This policy prohibits all forms of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, indecent exposure, intimate-partner violence, dating violence and domestic violence, retaliation, stalking, and other misconduct that is sex or gender based, or in the context of an intimate partner relationship including: bullying and intimidation, physical assault, and discrimination.

I. Scope

The Sexual Assault and Harassment Policy applies to all members of the College community, including students, employees, volunteers, independent contractors, visitors or any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity at the College. The policy’s full scope is described in the Sexual Assault and Harassment Policy.

These specific procedures apply to complaints against staff and instructional staff, including faculty. This includes regular full-time, part-time, limited term, and temporary staff, including those in their orientation period, and full-time, part-time faculty and other instructional staff members of the College, whether or not appointed to regular faculty rank.

Procedures for complaints against students are set forth in the Procedures for Resolution of Complaints Against Students.

II. Procedural options

As outlined in the Reporting section of the Sexual Assault and Harassment Policy, any individual who wishes to make a report of sexual misconduct is encouraged to make a report directly to the Title IX coordinator. In every report of sexual misconduct, the Title IX coordinator, through the coordinated efforts of the Title IX team, will conduct an initial Title IX assessment. At the conclusion of the Title IX assessment, if appropriate, the report will be referred for either remedies-based resolution or investigation. Remedies-based resolution does not involve disciplinary action against a respondent. An investigation gathers the facts of the case and this information is used to determine whether a violation of the Sexual Assault and Harassment
Policy is more likely than not to have occurred based on a preponderance of the evidence standard. A determination of a policy violation will result in College action leading to disciplinary measures up to and including dismissal.

Supportive resources will be offered and reasonable interim measures may be used to ensure the integrity of any stage of the process and to protect the safety of all parties and the College community.

College employees can also seek confidential assistance, which does not constitute notice to the College, through Carebridge, the College’s Employee Assistance Program. Carebridge is available 24 hours a day, 7 days a week by calling 1-800-437-0911. For other supportive and confidential resources, please check the Resources section of the Sexual Assault and Harassment Policy.

III. Title IX Assessment

Upon receipt of a report under this policy, the Title IX coordinator, through the coordinated efforts of the Title IX team, will conduct a timely initial Title IX assessment. The Title IX team is flexible in composition based on the relationship of the complainant and respondent to the College (student, staff, instructional staff), and the Title IX coordinator is responsible for assembling the Title IX team. All members of the Title IX team are extensively trained in sexual misconduct policy and procedure. When a member of the instructional staff is involved, the Title IX team will include the provost or designee. Depending on the relationship of the complainant and the respondent to the College (student, staff, faculty, or other) and the nature of the circumstances of the report, the Title IX coordinator will consult with others as appropriate, such as the director of equal opportunity and the human resources manager (a deputy Title IX coordinator) when assessing a report that also involves an implication of harassment based upon other protected classes or has other employment implications. In all cases, the team will be limited in number and information will only be shared on a “need to know” basis.

The Title IX assessment is designed to carry out the goals of Title VII (as it applies to discrimination based on sex), Title IX, and the relevant portions of the Clery and the Violence Against Women Acts. The first step of the assessment will usually be a preliminary meeting between the complainant and the Title IX coordinator or another member of the Title IX team. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full fact-gathering interview. At this meeting, the complainant will be provided with information about resources, procedural options, and interim remedies. During this initial review, the Title IX team member(s) will make a reasonable assessment of the safety of the individual and of the campus community.
The Title IX team will also consider the interest of the complainant and the complainant’s expressed preference for the manner of resolution. Where possible and as warranted by an assessment of the facts and circumstances, the College will seek to proceed in a manner consistent with the complainant’s request.

