



# EDGEWOOD COLLEGE

## STUDENT HANDBOOK

*Formerly the Student Rights & Responsibilities Handbook*

**Effective Date: August 14, 2023**

# EDGEWOOD COLLEGE STUDENT HANDBOOK

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### ATTRIBUTION

Sections of the Edgewood College Student Code of Conduct have been adapted, in part, from *The NCHERM Group Model Developmental Student Code of Conduct* and the *Stoner & Lowery Twenty-First Century Model Student Conduct Code*, and are used here with permission.

## STUDENT CODE OF CONDUCT

### I. DEFINITIONS

The following terms and phrases will be used throughout the Student Code of Conduct:

**College:** The use of “College” throughout this handbook refers to Edgewood College.

**College Official:** Any person employed by the College, performing assigned administrative or professional responsibilities.

**College Premise(s):** College premises includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, including adjacent streets, parking lots, and sidewalks.

**Complainant:** A complainant is an individual reporting an alleged violation of College policies and may be referred to as the reporting party.

**Days:** In the policies contained in this handbook, all references to timing is in working or business days, not calendar days, unless otherwise specified.

**Preponderance of the Evidence:** The standard of proof used to determine the findings of a student conduct case. Preponderance of the evidence means that the statements and information presented in the case must indicate to a reasonable person that it is more likely than not that the Respondent committed a violation.

**Respondent:** A respondent, also referred to as a responding party, is a student accused of violating College policies.

**Student:** The term “student” refers to any undergraduate, graduate and/or professional students admitted, enrolled, or accepted to Edgewood College, through the awarding of a degree. For the purposes of this Student Code of Conduct, it also refers to individuals in the Cutting Edge Program and the College Completion Program.

**Student Conduct Conference:** A meeting with a Student Conduct Officer to discuss the alleged Student Code of Conduct violations and the respondent’s response. A Student Conduct Conference may consist of multiple meetings, as necessary.

**Student Conduct Officer:** A College staff member designated by the Director of Community Standards and Student Wellbeing to coordinate the student conduct process, which includes, but is not limited to, holding a student conduct conference, determining findings and action plans, and explaining the student conduct process to complainants and respondents.

**Student Conduct Process Advisor:** A Student Conduct Process Advisor is an individual chosen by a student to serve in an advisory role throughout the student conduct process.

**Student Organization:** A number of persons who are associated with one another and have been recognized by the College as a student organization. This includes club sports.

### II. AUTHORITY AND SCOPE

#### Authority

The procedures described in this Handbook are not intended to mimic legal proceeding but to advance the educational mission of the College. Formal rules of evidence and procedure used by the legal system do not apply to student conduct proceedings at Edgewood College.

#### Gathering Information

When the College is made aware of an alleged violation of a policy in the Student Code of Conduct or another College policy, it may be necessary to conduct an investigation prior to referring the incident to the student conduct process. Such investigations are either conducted by, or in collaboration with, the Dean of Students Office. Some examples of other offices that may conduct investigations include the Office of Diversity and Inclusion, Residence Life, the Office of Student Inclusion & Involvement, Security, Academic Affairs, Information Technology, and Human Resources.

Offices charged with conducting an investigation may gather information, conduct interviews, and solicit materials. Investigations will be conducted with all reasonable speed. At the conclusion of the investigation, an investigator will work with the Director of Community Standards and Student Wellbeing, or other appropriate offices, to determine whether the student conduct process will begin. To the extent necessary, an investigator will provide information that will become part of a student conduct process and/or an investigator may participate in the student conduct process as a witness.

A student may choose to have a Student Conduct Process Advisor at any meeting related to an investigation that may give rise to a student conduct process.

### **Scope**

The Student Code of Conduct shall apply to the conduct of individual students, student organizations and student groups, including undergraduate, graduate, and professional students, admitted, enrolled, or accepted to Edgewood College. For the purposes of this Student Code of Conduct, it also applies to individuals in the Cutting Edge Program and the College Completion Program. A student, by voluntarily joining the College community, agrees to abide by the policies that have been instituted by Edgewood College. Students may be held accountable for their conduct from the time of application for admission through the awarding of a degree. Students shall not be allowed to withdraw from a course or from the College to avoid the student conduct process.

The Student Code of Conduct applies to behaviors that take place on the campus, at College-sponsored events, at College-sponsored study abroad programs, and may also apply off-campus when the Director of Community Standards and Student Wellbeing, or designee, determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of others; and/or
- Any situation that significantly and adversely affects the rights, property or achievements of others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the College.

Additionally, all students are responsible for complying with the rules, regulations, policies, and procedures contained in other official College publications, including, but not limited, to the Residence Life Handbook, parking policies, Student-Athlete policies, student organization policies, along with program handbooks and announcements which may be issued from time to time. Those who anticipate or witness any violation of the Code are expected to remove themselves from association with or participation in the violation.

The Student Code of Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The College does not regularly search for this information but may take action should such information be brought to the attention of College officials.

