Title IX Sexual Harassment and Sex Discrimination Procedure

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On May 6, 2020 the U.S. Department of Education issued new Title IX regulations that make significant changes to the current Title IX policy and procedures used by Sinclair College. These new regulations, which take effect August 14, 2020, limit the scope and jurisdiction under which an individual may file a complaint, narrows the definitions of prohibited conduct, and uses a different approach to due process requiring that new grievance procedures be adopted and published by the College. They are a significant shift from current Title IX processes.

As always, Sinclair’s Title IX Office works to support a safe, respectful and healthy learning and working environment for all students, staff and faculty. With those principles in mind, the Title IX Office is working to align the College’s Title IX Sexual Harassment and Sexual Discrimination Policy and Procedures with the mandates in the new regulations. The President of Sinclair Community College has established the following Procedures to comply with applicable statutes, regulations, and official guidance. More information about the new policy will be shared with the College community soon.
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Title IX Sexual Harassment and Sex Discrimination Procedure

I. INTRODUCTION

A. Notice of Non-Discrimination

"No nd v dual n the Un ted States shall, on the bas s of sex, be excluded from part c pat on n, be den ed the benef ts of, or be subjected to d scr m nat on under any educat on program or act v ty rece v ng Federal f nanc al ass stance." T tle IX of the Educat on Amendments of 1972, and ts mplement ng regulat on at 34 C.F.R. Part 106.

B. Statement

S ncla r reass rms ts comm tment to support ng an academ c, work, and study env ronment free  of d scr m nat on on the bas s of sex, nclud ng sexual harassment. All students and employees are protected under and subject to the gu del nes of th s Procedure.

C. Scope

Th s Procedure appl es to the Proh b ted Conduct, def ned below, that takes place w th n S nclar's educat onal programs or act v t es w th n the Un ted States. For purposes of th s Procedure, S ncla r's "educat onal programs or act v t es" nclud locat ons, events, or c recumstances over wh ch S ncla r exerc ses substant al control over both the Respondent, as def ned below, and the context n wh ch the Proh b ted Conduct occurred. For the conduct to fall under th s Procedure, the Compla nant must be part c pat ng n or attempt ng to part c pate n the educat on program or act v ty of S ncla r at the t me the formal compla nt s f led.

D. Designation of Title IX Coordinator

S ncla r has des gnated and author zed spec f c employees to coord nate ts efforts to comply w th T tle IX. Th s includes but s not l m ted to a T tle IX Coord nator. For purposes of th s Procedure, the term "T tle IX Coord nator" nclud es any Deputy T tle IX Coord nator, unless otherw se spec f ed.

The T tle IX Coord nator s respons ble for oversee ng the nvest gat on of compla nts under th s Procedure, and mon tor ng/coord nat ng the response of other campus off ces that may respond to compla nts of sex-based offenses under th s Procedure, nclud ng compla nts of retal at on for f l ng a compla nt on the bas s of th s Procedure.

In add t on to address ng compla nts of Proh b ted Conduct by spec f c nd v duals under th s Procedure, the T tle IX Coord nator also fac l tates S ncla r's response to compla nts or reports that S ncla r pol c es or pract ces d scr m nate on the bas s of sex, gender, gender dent ty, gender express on, or sexual or entat on. The T tle IX Coord nator w ll rev ew such concerns and, us ng procedures the T tle IX Coord nator determ nes to be appropr ate g ven the c recumstances,
Including referral to other employees or offices at S ncla r, work to address the compla nt or report and ensure that S ncla r's pol c es and pract ces do not d scr m nate on the bas s of sex.

The contact nformat on for the T tle IX Coord nator and Deputy T tle IX Coord nator as of the effect ve date of th s Procedure s as follows:

T tle IX Coord nator
Deputy T tle IX Coord nator
444 West Th rd Street
Dayton, Oh o 45402
Off ce Phone: 937-512-2961
Off ce Fax: 937-512-2777
Ema l: T tleIX@s ncla r.edu

Further nformat on about how to contact these employees and any updates about them or the r contact nformat on s posted on S ncla r's webs te.

II. PROHIBITED CONDUCT

Conduct proh b ted by th s Procedure ncludes: T tle IX Sexual Harassment, D scr m nat on on the bas s of sex/gender, and Retal at on (collect vely, "Proh b ted Conduct"). These are def ned below.

A. Title IX Sexual Harassment

1. Threshold Requirements

For reported behav or to qual fy as T tle IX Sexual Harassment under th s Procedure, n add t on to meet ng the elements of at least one of the s x types l sted below, t must meet all of the follow ng threshold requ rements, as determ ned by the T tle IX Coord nator and as mandated by federal regulat ons:

   a. The conduct must have occurred aga nst a person n the Un ted States.

   b. The conduct must have occurred w th n S ncla r's educat on program or act v ty. Th s means that the conduct must have occurred e ther:

   i. at a locat on, event, or c rcumstances over wh ch S ncla r ex erced substant al control over both the Respondent and the context n wh ch the sexual harassment occurs or,

   ii. In relat on to a bu ld ng owned or controlled by a student organ zat on that s off c ally recogn zed by S ncla r.

   c. The Compla nant must be part c pat ng n or attempt ng to part c pate n the educat on program or act v ty of at the t me the formal compla nt s f led.
A complaint about conduct that does not meet these threshold requirements is subject to dismissal under this Procedure but may be subject to other Snake River policies and disciplinary procedures.