As part of the initial assessment of the facts, the Title IX coordinator, in collaboration with the Title IX team, will:

- assess the nature and circumstances of the allegation;
- address immediate physical safety and emotional well-being of the complainant;
- provide the complainant with a written explanation of the complainant’s rights and options, including:
  - the right to report, or decline to report, the incident to law enforcement if the conduct is potentially criminal in nature. The College has personnel who are available to assist in this process;
  - the right to obtain a “no-contact” order from local authorities or from the College;
  - the right to and importance of seeking medical treatment to address physical health and to preserve evidence;
  - the right to file a complaint through the applicable internal complaint resolution process, to receive an explanation of the process and of the obligation to provide a prompt, fair, and impartial investigation and resolution, and to receive an explanation of the potential remedies for victims, potential remedies for the College community, and possible sanctions against respondents;
  - notify the complainant of the range of interim measures and remedies, including options for changes in living, academic, transportation, working situations;
  - provide the complainant with information about on- and off-campus resources, including support options;
  - obtain the complainant’s expressed preference for the manner of resolution and assess any barriers to proceeding;
  - share that each party is entitled to have an advisor of their own choosing, as desired;
  - determine if concerns exist for discrimination or harassment based on other protected classes;
  - explain the College’s policies for confidentiality and prohibiting retaliation, as described in the Sexual Assault and Harassment Policy;
  - assess the reported conduct for the need for a timely warning under federal law;
  - determine if pattern evidence or other similar conduct by respondent exists;
  - enter non-identifying information about the report into the College’s daily crime log if the report includes a Clery-reportable crime;
In cases involving an instructional staff member, the Title IX coordinator will consult with the provost, who will determine if any issues of academic freedom are involved. In cases where academic freedom is at issue, the provost (or designee) will confer with the Committee on Faculty Procedures to determine how academic freedom should factor into a Title IX assessment, as described in Special Provisions for Instructional Staff within this procedure.

The Title IX team will take all reasonable steps to respond to a complaint consistent with a complainant’s requested outcome, but its ability to do so may be limited based on the nature of a complainant’s request. Where a complainant requests that a name or other identifiable information not be shared with the respondent or that no formal action be taken, the College will balance this request with its responsibility to provide a safe and non-discriminatory environment for all College community members and to afford a respondent fundamental fairness.

In the event that a complainant does not wish to proceed with formal action, the Title IX coordinator, in consultation with the Title IX team as necessary, will decide, based on the available information, whether additional steps are appropriate. In making this decision, the Title IX team will consider, among other factors, whether the complainant has requested confidentiality; whether the complainant wants to participate in additional steps; the severity and impact of the sexual misconduct; the respective ages of the parties, including whether the complainant is a minor under the age of 18; whether the respondent has admitted to the sexual misconduct; whether the respondent has a pattern of committing sexual misconduct; the existence of independent evidence; the extent of prior remedial methods taken with the respondent; and any legal obligation to proceed based on the nature of the conduct.

At the conclusion of the Title IX assessment, the Title IX coordinator, in collaboration with the Title IX team, will determine whether or not to refer the report for remedies-based resolution or for investigation to determine whether to pursue disciplinary action.

This determination will be communicated to the complainant in writing. The Title IX coordinator or a member of the Title IX team will discuss the determination with the complainant and provide information to assist in understanding available resources and procedural options.

The respondent will be notified in writing when the College seeks action that would impact a respondent, such as protective measures that restrict the respondent’s movement on campus, the initiation of an investigation or the decision to involve the respondent in remedies-based resolution.

The College will inform the complainant and the respondent that retaliation is prohibited by law and College policy and that the College will take strong responsive action to protect the safety of any individual. Retaliation will not be tolerated and will result in disciplinary action.
IV. Remedies-based resolution

Remedies-based resolution is designed to address the effects of the alleged conduct and prevent a hostile environment without taking disciplinary action against a respondent. Where the Title IX assessment has concluded that remedies-based resolution is appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to prevent a hostile environment and maximize the complainant’s access to the educational, extracurricular and employment activities at the College.