The Student Code of Conduct applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of the College may seek resolution of alleged violations of the Student Code of Conduct committed against them by members of the College community.

There is no time limit on reporting alleged violations of the Student Code of Conduct; however, the longer someone waits to report an incident, the harder it becomes for College officials to obtain information and witness statements and to make determinations regarding alleged violations.

College email is the College's primary means of communication with students. Students are responsible for all communication delivered to their College email address.

### **Entry to Rooms/Room Search Policy**

The right to privacy is of paramount importance and should not be violated; however, the entry into and/or search of the living quarters and personal property, including locked cabinets and/or safes\*, of an individual may be conducted by the following people for the purposes and under the procedures detailed below:

- By civil law enforcement officers in the performance of statutory duties and in accordance with legally defined procedures governing search and seizure.
- By authorized College personnel (i.e., Residence Life and Security Staff, etc.) to ensure that College policy, health, fire, and safety regulations are maintained. This includes checking rooms immediately following a fire alarm to ensure that everyone has evacuated the building.
- By authorized College personnel or agents to make improvements and repairs and to provide routine maintenance services.
- By authorized College personnel in emergency and/or extraordinary situations to protect the health, safety, and welfare of students or to make emergency repairs to prevent damages to the property of the student and/or the College.

- When there is reasonable cause to believe there is/has been a violation of College regulations or local, state, or federal laws or ordinances. (Examples include, but are not limited to, the smell of cannabis, cigarette smoke, excessive disruptive noise.)
- When a staff member knocks and is invited into the room.
- When the door is open and a violation of College policies is in plain view.
- When the source of a noxious odor can be traced to a particular room. A noxious odor is ANY aroma of such intensity that it becomes apparent to others. Any odor may become noxious or offensive when it is too strong. Some examples are: cigarette, cannabis, cigar or pipe smoke.

\*If a student refuses to open a locked cabinet or safe, it will be confiscated until the student is able to remove it from campus, and the student will be referred to the student conduct process for failure to comply.

In an emergency where safety or security is a concern, advance warning may not be possible. When there is sufficient cause to believe that College and/or civil regulations are being violated in a room, staff will knock and identify themselves before entering. In suites, Residence Life and Security Staff have the authority to enter all connecting rooms when investigating safety or policy concerns.

In all instances, such entry shall be made only for the purposes set forth above. Observed alleged contraband will be confiscated and/or alleged violations of College policies, rules, or regulations will be referred to a Student Conduct Officer for follow-up action. Routine health and safety checks by staff will occur during break periods.

### III. TYPES OF NON-ACADEMIC MISCONDUCT

Edgewood College has as its primary objective the academic, social, and personal development of each student. The College strives to preserve for all of its students an environment that is conducive to academic pursuit, social growth, and individual discipline.

Students are expected to behave in a moral and ethical manner, both on and off campus. It is essential that mutual respect for, and sensitivity to, the needs of others be accepted by all members of the College community in accordance with the Dominican ideals of Edgewood College:

All students are expected to act responsibly and within the regulations and standards established by the College and all civil laws and ordinances. The College will handle student disciplinary matters independent of any related civil or criminal proceedings.

The following actions, or any attempt to engage in such actions, constitute misconduct for which students may be referred to the student conduct process.

**Abuse of Conduct Process:** Abuse or interference with, or failure to comply in, College processes including student conduct and academic misconduct proceedings including, but not limited to:

- a. Falsification, distortion, or misrepresentation of information;
- b. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
- c. Attempting to discourage or interfere with an individual's proper participation in, or use of, the College's student conduct process;
- d. Harassment (verbal or physical) and/or intimidation of a Student Conduct Officer or Appellate Officer prior to, during, and/or following a College proceeding;
- e. Influencing, or attempting to influence, another person to commit an abuse of the College's student conduct system.

**Bullying and Cyberbullying.** Repeated and/or severe aggressive behaviors that intimidate, intentionally harm, control, or attempt to control another person physically or emotionally.

**Complicity:** Knowingly aiding, facilitating, condoning, promoting, supporting, or encouraging any violation of the Student Code of Conduct.

**Disruption of College Activities:** Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, or of other authorized non-College activities when the conduct occurs on College premises.

**Harmful Conduct:** Behavior that threatens, harms, or endangers the health or safety of another person.

**Damage to Property:** Damage or destruction of College property or property belonging to others.

**Failure to Comply:** Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

**Fire Safety:** Violation of local, state, federal, or campus fire policies, including, but not limited to:

- a. Intentionally or recklessly causing a fire which damages College property, or the property of others, or which causes personal injury;
- b. Use or possession of flammable materials or substances used to ignite, spread, or intensify flames for fire, except as expressly permitted by College officials, that results or could result in personal injury or property damage;
- c. Failure to evacuate a College-controlled building during a fire alarm;
- d. Tampering with or improperly engaging a fire alarm, fire detection/control equipment, or emergency equipment.