2. Types of Title IX Sexual Harassment.

There are six types of "Title IX Sexual Harassment" that constitute Prohibited Conduct under this Procedure: (1) quid pro quo sexual harassment, (2) unwelcome conduct sexual harassment, (3) sexual assault, (4) dating violence, (5) domestic violence, and (6) stalking on the basis of sex. Each of these are defined more specifically below.

a. Quid Pro Quo Sexual Harassment

"Quid pro quo sexual harassment" is conduct on the basis of sex where a Snake River employee conditions the provision of an aid, benefit, or service of Snake River on an and a dual's part cipation in an unwelcome sexual conduct.

b. Unwelcome Conduct Sexual Harassment

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

c. Sexual Assault

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

i. "Rape" is the carnal knowledge of a person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of the age or because of the temporary or permanent mental or physical incapacity. Carnal knowledge is defined as the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).

ii. "Sodomy" is oral or anal sexual intercourse with another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of the age or because of the temporary or permanent mental or physical incapacity.

iii. "Sexual Assault with an Object" is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the Complainant.
iv. "Fondling" s the touch ng of the pr vate body parts of another person for the purpose of sexual grat f cat on, w thout the consent of the Compla nant, nclud ng nstances where the v ct m s ncapable of g v ng consent because of the r age or because of the r temporary or permanent mental or phys cal ncapac ty.

v. "Incest" s sexual ntercourse between persons who are related to each other w th n the degrees where n marr age s proh b ted by law. In Oh o, Sect on 3101.01(A) of the Oh o Rev sed Code prov des that nd v duals nearer of k n than second cous ns may not marry.

vi. "Statutory rape" s sexual ntercourse w th a person who s under the statutory age of consent. In Oh o, sect on 2907.02(A)(1)(b) of the Oh o Rev sed Code prov des that no person may have sex w th a ch ld under the age of th rteen. Sect on 2907.04(A) of the Oh o Rev sed Code prov des that no person over the age of e ghteen may have sex w th a ch ld under the age of s xteen.

d. Dating Violence

"Dat ng v olence" s conduct on the bas s of sex that cons sts of v olence comm tted by a person who s or has been n a romant c or nt mate relat onsh p w th the Compla nant. The ex stence of such a romant c or nt mate relat onsh p s determ ned by the length of the relat onsh p, the type of relat onsh p, and the frequency of nteract ons between the nd v duals nvolved n the relat onsh p.

e. Domestic Violence

"Domest c v olence" s conduct on the bas s of sex that cons sts of a felony or m sdemeanor cr me of v olence comm tted by:

i. A current or former spouse or nt mate partner of the v ct m;

ii. A person w th whom the v ct m shares a ch ld n common;

iii. A person who s cohab tat ng w th, or has cohab tated w th, the v ct m as a spouse or nt mate partner;

iv. A person s m larly s tuated to a spouse of the v ct m under the domest c/fam ly v olence laws of the jur sd ct on;

v. Any other person aga nst an adult or youth v ct m who s protected from that person's acts under the domest c/fam ly v olence laws of the jur sd ct on.
f. Stalking

"Stalking" is conduct on the basis of sex that consists of engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional stress. For purposes of the definition of Stalking under this Procedure:

i. "Course of conduct" means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any act on, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

ii. A "reasonable person" means a reasonable person under similar circumstances and with similar traits to the victim.

iii. "Substantial emotional stress" means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counsel.

B. Sex Discrimination

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

C. Retaliation

Retaliation by Sncalr or any member of the Sncalr community is prohibited. Any member of the Sncalr community who commits retaliation will be subject to prompt and appropriate disciplinary action.

For purposes of this Procedure retaliation at on means not on threats, coerced, or sexual nature or ag the same facts or circumstances as a report or complaint of sex discrimination.

For purposes of this Procedure retaliation also includes reports of workplace harassment, but is not limited to the same facts or circumstances.
d m nat on or sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or the Procedure.

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

Complaints alleging retaliation may be filed according to the grievance procedures outlined below.

D. False Claims

An and dual who makes a complaint under this Procedure in good faith, even if it may be erroneous, will not be subject to discipline. However, the use of this Procedure for false, malicious, or frivolous purposes or for making a false claim is prohibited.

S ncl's decision to charge an and dual with a materially false statement in bad faith in the course of a grievance proceeding under this Procedure does not constitute retaliation at all, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

III. DEFINITIONS

The following terms are defined for purposes of this Procedure:

A. Actual Knowledge. Actual Knowledge is not ce of sexual harassment or allegations of sexual harassment provided to S ncl r's Title IX Coordinator, or any S ncl offical who has authority to institute corrective measures on behalf of S ncl.

B. Complainant. An and dual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.

C. Consent. Clear verbal or non-verbal communication, freely and actvely given, that is mutually understood as willingness to partake in a sexual act at any time with clear communication by the other party. An and dual's consent to one sexual act cannot be seen as consent to other sexual acts. Consent cannot be given by a person who has not reached an age under state law by which they are permitted to consent, by and duals with a developmental or cognitive disability that prevents them from having the capacity to consent, and and duals who are incapacitated. If consent cannot be given by an and dual, sexual act at any time unless it is derived to be without consent, even if the person appears to have given consent. Silence or failure to resist does not constitute consent. Consent cannot be obtained through force, threat of force, fraud, or coercion. Consent for previous sexual act not between the parties does not constitute consent for future sexual act.
D. **Formal Complaint.** A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment and/or other forms of sexual misconduct against a Respondent and requesting that Suncaler investigate the allegations. Formal Complaints must be filed in order to pursue either an informal resolution process or a formal grievance process.

E. **Incapacitation/Incapacity.** The state of being unconscious, asleep, or under the influence of drugs and/or alcohol to such an extent that the person cannot appreciate the nature or consequences of the act. Incapacitated individuals cannot give consent. Note that incapacitation/incapacity is not a defense to Title IX Sexual Harassment or other conduct prohibited by Suncaler policies.