Examples of potential remedies include targeted or broad-based educational programming or training, supported direct communication with the respondent by the complainant, communication with the respondent by the Title IX coordinator or a College administrator, and appropriate restorative outcomes that include cooperative approaches between the parties aimed to repair the harm resulting from the offending incident. Depending on the form of remedies-based resolution used, it may be possible for a complainant to maintain anonymity.

Participation in remedies-based resolution is voluntary, and a complainant can request to end remedies-based resolution at any time. Mediation, one form of remedies-based resolution, cannot be used in cases involving sexual assault.

The Title IX coordinator will maintain records of all reports and conduct referred for remedies-based resolution. Remedies-based resolution will typically be initiated within thirty (30) business days after the Title IX assessment is complete, although the time frame for completion of requirements may extend beyond thirty (30) days.

V. Investigation, adjudication, and disciplinary action

A. Investigation

Where the Title IX assessment concludes that an investigation is appropriate, the College will initiate such an investigation. The College may designate an investigator of its choosing, provided that the investigator has specific training and experience investigating allegations of sexual misconduct. Any investigator chosen to conduct or assist with the investigation must be impartial and free of any conflict of interest. The complainant and respondent will receive a written notice of investigation, including a statement of the allegation, when the investigation is initiated.

The investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case. The first step of an investigation will usually be an interview of the complainant by the designated investigator(s). The investigator(s) will coordinate the gathering
of information from the complainant, the respondent, and any other individuals who may have information relevant to the determination. As part of the investigation, the College will provide an opportunity for the parties to present statements, witnesses, and other evidence. The investigator(s) will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The complainant and respondent will have an equal opportunity to be heard, to present relevant information to the investigator(s), and to identify witnesses who may have relevant information.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair, and all individuals will be treated with sensitivity and respect. As described in the privacy section of the Sexual Assault and Harassment Policy, the investigation will be conducted in a manner that is respectful of individual privacy concerns. For complaints against an instructional staff member that involve conduct in their instructional role, or educational content within a College program, issues of academic freedom will be fully considered and explored. (See Special Provisions for Instructional Staff)

The investigation will usually be completed within 30 (thirty) business days of the notice of investigation, but this time frame may be extended for good cause depending on the complexity of the circumstances of each case. Where there is a delay, the College will notify the parties in writing of the delay and the reason for the delay. At the request of law enforcement, the College may agree to defer its Title IX fact-gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and well-being. The College will promptly resume its Title IX fact-gathering as soon as law enforcement has completed its initial investigation.

During the investigation, the complainant and respondent will be given the opportunity to review their own statement and interview summaries for accuracy. At the conclusion of the investigation, the investigator(s) will prepare a report setting forth the facts gathered. The full report will be shared with both parties. Upon review of the investigator’s report, the complainant and respondent will have the opportunity to submit a written response to the information gathered in the investigation. The complainant and the respondent may submit any comments to the investigators within five (5) business days of being notified of the opportunity to review the relevant portions of the report.

Upon receipt of any additional information by the complainant or respondent, or after the five (5) business day comment period has lapsed without comment, the investigator(s) shall deliver the investigator’s report along with the written responses of the parties to the applicable deputy Title IX coordinator, either for staff or for instructional staff. Should something be shared in the responses that is considered material or impactful, there may be a need to investigate further.
B. Adjudication and disciplinary action

1. Staff (non-instructional staff)

For staff members, the relevant employee’s supervisor, in consultation with the relevant
president’s staff member, serves as both the staff adjudicator and the staff disciplinary authority.
The deputy Title IX coordinator for staff facilitates the staff adjudication process.

If a president’s staff member is the respondent, the president serves as the adjudicator and the
disciplinary authority. If the president is the respondent, the Chair of the Board of Managers (or
designee) will serve as the adjudicator and the disciplinary authority.

a. Determination.