**Forgery or Falsification:** Unauthorized possession of, or fraudulent creation, alteration, or misuse of any College or government document, record, key, or identification; knowingly providing false information to a College or law enforcement official.

**Hazing:** Act(s) which endangers the health or safety of another person for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization, with or without the person's consent.

**Misuse of Computing Resources:** Conduct that violates any section of the College Information Resources Policy, including misuse, abuse, use for commercial or political gain, causing disruption or destruction of systems, or any other related behavior. *(See Information Resources Policy for more information)*

**Noncompliance with Disciplinary Action Plans:** Conduct that violates an action plan or fails to comply with the directives imposed by the student conduct process and/or Student Conduct Officer.

**Prohibited Possession of a Weapon:** Possession of weapons, whether concealed or unconcealed per Wisconsin law, on campus and/or at College-sponsored events. This includes illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others, including, but not limited to guns, paint ball guns, pellet guns, BB guns, Airsoft guns, arrows, nun chucks, knives with blades longer than three inches, swords, shells, shell casings, and plastic or metal pellets, metallic knives, explosives, or any other device which, in the manner it is used or intended to be used is calculated or likely to produce bodily harm. *(See Weapons Policy for more information)*

**Retaliation:** Conduct that harms or impacts another person in response to filing a report or participating in a conduct process or related activity.

**Unauthorized Entry:** Unauthorized entry into, use of, or misuse of any building, structure, equipment, keys, and/or facility.

**Unauthorized Taking of Property:** Intentional and unauthorized taking of College Property or the personal property of another, including goods, services, and other valuables. Attempting to take College property or the personal property of another. Knowingly taking or maintaining possession of stolen property or taking College property out of its designated area without proper authorization.

**Unauthorized Use, Possession, Distribution, or Misuse of Alcohol:** Use, possession, or distribution of alcohol, except that expressly permitted by College policy or local, state, or federal law. Misuse of alcohol by those legally able to consume, related to harm to self or others, or in violation of College policies. This includes being knowingly present in an area of a College building or other College Property where alcohol is being used or is present in a prohibited manner. *(See Alcohol and Drug Use Policy for more information)*

**Unauthorized Use, Possession, Distribution, or Sale of Illegal Substances and/or Paraphernalia:** Use, including appearing under the influence, possession, distribution (for sale or for share) of any illegal drug or controlled substance, except that expressly permitted by College policy or local, state, or federal law. This also includes the misuse or distribution of prescription medication. *(See Alcohol and Drug Use Policy for more information)*

**Violation of College Policies:** Conduct that violates any College policy, rule, or regulation, published in print or online.

**Violation of Law:** Evidence of violation of local, state or federal laws, when substantiated through the College's student conduct process.

**Violation of the Non-Discrimination and Harassment Policy:** Conduct that violates the College's Non-Discrimination and Harassment Policy. *(See Non-Discrimination and Harassment Policy for more information)*

**Violation of Residence Life Policies:** Conduct that violates any of the policies outlined in the Residence Life Handbook.

**Violation of the Sexual Misconduct and Relationship Violence Policy:** Conduct that violates the College's Sexual Misconduct and Relationship Violence Policy. *(See Sexual Misconduct and Relationship Violence Policy for more information)*

The College expects students to take responsibility for confronting behaviors exhibited by their peers that negatively impact their experiences and violate established standards of behavior as articulated in policies. It is imperative that students work in partnership with College faculty and staff members to protect the rights that have been afforded them.

#### IV. PROCEDURES FOR ALLEGATIONS OF STUDENT CONDUCT POLICY VIOLATIONS

The procedures described in this Handbook are not intended to mimic legal proceeding but to advance the educational mission of the College. Formal rules of evidence and procedure used by the legal system do not apply to student conduct proceedings at Edgewood College.

Incident reports or other complaints alleging violations of College policies will be referred to the Director of Community Standards and Student Wellbeing, or designee, who will conduct a preliminary review of the facts of the case to determine whether sufficient evidence exists to warrant moving the case forward in the student conduct process. Upon determination that sufficient evidence does exist to move forward with a student conduct process, the Director of Community Standards and Student Wellbeing will refer the case to a Student Conduct Officer for a Student Conduct Conference. The respondent will be sent a letter to their College email notifying them of the date, time, and location of their Conference, along with information about the specific policy(ies) they allegedly violated.

Student Conduct Conferences may be conducted in the absence of a student who fails to appear after campus officials have made a reasonable effort to provide advance notice of the conference time, date, and location.

*Incident reports or other complaints alleging violations of the College's Sexual Misconduct Policy will be forwarded to the Title IX Coordinator for review.*

##### **Standard of Information**

Edgewood College uses a preponderance of the information standard in the student conduct process. Preponderance of the information means that the statements and overall information presented in the case must indicate to a reasonable person that it is more likely than not that the respondent committed a violation. In cases where there is a complainant and respondent, both parties will have an equal opportunity to present relevant witnesses and other evidence during the student conduct process. Additionally, both parties will be afforded similar and timely access to any information that will be used during the student conduct proceedings.