F. **Party.** Complainant or Respondent.

G. **Respondent.** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

IV. **COMPLAINTS AND REPORTS**

A. **General**

Students, employees, applicants for admission or employment, contractors, or visitors who think they have experienced Prohibited Conduct as defined in this Procedure may make a complaint to the Title IX Coordinator.

Any person who thinks another person has experienced Prohibited Conduct as defined in this Procedure may make a report to the Title IX Coordinator.

A complaint or report can be made in person, by mail, by telephone, or by electronic mail, using the contact information listed on Suncaler's website. A complaint or report can be made at any time, including during non-business days or hours.

The Title IX Coordinator serves as the recipient of complaints or reports made under this Procedure. Other offices of Suncaler, such as the Office of Human Resources, Office of Student Affairs, and Suncaler Police, may handle certain aspects of Suncaler's response, depending on the nature of the complaint or report.

B. **Reporting Sexual Violence to Medical Provider and/or Law Enforcement**

Suncaler strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement officer after an incident of sexual violence or relational violence, whether or not the individual plans to pursue criminal action. This is the best option to ensure preservation of evidence and to begin a timely response by law enforcement and/or Suncaler.

An individual who has experienced sexual violence is encouraged to contact Suncaler Police or the law enforcement agency with jurisdiction on the location of the incident. Reporting sexual violence...
to law enforcement may not require criminal prosecution; however, it may allow S ncla r to assist and provide additional resources and support. S ncla r Pol ce can be contacted at (937) 512-2700.

C. Reporting

1. Duty to Report

Any S ncla r employee who becomes aware of nformat on that would lead a reasonable person to believe that Proh b ted Conduct under th s Procedure has occurred must notify the T tle IX Coord nator as soon as possible, but n any event, within five (5) work ng days after becom ng aware of the nformat on.

S ncla r recogn zes that certa n employees may have a legally protected conf dent al relat onsh p that may pre h t them from d sclos ng nformat on about conduct that may fall under th s Procedure. These employees include l censed counselors, l censed soc al workers, and other health care prov ders who have establ shed a cl ent or pat ent relat onsh p w th a student and may also include attorneys for S ncla r. Students w ll be clearly nformed n wr ng by any S ncla r employee f a conf dent al cl ent or pat ent relat onsh p s be ng establ shed and w ll have the cho ce of whether to enter nto such a relat onsh p. No S ncla r employee has the author ty to establ sh a conf dent al relat onsh p w th any other S ncla r employee or w th any person other than a student who has been spec f cally nformed such a relat onsh p s be ng establ shed.

An employee w th a duty to report must act vely prov de nformat on n the t me and manner deemed necessary and appropr ate by S ncla r to conduct the nvest gat on. Fa lure to cooperate w th the nvest gat on process n a t mely manner may comprom se S ncla r's ab l ty to conduct an nvest gat on and address allegat ons fully and may result n discipl nary or other act on aga nst the employee.

All S ncla r commun ty members, even those who are not obl gated to report under th s Procedure, are strongly encouraged to report nformat on regard ng any nc dent of Proh b ted Conduct to the T tle IX Coord nator.

2. Reporting Criminal Conduct

In add t on to the duty to report Proh b ted Conduct to the T tle IX Coord nator, members of the S ncla r commun ty may have a duty under Sect on 2921.22 of the Oh o Rev sed Code to report allegat ons of cr m nal conduct to law enforcement author t es f they know that a felony has been or s be ng comm t ted.

Anyone who suspects or has knowledge of cr m nal act v ty occurr ng on S ncla r property located n downtow n Dayton should call S ncla r College Pol ce Department at (937) 512-2700. Inc dents that occur on S ncla r property not located n downtow n Dayton or off campus should be reported to appl cable local law enforcement.
3. **Anonymous Complaints or Reports**

Anonymous complaints or reports in which the Complainant does not wish to disclose his or her name to the Title IX Coordinator or have it disclosed to the Respondent will be accepted. However, S.ncla r's ability to obtain additional information and the ability to investigate or resolve anonymous complaints or reports may be limited. An anonymous complaint or report can be made in the same manner as a complaint or report in which the name of the Complainant is disclosed.

4. **Amnesty for Students when drug or alcohol use is involved**

Students who complain of or report Prohibited Conduct or participate in investigations where the conduct involved drugs or alcohol will not be subject to disciplinary action by S.ncla r for violation of S.ncla r's drug or alcohol related policies, provided that such violation did not place the health or safety of any other person at risk.

V. **INVESTIGATION OF FORMAL COMPLAINTS**

A. **Complaints of Sex Discrimination or Retaliation**

Complaints alleging sex discrimination other than Title IX Sexual Harassment or Retaliation are not subject to the investigation and grievance processes in this Procedure. They will be addressed in accordance with other applicable S.ncla r policies and procedures. In all cases, S.ncla r will strive to ensure a prompt and equitable resolution of complaints of sex discrimination.

B. **Investigation Process for Formal Complaints of Title IX Sexual Harassment**

1. **Starting the Investigation**

A party may choose to resolve a Formal Complaint through the investigation process, provided that the Title IX Coordinator has conducted an initial assessment and determined that the jurisdiction and threshold requirements listed above have been met, that Title IX Sexual Harassment may have occurred, and that an investigation is appropriate.

S.ncla r may also choose to move forward with a Formal Complaint signed by the Title IX Coordinator.

The investigation process will begin with the Title IX Coordinator appointing one or more investigators. An investigator will begin the full investigation promptly, and will conduct the full investigation in a manner that is complete, thorough and impartial.