The staff disciplinary authority, in consultation with the Title IX coordinator or designee,
the vice president of human resources or designee, the director of equal opportunity,
and/or other relevant administrator, as appropriate, shall determine, by a preponderance
of the evidence whether the Sexual Assault and Harassment Policy has been violated. The
preponderance of the evidence standard means that it is “more likely than not” that the
respondent violated this policy. This determination will be based solely on the evidence
presented in the investigator’s report and the responses submitted by the parties.

Within ten (10) days of receiving the investigator’s report and written responses of the
parties, the adjudicator shall complete and give the parties a written determination and
rationale.

b. Imposition of sanction.

If there is a finding of a policy violation, the disciplinary authority will promptly initiate
disciplinary action against a respondent.

In all cases, the disciplinary authority will consult with the vice president of human
resources or designee, the Title IX coordinator or designee, the director of equal
opportunity, and/or other relevant administrator, as appropriate when determining the
appropriate sanction.

The disciplinary authority will impose a sanction designed to eliminate the harassment or
hostile environment, prevent its recurrence, and remedy its effects, while supporting the
College’s educational mission and Title IX obligations and ensuring fundamental
fairness. Sanctions or interventions may also serve to promote safety or deter individuals
from similar future behavior.
When deciding upon the sanction, the disciplinary authority may request that the parties and other affected individuals, as appropriate, voluntarily provide a written impact statement for consideration.

The disciplinary authority may impose any sanction deemed appropriate after a consideration of all of the relevant information. In considering the appropriate sanction, the disciplinary authority will consider the following factors: (1) the respondent’s prior discipline history; (2) how the College has sanctioned similar incidents in the past; (3) the nature and violence of the conduct at issue; (4) the impact of the conduct on the complainant; (5) the impact of the conduct on the community, its members, or College property; (6) whether the respondent is reasonably likely to engage in the conduct in the future; (7) the need to deter similar conduct by others; (8) the College’s values and community standards; and (9) any other mitigating or aggravating circumstances. Absent compelling justifications, if the respondent engages in a pattern of the same or similar conduct, the recommended sanction will be termination.

The sanction may include any form of responsive action or progressive discipline, including training, referral to counseling, any of the remedies described in these procedures in Remedies-based Resolution, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension or termination.

c. Notice of Outcome.

The College’s written determination of whether College policy was violated will be provided simultaneously to the complainant and the respondent. Any change in this determination that occurs prior to the time it becomes final will also be communicated simultaneously in writing.

If a policy violation was found, within five (5) days of the written determination, the disciplinary authority will give the respondent written notice of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. At the same time, the complainant will be notified in writing of any sanctions that directly relate to the complainant, including information about the respondent’s presence on campus (or in a shared working environment) that may help a complainant make informed decisions.

The imposition of sanctions will take effect immediately.

d. Reconsideration.

Either party may request reconsideration of the determination of responsibility or sanction(s) in writing to the relevant president’s staff member or designee. Absent
extraordinary circumstances, the request must be filed within five (5) business days of receiving the written determination of responsibility or sanction(s).

The complainant and/or respondent may only request reconsideration of the parts of the determination or sanctions directly relating to them. Dissatisfaction with the determination is not grounds for reconsideration. The limited grounds for reconsideration are as follows:

i. new evidence that could affect the determination and that was unavailable at the time of investigation;

ii. procedural error(s) that had a material impact on the fairness of the determination; and

iii. the sanctions imposed were grossly disproportionate to the violation committed.

The request for reconsideration shall consist of a plain, concise, and complete written statement outlining the grounds for the reconsideration. Upon receipt of a request for reconsideration, the president’s staff member will notify both parties. Each party has an opportunity to respond in writing to the request for reconsideration. Any response to the request must be submitted within five (5) business days from receipt of the request for reconsideration.

In any request for reconsideration, the burden of proof lies with the party requesting the reconsideration, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The reconsideration is not a new review of the underlying matter. The president’s staff member shall consider the merits of reconsideration only on the basis of the three (3) grounds for reconsideration. The president’s staff member can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested reconsideration.