##### **Resolution of Allegation(s) of Student Code of Conduct Violations**

Students alleged to have violated the Student Code of Conduct will be referred for a Student Conduct Conference. Student Conduct Conferences are held by trained Student Conduct Officers, as determined by the Director of Community Standards and Student Wellbeing. The Director of Community Standards and Student Wellbeing will assign each respondent a Student Conduct Officer for the Student Conduct Conference.

During the Student Conduct Conference, the respondent will be given the opportunity to review the information that resulted in the allegations and explain their version of events. Based on the available information and the information presented at the Conference, the Student Conduct Officer will determine whether the respondent has violated the Student Code of Conduct. If the student is found not responsible, the case will be closed. If the student is found responsible, an action plan will be determined by the Student Conduct Officer.

A Student Conduct Conference may be held in the absence of a student who fails to appear after campus officials have made a reasonable effort to provide advance notice of the conference time, date, and location. The Student Conduct Officer will

communicate their decision and any action plans in writing to the respondent, subject to the requirements of the Family Educational Rights and Privacy Act or other applicable laws.

### **Student Conduct Process Advisor**

Students involved in the student conduct process may select an advisor to accompany them throughout the process. Advisors are not permitted to speak or to participate directly in the proceeding. The College will not reschedule a proceeding to accommodate an advisor's schedule. The role is limited to consultation with the student involved. Complainants and respondents are responsible for presenting their own information. Witnesses or other parties directly involved in a case may not serve as advisors.

## **V. HOW TO FILE A COMPLAINT OR REPORT A STUDENT CODE OF CONDUCT VIOLATION**

The College offers a variety of avenues for formal complaint procedures, depending on the nature of your concern or complaint.

**If you have an immediate concern for safety**, contact Edgewood College Campus Security at 608-663-4321 or dial 911.

To file a complaint or report an incident involving **student** conduct that is not an immediate concern for safety:

- Online Form: [www.tinyurl.com/EdgewoodIR](http://www.tinyurl.com/EdgewoodIR)
- Email: [StudentConduct@edgewood.edu](mailto:StudentConduct@edgewood.edu)
- Call: 608-663-2212
- Visit: Predolin 215 and ask for the Director of Community Standards and Student Wellbeing

To file a Non-academic complaint or report an incident involving **faculty or staff member** conduct:

- Email: [deanofstudents@edgewood.edu](mailto:deanofstudents@edgewood.edu)
  - Call: 608-663-2212
  - Visit: Predolin 215
- or
- Email: [hr@edgewood.edu](mailto:hr@edgewood.edu)
  - Call: 608-663-4303
  - Visit: DeRicci 214

**If you are concerned that any person might engage in violence**, please contact campus security at 608-663-4321 as soon as possible.

Even if you are not sure whether or not you should report something, you are encouraged to err on the side of caution. The College has trained professional staff who can evaluate these reports and take appropriate action.

**If you have been a victim of discrimination, sexual or gender-based misconduct and/or relationship violence by any person**, please review the College's Non-Discrimination and Harassment Policy and/or the Sexual Misconduct and Relationship Violence Policy. Our first concern is for your safety and well-being, but we also encourage you to report to campus and/or law enforcement.

**If you have experienced discrimination, sexual misconduct and/or relationship violence, have exhausted the campus complaint options, and you still have a complaint**, you can file a complaint with the Office of Civil Rights at <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

## **VI. ACTION PLANS**

When a student is found responsible for violating the Student Code of Conduct, the Student Conduct Officer will develop an action plan for the student to complete that is intended to promote personal reflection and growth, repair any harm caused, and help the Student realign with College policies and values. The following are possible, but not limited to, outcomes and actions which may be included as a part of an action plan for violations of the Student Code of Conduct:

- **Disciplinary Warning:** Notice to the student that future misconduct will result in more severe disciplinary action by the College.
- **Disciplinary Probation:** A specified period of time during which the student is removed from good disciplinary standing. The student may be restricted from representing the College in any extracurricular activity or running for or holding office in any student group or organization. Probationary status may permit the student to remain in the residence halls and at the College on the condition that they comply with the action plans determined by the Student Conduct Officer.
- **Residence Hall Probation:** A specified period of time in which a student is allowed to continue living in the residence halls, however, the student's resident status is in jeopardy. Should further disciplinary issues occur during the period of



Residence Hall Probation, the period of Residence Hall Probation may be extended or suspension from the residence halls may be imposed. Residence Hall Probation may also include reassignment to a different residence hall room or building.