2. **Notice to Parties**

S.ncla r will provide to all known parties written notice of:

a. S.ncla r's grievance process;
b. Whether there is an opportunity to engage in informal resolution;

c. The allegations of sexual harassment, including sufficient details known at the time and within sufficient time to prepare a response before any initial interview (“sufficient details” include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment as defined by this Procedure, and the date and location of the alleged incident, if known);

d. The presumption that the Respondent is not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

e. The parties’ right to have an advisor of their choice, who may be an attorney;

f. Information regarding any provisions in S ncla r’s Codes of Conduct that prohibit making a materially false statement in bad faith in the course of a Title IX grievance proceeding;

g. The parties’ right to inspect and review evidence; and

h. The date, time, location, participants, and purpose of all hearings, interviews or other meetings, with sufficient time for the party to prepare to participate.

3. Timing of Notice

A written notice containing the terms set forth above must be provided to the Complainant and the Respondent before any initial interview with the Respondent occurs. The written notice must also give the parties sufficient time for a Respondent to prepare before an initial interview.

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

C. Dismissal of Formal Complaint

If, after the initial review of the Formal Complaint by the Title IX Coordinator, it is determined that any of the following conditions exist, S ncla r must dismiss the Formal Complaint from the Grievance Procedures outlined in this Procedure:

1. The alleged conduct, if occurred as alleged, would not constitute Title IX Sexual Harassment;
2. The alleged conduct, if it occurred as alleged, did not occur in Student's educational programs or acts, or;

3. The alleged conduct, if it occurred as alleged, did not occur against a person in the United States.

Although prior determinations on each of these issues were likely made earlier in the process, additional information may be uncovered during an investigation that requires them to be reconsidered. The Title IX Coordinator is responsible for reconsidering these issues at any point during the processes outlined in this Procedure, which may result in the report of misconduct being dismissed from the Grievance Procedures outlined in this Procedure or being referred for consideration under other applicable Student policies, codes of conduct, or handbooks.

Student may also dismiss a formal complaint or some of its allegations if:

1. A Complainant not feels the Title IX Coordinator will withdraw the formal complaint or some of its allegations;

2. The Respondent is no longer enrolled as a student or employed by Student, or;

3. Specific circumstances prevent Student from gathering evidence sufficient to reach a determination as to the formal complaint or allegations thereof.

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

Such a dismissal does not prevent Student from proceeding under another Student conduct policy or process.

D. Advisors

Each party has the right to bring an advisor of their choosing to any meetings or discussions relating to the investigation of a Formal Complaint. The advisor may advise the party directly and ask clarifying questions, but may not speak for the party or disrupt the investigation. If a party's advisor refuses to comply with restrictions set by Student, the party may be required to use a different Advisor.

This provision applies to all parts of the grievance proceed except for the live hearing described below. More information on the role of Advisors during the live hearing is set forth below.

E. Timeframes

Student will attempt to complete most investigations within 60 days from the date a formal complaint is filed.
The timeframe for the overall grievance process will begin on the date a formal complaint is filed and will conclude within the determination of responsibility. The determination will typically be issued within 30 days after the issuance of the investigation report.

**F. Consolidation of Formal Complaints**

S nal r may consolidate formal complaints of allegations of Title IX Sexual Harassment against more than one Respondent or Complainant, or by one party against the other party, where the allegations of sexual harassment relate out of the same facts or circumstances. The same facts and circumstances means that the allegations are so intertwined that they directly relate to all the parties.

**G. Interviews and Evidence Gathering**

The Title IX Coordinator will conduct an initial assessment of a formal complaint and determine whether it is appropriate to offer the parties an opportunity to use the Informal Resolution Process described below or whether to conduct a formal investigation, or both.

If the matter is not resolved through the Informal Resolution Process, the Title IX Coordinator will conduct a prompt and thorough investigation on the alleged occurrence.

During the investigation, the Title IX Coordinator will offer supportive measures to the parties, if and as appropriate. Supportive measures are described below.

During the investigation, all parties and witnesses may be accompanied during interviews by an advisor of their choice.

During the investigation, both the Complainant and Respondent may present statements, witnesses and other evidence to the investigator. The Reporting Person (who may or may not be the Complainant), the Complainant (if not the Reporting Person), the Respondent, and witnesses with relevant information may be interviewed as part of the full investigation. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. Follow-up interviews may be conducted by the investigator as needed. The full investigation is designed to provide a fair and reliable gathering of the facts.

S nal r w ll prov de an equal opportun ty for the part es to present w tnesses, nclud ng fact and expert w tnesses, and other nculpatory and exculpatory ev dence.

S nal r w ll not restr ct the ab l ty of e ther party to d scuss the allegat ons under nvest gat on or to gather and present relevant ev dence. A party's commun cat on w th a w tness or potent al w tness s cons dered part of a party's r gh to mean ngfully part c pate n further ng the party's interests n the case, and not an "nterference" w th the nvest gat on. However, where a party's conduct toward a w tness m gh const tute "tamper ng" (for nstance, by attempt ng to alter or prevent a w tness's test mony), such conduct also s proh b ted as retal at on.
Sncra wll not access, consder, dsclose, or otherwse use a party's records that are made or ma
nta ned by a phys c an, psych atr st, psycholog st, or other recog ned profess onal or paraprofess
onal act ng n the profess onal's or paraprofess onal's capac ty, or ass st ng n that capac ty, and wh
ch are made and ma nt a n connect on w th the prov s on of treatment to the party, unless S ncla
r obta ns that party's voluntary, wr tten consent.