The president’s staff member will communicate the result of the reconsideration to the complainant and respondent within five (5) business days from the date of the submission of all reconsideration documents by both parties. Reconsideration decisions are not subject to further review.

The Title IX coordinator will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

2. Instructional Staff, including faculty

For instructional staff members, a three-member faculty panel appointed from a standing body trained in sexual misconduct policy and procedure serves as the adjudicator, and the provost or
designee serves as the disciplinary authority. The deputy Title IX coordinator for faculty facilitates the faculty adjudication process.

If the provost is the respondent, the president will serve as the disciplinary authority. If the president is the respondent, the Chair of the Board of Managers (or designee) will serve as the disciplinary authority.

**a. Determination.**

The deputy Title IX coordinator for faculty will convene the three-member faculty panel as soon as practicable, and will then deliver the investigator’s report along with the written responses of the parties to the panel. Once the faculty panel is convened, they, in consultation with the Title IX coordinator or designee, the vice president of human resources or designee, the director of equal opportunity, and/or other relevant administrator, as appropriate, shall determine, by a preponderance of the evidence whether the Sexual Assault and Harassment Policy has been violated. The preponderance of the evidence standard means that it is “more likely than not” that the respondent violated this policy. This determination will be based solely on the evidence presented in the investigator’s report and the responses submitted by the parties.

Within ten (10) days of receiving the investigator’s report and written responses of the parties, the panel shall complete and give the parties and the disciplinary authority a written determination and rationale.

**b. Imposition of sanction.**

If there is a finding of policy violation, the disciplinary authority will promptly initiate disciplinary action against a respondent.

In all cases, the disciplinary authority will consult with the vice president of human resources or designee, the Title IX coordinator or designee, the director of equal opportunity, and/or other relevant administrator, as appropriate when determining the appropriate sanction.

The disciplinary authority will impose a sanction designed to eliminate the harassment or hostile environment, prevent its recurrence, and remedy its effects, while supporting the College’s educational mission and Title IX obligations and ensuring fundamental fairness. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

When deciding upon sanctions, the disciplinary authority may request that the parties and other affected individuals, as appropriate, voluntarily provide a written impact statement for consideration.
The disciplinary authority may impose any sanction deemed appropriate after a consideration of all of the relevant information. In considering the appropriate sanction, the disciplinary authority will consider the following factors: (1) the respondent’s prior discipline history; (2) how the College has sanctioned similar incidents in the past; (3) the nature and violence of the conduct at issue; (4) the impact of the conduct on the complainant; (5) the impact of the conduct on the community, its members, or College property; (6) whether the respondent is reasonably likely to engage in the conduct in the future; (7) the need to deter similar conduct by others; (8) the College’s values and community standards; and (9) any other mitigating or aggravating circumstances. Absent compelling justifications, if the respondent engages in a pattern of the same or similar conduct, the recommended sanction will be termination.

The sanction may include any form of responsive action or progressive discipline, including training, referral to counseling, any of the remedies described in these procedures in Remedy-based resolution, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension or termination.

c. Notice of Outcome.

The College’s written determination of whether College policy was violated will be provided simultaneously to the complainant and the respondent. Any change in this determination that occurs prior to the time it becomes final will also be communicated simultaneously in writing.

If a policy violation was found, within five (5) days of the written determination, the disciplinary authority will give the respondent written notice of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. At the same time, the complainant will be notified in writing of any sanctions that directly relate to the complainant, including information about the respondent’s presence on campus (or in a shared working environment) that may help a complainant make informed decisions.

The imposition of sanctions will take effect immediately.

d. Reconsideration.