- **Residence Hall Suspension:** Student is removed from the residence halls, without refund of housing fees, and is not allowed to live in the residence halls or have residence hall visitation privileges for a designated period of time.
- **Suspension:** Temporary loss of student status for a specified time with resultant loss of all student rights and privileges. A suspended student will be required to leave campus and not be permitted to return until the time of the suspension has elapsed. A suspended student will lose credit for subjects carried that semester and fees and tuition will be forfeited. The disciplinary action will be recorded as a part of the student's record in the Dean of Students Office. Conditions for readmission after the suspension period may be specified.
- **Expulsion:** Permanent termination of student status. An expelled student shall receive a grade of "F" in all courses carried during the term they are expelled and fees and tuition will be forfeited according to the normal withdrawal policy. The expelled student will not be permitted on campus without permission from the Vice President for Student Development. The action of expulsion will be noted in the student's record in the Dean of Students Office.
- **Behavioral Requirements:** A requirement to participate in certain activities, including, but not limited to, obtaining academic counseling, substance abuse assessment, behavioral assessment, etc. This sanction may require the student to submit payment of any resulting fees in order to participate.
- **Educational Requirements:** Requirement to attend, complete, present, and/or participate in a program or assignment that is educational and/or reflective in nature. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. This sanction may require the student to submit payment of any resulting fees in order to participate.
- **Loss of Privileges:** The student will be denied specified privileges for a designated period of time, including, but not limited to restrictions on participation in campus activities, campus presence, residence hall visitation, parking privileges, or contact with individuals or groups on campus.
- **Restitution:** Student is held responsible for damages to personal or community property through financial compensation or appropriate work arrangements.
- **Fine:** Monetary requirement which must be paid within a designated time

#### **Temporary or Permanent Dismissal from the College for Administrative Reasons**

No student is permitted to engage in conduct which is an undue threat to self, or others, or that interferes with the effective enjoyment of College and academic life by others. In these circumstances, dismissal of a student and exclusion from College property may be imposed without the procedure outlined in the Student Code of Conduct. The Vice President for Student Development, or designee, may take this action if satisfied that serious misconduct has occurred and/or that the student's continued presence on the campus presents unreasonable risk of danger to others or to the College community. A student facing this action must leave the campus immediately. Following the imposition of any dismissal for administrative reasons, a dismissed student may request a hearing to determine whether the student should be reinstated, and the summary action plan(s) removed, using the general guidelines for student conduct conferences set forth in the Student Code of Conduct. This request for a hearing must be made within five days of receipt of the dismissal for administrative reasons.

Where conduct may have been caused by a mental or physical condition (including but not limited to eating disorders or substance abuse), the Vice President for Student Development may require a medical (including mental health) evaluation of the student at the student's expense. The evaluation will be reviewed by the Vice President for Student Development and a team of administrators reviewing the situation. The committee will be comprised of professional staff members as may be appropriate, such as from Student Conduct, Health Services and Personal Counseling Services. The decision of that administrative committee will be final.

Where reasonably possible in light of the conduct and circumstances, the College will seek mechanisms to enable the student to continue moving toward the achievement of academic goals either immediately or in the future. The College will act with respect for the laws regarding the educational opportunities of persons with disabilities, while recognizing that there may be situations where conduct or threatened conduct by any person, including persons with disabilities, requires their temporary or permanent dismissal from the College.

#### **Parental Notification**

The College reserves the right to notify the parents/guardians of dependent students regarding any student conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of nondependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

## **VII. APPEALS**

All parties are able to appeal the decisions and action plans. As part of the student conduct process the student is informed

of the right to appeal and procedures to be followed. Disagreement with the finding or action plans is not, by itself, grounds for appeal. The following will be considered grounds for appeal:

1. A procedural error or irregularity which substantively affected the outcome of the student conduct process (e.g. substantiated bias, material deviation from established procedures, etc.).
2. New evidence that was not available at the time of the student conduct conference and which could have a substantial impact on the outcome of the student conduct process. A summary of this new evidence and its potential impact must be included with the appeal.
3. The action plans imposed are substantially disproportionate to the severity of the violation.

### **How to Appeal**

Appeals must be submitted in writing within five business days of notice of the decision being sent to the parties. Appeals must be submitted in writing, using the appeal form found online at <https://tinyurl.com/EdgewoodAppealForm>. On the appeal form, the student must state the reason(s) for appeal, the supporting facts, and the recommended solution. An appeal is not a re-hearing of the student conduct outcome. An appeal cannot be filed simply because a student is dissatisfied with the decision. Failure to describe the nature of the appeal in full detail in the appeal letter will result in the denial of an appeal.

Appeals of decisions will be reviewed by the Vice President for Student Development, or designee. The Vice President for Student Development, or designee, shall first determine if sufficient grounds for appeal exist and if not, notify the student that the appeal was not accepted. If sufficient grounds do exist, the Vice President for Student Development, or designee, will review the case file and the documentation provided in the appeal to make their determination. The Vice President for Student Development, or designee, may elect to:

- Affirm the finding and the original action plan, if any;
- Affirm the finding and change the action plan, if any; or
- In cases where new evidence was presented that was not available at the time of the original student conduct conference, order a new Student Conduct Conference.