The part es w ll have an equal opportun ty to nspect and rev ew any ev dence obta ned as part of
the nvest gat on that s d rectly related to the allegat ons ra sed n a Formal Compla nt, nclu ng the
ev dence upon wh ch S ncla r does nt ntend to rely n reach ng a determ nat on regard ng respons
b l ty and nculpatory or exculpatory ev dence whether obta ned from a party or other source. S ncla
r w ll not cons der or prov de for nspect on and rev ew ev dence wh ch S ncla r knows was illega-
ly or unlawfully created or obta ned. S ncla r may mpone on the part es and party adv sors restr c
t ons or requ re a non-d sclosure agreement not to d ssem nate any of the ev dence subject to nspect
on and rev ew.

Pr or to complet on of the nvest gat ve report, S ncla r w ll send to each party and the party's adv
sor, f any, the ev dence subject to nspect on and rev ew n an electron c format or a hard copy, and
the part es w ll have 10 days to subm t a wr tten response, wh ch the nvest gator w ll cons der pr
or to complet on of the nvest gat ve report.

All ev dence subject to the part es' nspect on and rev ew w ll be ava lable at any hear ng to g ve each
party equal opportun ty to refer to such ev dence dur ng the hear ng, nclu ng for purposes of
cross-exam nat on.

H. Investigative Report

The nvest gator w ll prepare an nvest gat on report that fa rly summar zes relevant ev dence. If the
report nvolves mult ple Compla nants and/or Respondents, S ncla r may ssue a s nge
nvest gat ve report.

At least 10 days pr or to a hear ng or other t me of determ nat on regard ng respons b l ty, the
nvest gator w ll send to each party and adv sor, f any, the nvest gat ve report n an electron c
format or a hard copy, for the rev ew and wr tten response. If a party d sagrees w th an
nvest gator's determ nat on about relevance, the party may argue relevance n the wr tten
response and/or to the dec s on-maker at the subsequent hear ng.

1. Interim Appeal

If after rece v ng and rev ew ng the nvest gat on report a party bel e ves the threshold requ
rements for T tle IX Sexual Harassment were not met, that party may subm t a wr tten appeal
of the dec s on to proceed w th the case. The appeal ng party must subm t a wr tten appeal
to the T tle IX Coord nator w th n 3 calendar days of rece v ng the nvest gat on report that
expla ns the bas s for the r appeal. The appeal w ll be cons dered by an appropr ately tra
ned S ncla r employee des gnated by the T tle IX Coord nator, and an appeal dec s on w ll
be commun cated n wr t ng, to the part es, the r adv sors, and the T tle IX Coord nator w th
n 3 calendar days.
The parties will have 10 calendar days from the date of the appeal decision to submit a written response to the Investigation Report. The written appeal and appeal decision will be included for consideration in the resolution process.

2. **Standard of Evidence and Burden of Proof**

The standard of evidence for review of Formal Complaints under this Procedure is preponderance of the evidence. "Preponderance of the evidence" is a determination based on facts that are more likely true than not. In the preponderance of the evidence standard, where the evidence in a case is "equal" or "level" or "unequivocal," the preponderance of the evidence standard results in a finding that the Respondent is not responsible.

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

VI. **Miscellaneous Provisions**

A. **Privacy and Confidentiality**

Sncra will conduct all investigations and other activities under this Procedure in a manner that protects the privacy and confidentiality of all participants to the extent permitted by law and applicable Sncra policies. Privacy and confidentiality have separate and distinct meanings under this Procedure.

1. **Privacy**

Student education records are protected in compliance with the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, and other applicable federal and state laws.

Access to employee personnel records is governed by Sncra's policies and applicable federal and state law.

Sncra must obtain written consent from a party before Sncra may receive any health or other treatment records. If a party provides written consent for medical or other treatment records to become part of an investigation on the party's file, both parties will be able to review and comment on those records if the investigation moves towards an investigation report and possible hearing.

2. **Confidentiality**

Information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except to the extent it is necessary to disclose information on the course of the investigation, for the purposes of addressing misconduct or
pract ces that may v olate the Procedure, or when requ red to do so by law, nclud ng but not l m ted to Oh o's publ c records laws.

All persons nvolved n the process should observe the same standard of d scret on and respect for the pr vacy of persons nvolved n the process.

If the compla nt conta ns suff c ently deta led nformat on about conduct that may const tute a cr me, the matter w ll be reported to S ncla r Pol ce.

Pursuant to the Clery Act (20 U.S.C. § 1092, et al.) and the 2013 Amendments to the V olence Aga nst Women Act (42 U.S.C. § 13701 - 14040), the T tle IX Coord nator w ll share anonymous stat st cal nformat on regard ng reported cr m nal dents w th the S ncla r Department of Publ c Safety for nclus on n the Da ly Cr me Log. S ncla r may also share aggregate and non-personally dent able data about reports, outcomes, and sanct ons as perm tted or requ red by law.

B. Supportive Measures

1. Generally

Upon rece pt of a report or compla nt of sexual harassment, the T tle IX Coord nator w ll contact the Compla nant to d scuss the ava lab l ty of support ve measures, whether or not the Compla nant w shes to f le a formal compla nt under th s Procedure. S ncla r w ll determ ne the necess ty and scope of any support ve measures. Even when a Complanant does not spec f cally request that protect ve act on be taken, S ncla r may choose to impose support ve measures at ts d scret on to ensure the safety of any nd v dual, the broader S ncla r commun ty, or the ntegr ty of the rev ew process.

"Support ve measures" are non-d sc pl n ary, non-pun t ve nd v dual zed serv ces offered as appropr ate, as reasonably ava l able, and w thout fee or charge to the Compla nant or the Respondent before or after the f l ng of a formal compla nt or where no formal compla nt has been f led. The T tle IX Coord nator s respons ble for offer ng and coord nat ng the implementat on of support ve measures. Such measures are des gned to restore or preserve equal access to S ncla r’s educat on program or act v ty w thout unreasonably burden ng the other party, nclud ng measures des gned to protected the safety of all part es or S ncla r’s educat onal env ronment, or deter sexual harassment.