Either party may request reconsideration of the determination of responsibility or sanction(s) in writing to the faculty deputy Title IX coordinator. Absent extraordinary circumstances, the request must be filed within five (5) business days of receiving the written determination of responsibility or sanction(s).
The complainant and/or respondent may only request reconsideration of the parts of the determination or sanctions directly relating to them. Dissatisfaction with the determination is not grounds for reconsideration. The limited grounds for reconsideration and the process for reconsideration are as follows:

i. If the request for reconsideration is based on new evidence that could affect the determination and that was unavailable at the time of investigation, then the request for reconsideration and the new evidence shall be reviewed by the faculty panel;

ii. If the request for reconsideration is based on a claim of procedural error(s) that had a material impact on the fairness of the determination, then the request for reconsideration shall be reviewed by elected members of the Committee on Faculty Procedures (COFP).

iii. If the request for reconsideration is based on a claim that the sanctions imposed were grossly disproportionate to the violation committed, then the request for reconsideration shall be reviewed by the disciplinary authority.

The request for reconsideration shall consist of a plain, concise, and complete written statement outlining the grounds for the reconsideration. Upon receipt of a request for reconsideration, the reviewer (the faculty panel, the disciplinary authority or COFP) will notify both parties. Each party has an opportunity to respond in writing to the request for reconsideration. Any response to the request must be submitted within five (5) business days from receipt of the request for reconsideration.

In any request for reconsideration, the burden of proof lies with the party requesting the reconsideration, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The reconsideration is not a new review of the underlying matter. The reviewer shall consider the merits of reconsideration only on the basis of the relevant ground for reconsideration. The reviewer can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested reconsideration. A request for reconsideration based on a claim of procedural error(s) may be made in the absence of a request for reconsideration based on new evidence, at the same time as a request for reconsideration based on new evidence, or can be submitted within five (5) business days from receipt of the result of a request for reconsideration based on new evidence.

The reviewer will communicate the result of the reconsideration to the complainant and respondent within five (5) business days from the date of the submission of all reconsideration documents by both parties. With the exception of the procedures for termination of appointment of instructional staff outlined below, reconsideration decisions are not subject to further review.
The Title IX coordinator will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

VI. Special Provisions for Instructional Staff

Complaints against an instructional staff member that involve educational content or conduct in an instructional role raise issues of academic freedom, which is protected by the College’s policy on Academic Freedom and Responsibility, found in II-A.2. in the Handbook for Instructional Staff. In such cases, the provost (or designee) will confer with the Committee on Faculty Procedures to determine how academic freedom should factor into a Title IX assessment, an investigative report, and/or a sanction.

Termination of a tenured appointment, or of a term appointment before its expiration, occurs only for adequate cause. Where the disciplinary authority recommends termination as the appropriate sanction for tenured faculty or faculty for whom a term appointment has not expired, the College will employ the “Termination of Appointments” found in III-A.13 in the Handbook for Instructional Staff.

In applying these procedures, the finding that the policy has been violated will not be revisited. The sole decision for the special committee of faculty, if convened under the “Termination of Appointments” procedure, is whether the specific policy violation constitutes “serious shortcomings” sufficient to support adequate cause for termination or dismissal.

VII. Role of Advisor

The complainant and respondent have the option to be assisted by an advisor of one’s choice, provided the person is available and willing to serve in this role. If the advisor is an attorney or other retained person, the advisor must be retained at the initiative and expense of the party. If the advisor is an attorney, the College’s attorney may also attend any meeting. An attorney’s participation in the meeting or proceeding will be governed by the same restrictions that apply to advisors.

The advisor cannot be an identified witness or have any conflicting role in the process or with a party in the proceedings. The College’s duty is to the complainant and respondent, not the advisor. All communication is made directly with the complainant/respondent, who can share information with their advisor, at their discretion. At the discretion of the complainant or respondent, the advisor may accompany the complainant or respondent to any meeting related to these procedures. The advisor is expected to be a silent and non-participating observer, except to ask for a short break if the complainant/respondent requires some time for composure or to
collect thoughts. The advisor may communicate with the complainant/respondent during proceedings in a non-disruptive manner. The advisor may not delay, disrupt, or otherwise take action to interfere with the integrity of the meeting. The advisor may be required to leave the meeting if disruptive.

