating Officer.
- Equal opportunity to review any statements or evidence provided by the other party.
- Equal access to review and comment upon any information independently developed by the Investigating Officer should the Investigating Officer share such information with the other party.
- Equal opportunity to appeal determinations pursuant to Section III, below.

B. Commencement of a Formal Investigation

Once a complaint is made, the Investigating Officer will commence an investigation of it as soon as practicable, but not later than five (5) business days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes a violation of the Discrimination, Harassment, and Sexual Misconduct Policy. The Investigating Officer will seek to complete the investigation within ten (10) business days, though this timeframe may be extended if necessary based on the circumstances.

In certain narrow circumstances, the Investigating Officer may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the Investigating Officer will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant’s articulated concerns.

C. Content of the Investigation

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. The Investigating Officer will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

D. Investigation Report

At the conclusion of the investigation, the Investigating Officer will prepare a written report. The written report will explain the scope of the investigation (including witnesses interviewed and evidence considered), identify findings of fact, and state whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence.
E. Sanctions and Remedial Measures

1. General

If the written report determines that conduct occurred in violation of the Discrimination, Harassment, and Sexual Misconduct Policy, sanctions and remedial measures will be imposed in order to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of the College Community. Such actions will also include reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, sexual misconduct, and/or retaliation.

2. Types of Sanctions and Remedial Measures

Upon finding that a violation of the Discrimination, Harassment, and Sexual Misconduct Policy occurred, the College may impose any combination of the following sanctions depending on aggravating or mitigating circumstances of the case:

- For students, possible sanctions are: assessment of financial penalties, alterations in registration timing and process, blockage of certain class section choices, parking restrictions, protective orders such as no contact orders, environmental restrictions, suspension, probation or expulsion.

- For employees, possible sanctions are: assessment of financial penalties, restricted access to campus facilities, parking restrictions, protective orders such as no contact orders, environmental restrictions, corrective actions, or termination.

Examples of other remedial measures include, but are not limited to: providing counseling or other support services, mandated training, and the provision of additional educational programming for the College Community or a segment thereof.

3. Deciding Sanctions and Remedial Measures

If an employee respondent is found in violation of the Discrimination, Harassment, and Sexual Misconduct Policy, sanctions will be determined by the appropriate administrator in collaboration with the Human Resources Department. Such decisions are guided by the Standards of Performance and Conduct.

If a student respondent is found in violation of the Discrimination, Harassment, and Sexual Misconduct Policy, sanctions will be determined by the Chief Academic Officer.

If a third-party respondent is found in violation of the Discrimination, Harassment, and Sexual Misconduct policy, sanctions will be determined by the Title IX Coordinator, in consultation with other College officials as necessary.

In all situations, the individual deciding sanctions may consult with the Title IX Coordinator in determining what, if any, other remedial measures may be appropriate based on the circumstances.

F. Notifying Parties of the Outcome

The complainant and respondent will be notified of the outcome of the investigation within two (2) business days of the completion of the Investigation Report and decision regarding sanctions. The parties will each be given a copy of the written report and be informed of the sanctions and remedial measures being imposed. In certain circumstances, the Family Educational Rights and Privacy Act (FERPA) may prohibit particular information about sanctions or remedial measures from being shared with the other party. In such circumstances, adjustments to the notification letters will occur as necessary.
G. Finality of the Investigation Report & Sanctions and Remedial Measures

The written report of the Investigating Officer, and the sanctions and remedial measures imposed (if applicable), shall be final subject only to the right of appeal set forth in Section III, below.

H. Special Procedure Concerning Complaints against the President, the Title IX Coordinator, or Other Administrators Ranked Higher than the Title IX Coordinator

If a complaint involves alleged conduct on the part of the College’s President, the College’s Board of Directors (“Board”) will designate the Investigating Officer. Based on the information gathered by the investigation, the Board will prepare and issue the written report determining the complaint and, as necessary, implementing any sanctions or remedial measures. The determination of the Board is final and not subject to appeal.

If a complaint involves alleged conduct on the part of the Title IX Coordinator or any administrator ranked higher than the Title IX Coordinator, the President will designate the Investigating Officer. Based on the information gathered by the investigation, the President will prepare and issue the written report determining the complaint and, as necessary, implementing any sanctions or remedial measures. The determination of the President is final and not subject to appeal.

III. Appeals

As noted in Section I.B. above, these appeal procedures are only applicable when a student is involved as a complainant and/or respondent.

A. Grounds for Appeal

The complainant or respondent may appeal the determination of a complaint only on the following grounds:

- The decision was contrary to the substantial weight of the evidence;
- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Investigating Officer, would result in a different outcome;
- Bias or prejudice on the part of the Investigating Officer or the official imposing punishment; or
- The punishment or corrective action imposed is disproportionate to the offense committed.

B. Method of Appeal

Appeals must be filed with Carolyn Hunter, Dean of Operation/Presidential Liaison (“Appellate Official”) within five (5) business days of receipt of written notification of the resolution of the complaint. The appeal should be sent via email to Carolyn.Hunter@thechristcollege.edu and must contain the following:

- Name of the complainant;
- Name of the respondent;
- A statement of the resolution of the complaint, including corrective action if any;
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and
- Requested action, if any.

When an appeal has been filed, the non-appealing party will be notified of such in writing. The appealing party may request a meeting with the Appellate Officer, but the decision to grant a meeting is within the Appellate Officer’s discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

C. Resolution of the Appeal

The Appellate Officer will resolve the appeal within ten (10) business days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision. The parties will be notified in
writing if the Appellate Officer’s decision will take longer than 10 business days. The decision of the Appellate Officer is final. The Appellate Officer shall issue a short and plain, written statement of the resolution of the appeal, including any changes made to the Investigating Officer’s previous written determination and/or the sanctions and remedial measures imposed. The written statement shall be provided to the complainant, respondent, and the Title IX Coordinator within three (3) business days of the resolution.

IV. Documentation

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Title IX Coordinator, the Deputy Title IX Coordinator, and the Appellate Officer, as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these Complaint Resolution Procedures, which may include written findings of fact, transcripts, and audio recordings.