A student or employee seek ng support ve measures should contact the T tle IX Coord nator, who w ll coord nat e such requests.

2. Types of Supportive Measures. Support ve measures nclude but are not l m ted to:

a. No Contact Order: A Compla nant or Respondent may request, or S ncla r may impose, commun cat on and contact restr ct ons to prevent further potent ally harmless nt eract on. These commun cat on and contact restr ct ons generally
preclude any nd v dual, telephone, electron c or th rd party commun cat ons. S ncla r may also l m t an nd v dual's or organ zat on's access to certa n S ncla r fac l t es or act v t es as part of the no contact order.

b. **Academic or Employment Modifications:** A Compla nant or Respondent may request an academ c or employment accommodat on after a report of sexual m sconduct. An nd v dual who requests ass stance n chang ng the r academ c or employment s tuat on after an nc dent of sexual m sconduct w ll rece ve appropr ate and reasonably ava lable accommodat ons.

c. **Academic accommodations:** Includ ng a change n class schedule, tak ng an ncomplete, dropp ng a course w thou penalty, attend ng a class v a electron c, remote, or other alternat ve means, prov d ng an academ c tutor, or extend ng deadl nes for ass gnments;

d. **Change:** In work ass gnment or schedule;

e. **Escort:** Prov d ng an escort to ensure safe movement between classes and act v t es.

f. **Emotional Support:** A l m ted amount and scope of counsel ng from l censed personnel may be ava lable to students through S ncla r's Counsel ng Center. S ncla r w ll also ass st n prov d ng referral to off-campus agenc es or prov ders, as descr bed n the reference sect on of th s Procedure. Such support s ava lable to any member of S ncla r commun ty.

g. **Temporary Suspension-Restriction (Students)/Administrative Leave (Employees):** When a compla nt or report of Proh b ted Conduct under th s Procedure nd cates that there may be an ongo ng r sk of harm to the safety or well-be ng of an nd v dual or members of the campus commun ty, S ncla r may place a student or student organ zat on on temporary suspens on-restr ct on or place an employee on adm n strat ve leave. Pend ng resolut on of the compla nt, the nd v dual or organ zat on may be den ed access to campus. When nter m suspens on or leave s mposed, S ncla r w ll make reasonable efforts to complete the nvest gat on and resolut on on w th n an exped ted t me frame.

3. **Failure to abide by restrictions imposed by interim supportive measures:** All nd v duals are encouraged to report concerns about fa lure of another nd v dual to ab de by any restr ct ons mposed by an nter m support ve measure. S ncla r w ll take mmed ate and respons ve act on to enforce measures prev ously ordered are implemented by S ncla r.

C. **Emergency Removal**

If, after rece pt of a compla nt and an nd v dual zed safety and r sk assessment, S ncla r determ nes that an mmed ate threat to the phys cal health or safety of any student or other nd v dual ar s ng
from the allegations of sexual harassment justifies removal of a Respondent, S
nclara may remove the Respondent on an emergency basis. Threats must pose more than a generalized, hypothetical, or speculative risk to health and safety for emergency removal to be appropriate.

A removed Respondent will receive notice and an opportunity to challenge the decision immediately following the removal. Employees may be placed on administrative leave during the grievance process.

D. Equitable Treatment

Complainants and Respondents are eligible for Supportive Measures as defined within this Procedure. S
nclara will not pose disciplinary sanctions against a Respondent unless a determination of responsibility for Title IX Sexual Harassment has been made against the Respondent.

S
nclara will conduct an objective evaluation of all relevant evidence—excluding both culpatory and exculpatory evidence. S
nclara will not require, allow, rely upon, evaluate, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected by a legally recognized privilege (e.g., attorney-client or doctor-patient), unless the person holding such privilege has waived the privilege.

E. Bias/Conflicts of Interest

Any individual designated by S
nclara as a Title IX Coordinator, investigator, decision-maker, or informal resolution process facilitator, must not have a conflict of interest or bias for or against Complainants or Respondents generally, or for or against an individual Complainant or Respondent.

The following will not be considered evidence of bias:

- The Title IX Coordinator's notation at the opening of a formal complaint, or;
- An individual's decision that allegations warrant an investigation;
- Use of trauma-informed practices when such practices do not:
  - Rely on sex stereotypes;
  - Apply generalizations to allegations in specific cases;
  - Cause loss of impartiality, and;
  - Prejudge the facts at issue.

S
nclara will apply an objective (reasonable person), common sense approach to evaluating whether a particular person served as a Title IX role as assessed, and will exercise caution not to apply generalizations that might unreasonably conclude that bias exists. An individual's current job title, professional qualifications, past experience, identity, or sex will not, alone, dictate bias.
F. Presumptions

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

G. Recordkeeping

San德拉 will create and maintain for a period of at least seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, San德拉 will document the basis for its conclusion that its response was not deliberately different, and document that it has taken measures designed to restore or preserve equal access to San德拉's education program or activity. If San德拉 does not provide a Complainant with supportive measures, then San德拉 will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

VII. HEARING

A. General

When the investigation is concluded, and the parties have had the opportunity to review the evidence and the opportunity to respond in writing to the draft investigation report as described above, San德拉 will facilitate a live hearing during which each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those questions that challenge credibility.

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

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

San德拉 will create an audio or audiovisual record of, or transcript of, any live hearing and make it available to the parties for inspection and review.