To serve as an advisor, the individual will be required to meet with the Title IX coordinator, the College’s legal counsel, or designee in advance of any participation in any meeting under this procedure.

VIII. Outside Agreements

The College will not recognize or enforce agreements between the parties reached outside of these procedures.

IX. Records

While complaints resolved by Title IX assessment or remedies-based resolution are not part of an employee’s official personnel file, the College will retain separate records of all reports, allegations, complaints, Title IX assessments, remedies-based resolutions, investigations and sanctions.

A finding of policy violation and any imposition of sanction becomes part of the employee’s official personnel file. Such records shall be used in reviewing the employee’s overall performance, any further conduct, or in developing sanctions.

X. Interim Measures

A. Overview

Upon receipt of a report of sexual assault or harassment, the College has the responsibility to ensure the integrity of the assessment, resolution and/or investigative processes and to protect the safety of all parties and the broader College community. To meet these goals, the College will offer supportive resources to the parties and may take reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved.

The College will maintain consistent contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed. Interim measures may be
imposed regardless of whether formal disciplinary action is sought by the complainant or the College. The imposition of such measures assumes no determination of responsibility.

A complainant or respondent may request separation or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the investigative and/or resolution process.

Interim measures that do not impact the respondent (such as referral to emotional counseling or academic support for the complainant) will be decided on by the Title IX coordinator in consultation with other relevant administrators.

The respondent will be notified in writing of an interim measure that impacts a respondent and the nature of the charges that have led to this action. With the exception of administrative leave (which is normally imposed by the president), interim measures that impact a respondent will be decided on by the appropriate president’s staff member.

Administrative Leave. If the president or the appropriate president’s staff member decides at any point that the safety of any member of the College community is at stake, a temporary administrative leave with pay may be imposed on an employee who is suspected of violating this policy, or who otherwise poses a risk of safety to the campus, until the time that investigation or disciplinary action can be completed. The investigation will be completed as soon as possible within the timeframes described in this procedure. This action assumes no determination of responsibility. See Special Considerations for Interim Measures and Instructional Staff, below.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure.

B. Range of Interim Measures for Employees

Interim measures that may be implemented include, but are not limited to:

- providing an escort to ensure safe movement on campus;
- providing medical services to students or contacting EMS services for employees and others;
- student access to counseling services and assistance in setting up an initial appointment, on and off campus; or employee access to the Employee Assistance Program—Carebridge referral to the Delaware County Women Organized Against Rape, The Mazzoni Center, or other supportive resources;
- imposition of an on-campus “no-contact directive”;
- rescheduling of exams and assignments; changing class schedules, including the ability to transfer course sections or withdrawal from a course without penalty;
● providing academic support services, such as tutoring; and providing alternative course completion options;
● changing work schedules, job assignments, and worksite location;
● limiting an individual’s or organization’s access to certain College facilities or activities pending resolution of the matter;
● voluntary leave of absence;
● administrative leave; and/or
● any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

C. Special Considerations for Interim Measures and Instructional Staff

In cases in which a member of the instructional staff is the respondent, and in which issues of academic freedom are involved, the provost (or the president, in the case of administrative leave) will consult with the Committee on Faculty Procedures, normally before an interim measure impacting a respondent is imposed. In the event that the safety of any member of the College community is immediately at stake, the consultation with COFP may occur after the imposition of the interim measure.

If a member of the instructional staff is a respondent and believes that the imposition of an interim measure constitutes a violation of academic freedom, the instructional staff member may request, in writing, a review of the interim measure by the elected members of the COFP, who will advise the provost (or the president, in the case of administrative leave) of the appropriateness of the interim measure. The provost (or president) may then continue, modify or suspend the interim measure, as appropriate, to ensure the integrity and fundamental fairness of the process, and protect the safety of all the parties and the College community.