In cases where a new student conduct conference was ordered, the rights to appeal the decision of that outcome will be granted in accordance with the process described above.

The decision made by the Vice President for Student Development, or designee, is final.

### **Student Status Pending Outcome or Appeal**

Under normal circumstances, imposition of action plans will be deferred pending the review of the appeal. However, the Vice President for Student Development, or designee, may impose the action plans immediately while considering the appeal if there is a substantial safety risk to members of the College community.

## **VIII. REENTRY AFTER SUSPENSION**

When a student has concluded the suspension period and completed the conditions accompanying the suspension, they must submit a letter to the Vice President for Student Development, or designee, requesting reinstatement and provide evidence that they have satisfied the terms of the suspension. The Vice President for Student Development, or designee, may schedule a meeting to discuss the Student Code of Conduct and strategies to prevent further violations. The student may return to the College only after an affirmative decision has been made by the Vice President for Student Development, or designee. Furthermore, the Vice President for Student Development, or designee, retains the right to deny reinstatement if the student poses an unreasonable risk of danger to the College community.

Reentry admission for students who have an academic standing of Dismissed requires review through the Admission Committee. Students start this process by contacting the Admission's Office. Questions regarding standing, or the academic requirements for re-entry can be directed to the Academic Dean's Office.

## **IX. EMERGENCY ACTION**

In certain circumstances, the College may temporarily limit or suspend a student's rights and privileges. Examples of limitations could include such actions as temporary removal from the residence halls, removal from co-curricular activities, restriction to a specific area on campus between classes, restriction on contact with another community member, and interim suspension of student status.

The following Emergency Action process will be managed by the Director of Community Standards and Student Wellbeing:

### **1. Emergency Action Determination**

The need for Emergency Action will be determined by the Director of Community Standards and Student Wellbeing or a designee. The decision to limit or suspend student rights and privileges is based on the nature and severity of the alleged incident and the safety of or impact on the community. A student who presents a threat to their own well-being or to the rights, safety and/or property of others may be subject to immediate removal from the Edgewood College campus. The student may not re-enter any campus building, including the residence halls, or be present on campus without the written permission of the Director of Community Standards and Student Wellbeing or their designee.

**2. Emergency Action Notification**

In the event that a student's rights and privileges are limited or suspended, the complainant and respondent will be notified by the Director of Community Standards and Student Wellbeing. The Campus Security Director will notify appropriate College officials and the parties to coordinate compliance.

**3. Responding to Emergency Action Notification**

Students who wish to respond to or dispute Emergency Action should contact the Vice President for Student Development at [DeanofStudents@edgewood.edu](mailto:DeanofStudents@edgewood.edu) or 608-663-2212.

**4. Termination of Emergency Action**

The termination of Emergency Action will result in either:

- a) The respondent being found not responsible and the complainant and respondent returning to normal rights and privileges; or
- b) The respondent being found responsible and formal action plans being imposed. Emergency action will terminate and formal action plan(s) will commence immediately upon the announcement of the result of the student conduct process.

**X. RIGHTS TO ACCESS STUDENT RECORDS**

**FERPA - Family Educational Rights and Privacy Act**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access.

Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.

Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including law enforcement personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such performing their tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

Upon request, the College discloses education records without consent to officials of another school, in which a student

seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C., 20202-4605.

Edgewood College, in accordance with the Act, has designated the following categories of information about students as public unless students choose to exercise their right to have any or all of this information withheld, through notifying the Registrar's Office. This information will be routinely released to any inquirer unless it is requested that all or part of this list be withheld. These categories are: 1. Name; 2. Address; 3. Email Address; 4. Telephone listing; 5. Date of birth; 6. Place of birth; 7. Major field of study; 8. Participation in officially recognized activities/sports; 9. Height and weight of student athletes; 10. Dates of attendance (including current classification and year, matriculation and withdrawal dates); 11. Degrees and awards received (type of degree and date granted); 12. Most recent previous educational agency or institution attended; 13. Credits earned towards degree; 14. Credits enrolled; 15. Full or part time status

Edgewood College, in accordance with the Act, reserves the right to contact parents or guardians of students who violate the College's Policy on Alcohol and Other Drug Use.

### **Student Disciplinary Records**

Because the Family Educational Rights and Privacy Act defines the records of a student engaged in a disciplinary process as private, information about the disciplinary process may only be shared with the student, their parents if a minor, and school officials with a legitimate educational interest. The student must give written permission for anyone else to have access to this information, unless otherwise permitted by federal or state law. For additional information regarding FERPA, see Family Educational Rights and Privacy Act Policy.

## **OTHER COLLEGE POLICIES**

### **ACADEMIC HONESTY POLICY**

As members of a scholarly community dedicated to healthy intellectual development, students and faculty at Edgewood College are expected to share the responsibility for maintaining high standards of honesty and integrity in their academic work. Each student should reflect this sense of responsibility toward the community by submitting work that is a product of their own effort in a particular course, unless the instructor has directed otherwise. In order to clarify and emphasize its standards for academic honesty, the College has adopted this policy.