The person(s) to serve as the decision-makers during the hearing will be as set forth in the Student Code of Conduct when the Respondent is a student, or the applicable Procedure, or handbook when the Respondent is an employee or other person subject to this Procedure.

The decision-maker will not be the Title IX Coordinator or the individual who investigated the Formal Complaint.
B. Pre-Hearing Conference

Each party will have its own Pre-Hearing Conference with the decision-maker prior to the hearing. The Title IX Coordinator or decision-maker will communicate to the parties and their advisors the date, time, and format for the Pre-Hearing Conference. The decision-maker and the advisors must be in attendance. While the parties are strongly encouraged to attend, they are not required to do so.

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

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

The advisors are strongly encouraged to discuss lines of questioning with the decision-maker at the Pre-Hearing Conference to obtain guidance from the decision-maker on relevancy prior to the hearing. Additionally, the decision-maker will discuss with the advisors and parties the expectations and guidelines for appropriate behavior and decorum during the hearing.

After the conclusion of the Pre-Hearing Conferences, the decision-maker will provide the parties and their advisors with written notice of the date, time, and manner for the hearing, which will typically occur no less than 14 days after the conclusion of the final Pre-Hearing Conference.

C. Advisors at Hearings

If a party wants to question another party or a witness at a hearing, the party must be accompanied by an Advisor. Parties will not be permitted to conduct cross-examination on their own.

Snclor will not limit the choice or presence of any advisor for a Complainant or Respondent, and the advisor of the choice may be, but is not required to be, an attorney. If a party does not have an Advisor present at the live hearing, Snclor will provide without fee or charge to that party, an Advisor of Snclor's choice, who may, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

At the hearing, the decision-maker will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, excluding those challenging credibility. Cross-examination on at the hearing will be conducted directly, orally, and in real-time by the party's Advisor. All questions on at the hearing must be relevant, respectful, and non-abusive. If a party's Advisor refuses to comply with restrictions set by Snclor, Snclor may remove that advisor from the hearing process and require that the party use a different Advisor.
D. Relevance

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

The following may be considered irrelevant:

- Repetition of the same question;
- Evidence that is duplicative of other evidence;
- Questions related to information that is protected by a legally recognized privilege;
- Questions related to a party's medical, counseling/psychological, and similar treatment records unless the party has given voluntary, written consent; and
- Questions related to information about the Complainant's sexual predilection or prurient sexual behavior, unless:
  - The information is to offered to prove that someone other than the Respondent committed the alleged Title IX Sexual Harassment, or
  - The information concerns specific details of the Complainant's prurient sexual behavior or with respect to the Respondent and are offered to prove consent.

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

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

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

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

E. Weighing Credibility

The decision-maker will evaluate all admissions, relevant evidence for weight or credibility. The degree to which any inaccuracy, inconsistency, or improbability of a party or witness should affect a determination on regard will be decided by the decision-maker, after having the opportunity to ask questions of parties and witnesses, and to
observe how parties and witnesses answer the questions posed by the other party. Corroborating evidence is not required.

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

A party's answers to cross-examination questions can and should be evaluated by a decision-maker in context, including that a party may experience stress while trying to answer questions. Parties will not be unfairly judged due to inability to recount each specific detail of an incident in sequence, whether such inability is due to trauma, the effects of drugs or alcohol, or simple fallibility of human memory.

F. Decision

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

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

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

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

For example, where a Complainant alleges that the Respondent said to the Complainant: "If you go on a date with me, I'll give you a higher grade in my class," and at the live hearing, the Respondent does not submit to cross-examination on. This Procedure does not preclude the decision-maker from relying on the Complainant's testimony that the Respondent said those words to the Complainant. The words described by the Complainant, allegedly attributed to the Respondent, are themselves the misconduct that constitutes Title IX Sexual Harassment under this Procedure, and are not the Respondent's "statement," i.e., the Respondent's ntent to make a factual assertion on.
After the hearing, the decision-maker will issue a written determination of responsibility. This determination will include:

1. Identification of the allegations potentially constituting Title IX Sexual Harassment
2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination on, including any notices to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the Procedure to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
   a. A determination regarding responsibility,
   b. Any disciplinary sanctions the Institution imposes on the Respondent,
   c. Whether remeds will be provided by the Institution to the Complainant; and
6. The procedures and permissible bases for the Complainant and Respondent to appeal.

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

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

G. Sanctions and Remedies

Once a final outcome has been reached regarding a case under this Procedure, the any relevant sanctions or remeds will be determined by the applicable Institution administrator, based on the status of the Respondent, e.g. whether a student, tenured or tenure-track faculty, other employee, or contractor.

A range of reasonable sanctions may be imposed, including, but not limited to:

1. Continuing "no contact" orders;
2. Trespass order prohibiting presence on campus, at Institution-owned facilities, and/or at campus activities or events;
3. Fines;
4. Required counseling;
5. Alcohol/drug assessment;
6. Restitution/Restoration, where property has been damaged/stolen or funds have been misappropriated;
7. Campus Restriction on behavior, access to certain campus facilities, partaking in certain campus activities or events, housing restrictions, and/or scheduling restrictions;
8. Written apology;
9. Community Service;
10. Training or Professional Development;
11. Suspension of student;
12. Expulsion of student;
13. Written warning of employee;
14. Suspension of employee, with or without pay;
15. Term nat on of employment;
16. Prohibiting contractor or contractor's employee from being on campus;
17. Cancellation of third-party contract.

More than one sanction may be imposed for any single violation.

A Respondent's prior disciplinary record may be taken into consideration in imposing sanctions.

Any sanction imposed will be in effect at all campuses, all property owned or controlled by S ncla r, and at all events or functions sponsored by or under the superv s on of S ncla r, unless otherw se prov ded n the wr tten dec s on.

When a determ nat on of respons b l ty for T tle IX Sexual Harassment has been made, S ncla r w ll prov de remed es to the Compla nant des gned to restore or preserve equal access to S ncla r's educat on program or act v ty. Such remed es may nclude the same nd v dual zed serv ces prov ded as support ve measures; however, remed es need not be non-d sc pl nary or non-pun t ve and need not avo d burden ng the Respondent after a determ nat on of respons b l ty for T tle IX Sexual Harassment has been made.

The T tle IX Coord nator s respons ble for effect ve mplementat on of remed es. Where the f nal determ nat on has nd cated that remed es w ll be prov ded, the Compla nant can then commun cate separately w th the T tle IX Coord nator or the r des gnee to d scuss what remed es are appropr a tely des gned to preserve or restore the Compla nant's equal access to educat on. Remed es for a Compla nant that do not affect the Respondent must not be d sclosed to the Respondent.

H. Appeals

E ther party may, w th n ten (10) bus ness days, appeal the dec s on-maker's determ nat on regard ng respons b l ty, or S ncla r's d sm ssal of a formal compla nt or any allegat ons there n. S ncla r w ll not fy the other party n wr t ng when an appeal s f led and mplement appeal procedures equally for both part es. Both part es w ll have a reasonable, equal opportun ty to subm t a wr tten statement n support of, or challeng ng, the outcome. The dec s on-maker for the appeal w ll issue a wr tten dec s on descr b ng the result of the appeal and the rat onale for the result and prov de the wr tten dec s on s multaneously to both part es.

Grounds for appeal include:

1. Procedural regular ty that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias as for or against Complainants or Respondents generally or the respondent or dual Complainant or Respondent that affected the outcome of the matter; All grounds for appeal will be available to all parties.

The decision-maker for the appeal will be as set forth in the Student Code of Conduct when the Respondent is a student, or in the applicable Procedure or handbook when the Respondent is an employee or other person subject to the Procedure. The decision-maker for the appeal will not be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator.

The decision-maker for the appeal will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties within ten (10) business days of the date the non-appealing party's written response to the appeal is received.

VIII. INFORMAL RESOLUTION PROCESS

Snr's Informal Resolution process involves informal consultation to find an acceptable resolution for both parties without invoking the full investigation and adjudication process described below.

The Informal Process Facilitator will be designated by the Title IX Coordinator and may be the Title IX Coordinator.

Snr will not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in Title IX Sexual Harassment of a student.

The informal process may include any of the following:

1. Counsel the Complainant on ways to address the Respondent directly regarding the respondent's comfort doing so,

2. Counsel the Respondent by the Title IX Coordinator on changing the respondent's behavior,

3. Facilitated discussion between the Complainant and Respondent,

4. Mediated agreement between the Complainant and Respondent, or

5. Any other informal process that is appropriate under the circumstances.
The informal resolution process is voluntary. S ncla r w ll not requ re that a Com pla nant or Respondent part c pate n nformal resolut on and wa ve the r ght to a full nvest gat on and adjud cat on of formal compla nts of T tle IX Sexual Harassment n order to enroll or cont nue to be enrolled, or be employed or cont nue to be employed, or enjoy any other r ght granted by S ncla r. The part es may voluntar y choose to pursue the nformal resolut on process at any t me pr or to reach ng a determ nat on regard ng respons b l ty. The part es may choose to pursue a formal resolut on at any t me pr or to agree ng to a resolut on.

S ncla r w ll take the follow ng steps pr or to fac l tat ng an nformal resolut on:

- Prov d ng wr tten not ce to the part es of:
  - the allegat ons,
  - the requ rements of the nformal resolut on process nclud ng the c rcumstances under wh ch t precludes the part es from resum ng a formal compla nt ar s ng from the same allegat ons, prov ded, however, that at any t me pr or to agree ng to a resolut on, any party has the r ght to w thdraw from the nformal resolut on process and resume the gr evance process w th respect to the formal compla nt nt, and
  - any consequences result ng from part c pat ng n the nformal resolut on process, nclud ng the records that w ll be ma nta ned or could be shared;

- Obta n ng the part es' voluntary, wr tten consent to the nformal resolut on process.

The Com pla nant and Respondent are perm tted to br ng an adv sor of the r choos ng to any d scuss ons as part of the nformal resolut on process. An adv sor may offer the r ass stance to the Com pla nant or Respondent, but may not speak for them dur ng the process.

IX. PREVENTION, EDUCATION, AND TRAINING

S ncla r w ll prov de tra n ng on T tle IX Sexual Harassment and other Proh b ted Conduct, for trustees, employees, and students.

The T tle IX Coord nator, nvest gators, dec s on-makers, and persons who fac l tate an nformal resolut on process w ll rece ve tra n ng on the def n t on of sexual harassment, the scope of S ncla r's educat on program or act v ty, how to conduct an nvest gat on and gr evance process nclud ng hear ngs, appeals, and nformal resolut on processes, and how to serve mpart ally, nclud ng by avo d ng prejudgment of the facts at ssue, confl cts of nterest, and b as. Th s ncludes how to apply the def n t ons w th respect to consent (or the absence or negat on of consent) cons stently, mpart ally, and n accordance w th th s Procedure. They w ll also rece ve annual tra n ng on ssues related to dat ng v olence, domest c v olence, sexual assault, and stalk ng and on how to conduct an nvest gat on and hear ng process that protects the safety of v ct ms and promotes accountabl ty.

Invest gators w ll rece ve tra n ng on ssues of relevance to create an nvest gat ve report that fa rly summar zes relevant ev dence.
Decisions on-makers will receive training on any technology to be used at all levels regarding issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

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

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