The following are examples of violations of standards for academic honesty and are subject to academic sanction: cheating on exams; submitting collaborative work as one's own; falsifying records, achievements, field or laboratory data, or other course work; stealing examinations or course materials; submitting work previously submitted in another course, unless specifically approved by the present instructor; falsifying documents or signing an instructor's or administrator's name to any document or form; plagiarism; or aiding another student in any of the above actions. Plagiarism, which is defined as the deliberate use of another's ideas or words as if they were one's own, can take many forms, from the egregious to the mild. Instances most commonly seen in written work by students in order from most to least serious are:

- Borrowing, buying or stealing a paper from elsewhere; lending or selling a paper for another's use as their own; using printed material written by someone else as one's own.
- Getting so much help on a paper from someone else, including a College tutor, that the student writer can no longer legitimately claim authorship.
- Intentionally using source material improperly, e.g., neither citing nor using quotation marks on borrowed material; supplying an in-text citation but failing to enclose quoted material within quotation marks; leaving paraphrased material too close to the original version; failing to append a works-cited page when sources have been used.
- Unintentional misuse of borrowed sources through ignorance or carelessness.
- Copying the artistic creations of others without documenting the source of those ideas.
- Copying a table, chart, diagram or any illustration without documenting the source.
- Using terminology or concepts created by another without documenting the source.
- Presenting false, fabricated, or altered information or data to support the thesis or main idea of the work.
- Performing and/or accessing any work for another enrolled student, regardless of delivery mode.

Sanctions recommended for dishonesty are an "F" on the assignment and/or an "F" in the course. More serious violations may be

referred to the Dean of Students Office for appropriate action. All incidents of academic dishonesty will be reported to the Dean of Students Office.

Additional information regarding this policy may be found from the Dean of Students office.

## **ALCOHOL AND DRUG POLICY**

### **Preface**

College culture nationwide exaggerates the connection between social fun and excess alcohol use. This misperception is especially strong in Madison even though well over 60%\* of Edgewood College students either abstain or drink in a low-risk manner. In other words, most students socialize without drinking in a risky way or without drinking at all.

Edgewood College expects students who choose to use alcohol to drink in a safe manner. Excess drinking is strongly discouraged for its risk to the drinker and for its negative effects on the campus community. The College is committed to providing educational programs to promote low-risk use or abstinence, to educate students about the risks of excessive drinking, and to promoting alternatives to excess drinking.

*\*From Edgewood College National College Health Association (NHCA) Survey Fall 2016*

### **Federal, State, and Local Law Enforcement**

The Alcohol and Drug Policy is in compliance with local, state, and federal law. Edgewood College students are subject to all laws of the State of Wisconsin regarding possession, consumption, sale, and distribution of alcoholic beverages or drugs. In addition to state laws, Madison enforces several local ordinances around alcohol. More information about local and state alcohol laws and penalties can be found at [www.cityofmadison.com](http://www.cityofmadison.com) and <https://docs.legis.wisconsin.gov/statutes/statutes/125>.

### **Health Risks of Alcohol and/or Drug Use**

Individuals over 21 years of age have the right to choose to consume alcohol. Edgewood College urges those individuals to exercise sound judgment and responsibility in making that decision. Edgewood College does not condone underage consumption of alcohol.

**Alcohol** is a central nervous system depressant. Initially it may appear to stimulate a person and reduce inhibitions. Greater amounts of alcohol will depress deeper parts of the brain, leading to loss of judgment and impaired sensory perception and motor skills.

Excessive alcohol consumption is linked to increased rates of physical and sexual assault, altercations, injuries, and diminished academic performance.

Abuse of alcohol can pose several other health risks, both physical and psychological, such as: impaired ability to reason, damage to the heart and liver, irritation of the stomach lining possibly leading to ulcers, and depression of brain centers, causing poor coordination, confusion, disorientation, stupor, anesthesia, coma, and death. Brain damage from alcohol abuse is permanent and recent studies suggest that brain development continues into a person's mid-20s making the damage that occurs in those years more significant.

**Cannabis** produces an intoxicating effect that slows reasoning abilities. Concentration and problem-solving abilities are impaired. Slowed reflexes, reaction time, and poor peripheral vision may also result.

Cannabis has multiple adverse effects on the body including increased heart rate, lung damage, increased cancer risk, diminished immune systems and risk of memory impairment. Long term use has also been linked to increases in anxiety, depression, and lower academic performance.

Important psychological and emotional developmental tasks (such as career establishment or developing emotional intimacy) can be delayed or stalled with heavy use of cannabis.

**Party/Club Drugs** refer to a large group of drugs often used at parties, raves or dance clubs and other settings that, as a group, have a wide variety of effects and risks. Some of the drugs in this informal grouping include: ecstasy, GHB, Ketamine, LSD, Rohypnol. Ecstasy is the most common of these drugs and it's taken for the euphoric effects, heightened energy, and emotional warmth it produces in some users. The risks of these drugs are serious for even occasional use. Risks include: increased heart rate, nausea, dizziness, muscle tensions, teeth clenching, dangerously high body temperature, depression, and anxiety. Long-term use can lead to memory problems and depression. Pills sold as ecstasy often include other substances that create even more serious health risks.

**Stimulants (Amphetamines, Cocaine, etc.)** Drugs that stimulate the central nervous system have a high potential for abuse because continuous use can result in severe dependence. Low doses of stimulants cause increased heart rate, blood pressure, and breathing rate. Sleeplessness and anxiety may also result. Higher doses cause irritability and excitability. Users may also experience feelings of paranoia and illusions or hallucinations. Abuse of these substances causes increased risk of heart failure, malnutrition, and a weakening of the body's immune system.

Most prescription drugs used to treat Attention Hyperactivity Deficit Disorder are amphetamines and produce the same risks from misuse as other forms of amphetamines noted above. Illegal use of ADHD prescription drugs carries very serious criminal penalties.

**Depressants (Barbiturates, Narcotics, Hypnotics, and Tranquilizers)** Use of substances which depress the central nervous system can produce habituation and physical dependence.

Depressants slow the bodily functions, causing sleepiness or grogginess, impaired motor skills, poor memory, and faulty judgment. Larger doses may cause unconsciousness or death. Taken over a period of time, abusing these substances can result in a physical dependency. Withdrawal from physical dependency must be medically supervised. Abruptly stopping the drug can cause delirium and convulsions.

The use of central nervous system depressants in combination with alcohol significantly increases the risk of death. The most common form of unintentional overdose results from the combination of barbiturates and alcohol.

Misuse of prescription opiates such as OxyContin or Vicodin is very dangerous due to the risk of addiction and overdose. Overdose risk is especially high when combined with alcohol. Legal penalties for such misuse are also very serious.

**Hallucinogens (PCP, LSD, and Mescaline)** Hallucinogens can cause habituation or psychological dependence. There are minimal withdrawal symptoms when regular use of the drug is stopped; however, unpleasant psychological reactions are common. Risks include breaks from reality, flashbacks, emotional breakdown, and memory lapse. More severe reactions can include convulsions, partial paralysis, delusion, hysteria, and outbreaks of violence.

#### **Compliance with Applicable Federal, State and Local Laws**

This policy is subject to amendment. Edgewood College reserves the right to amend, add, delete, or modify this policy, and any others, for any purpose including compliance with local, state, or federal law.

#### **Seeking Assistance**

At the discretion of the appropriate College authorities, assistance for problems with drug or alcohol may be offered in lieu of, or concurrent with, disciplinary action. An assessment and/or evidence of satisfactory progress toward elimination of the problem may be required as part of any such agreement.

A conscientious effort to seek help will not, by itself, jeopardize a student's enrollment. Students in need of help for an alcohol or drug problem are encouraged to utilize Personal Counseling Service (608-663-4148).

#### **General Drug and Alcohol Policies**

1. Alcoholic beverages may only be possessed, purchased and/or consumed by persons of legal drinking age, and then only in areas designated by the College.
2. No person may obtain, sell, dispense, or give alcoholic beverages for or to an underage person.
- ~~3.~~ Alcohol abuse and/or drug/alcohol intoxication is not permitted.
4. Use, possession, sale, delivery, manufacturing, or distribution of any narcotic, drug, and/or medicine prescribed to another person, chemical compound, or other controlled substance, except in accordance with federal, state, local law, and/or Edgewood College policy is expressly forbidden.
5. Possession of drug-related paraphernalia, except in accordance with federal, state, local law, and/or Edgewood College policy is expressly forbidden.
6. Being under the influence of narcotics, drugs, medicine prescribed another person, medicine in excess of an individual's prescribed limits, chemical compound, or other controlled substance, except in accordance with federal, state, local law, and/or Edgewood College policy is expressly forbidden.
7. Alcohol-related paraphernalia and alcohol-related decorations including those that once served as containers for alcohol are not permitted in residential units. Collections of bottle caps, alcohol cartons, alcohol cans, beer bongs, alcohol bottles, similar paraphernalia, and beer kegs are not permitted.
8. Alcohol may only be distributed on campus by the College's Dining Services contractor. All students are required to show proof of age when purchasing or accepting alcoholic beverages on campus. Students who fail to provide this information,

use false information, or violate the law and/or College policy are liable for disciplinary action.

9. The obvious odor of alcohol or other drugs in unpermitted areas may be documented and treated as evidence of policy violation. Individuals in or related to the vicinity of these odors may be subject to the Student Conduct process.

### **Residence Hall Alcohol Policy**

No alcoholic beverages are allowed in East Regina, West Regina or Stevie (Marie Stephen Reges) Halls. Alcohol is also not permitted in the suites or common areas of Dominican Hall. ,

### **Apartment Alcohol Policy**

Alcoholic beverages are permitted in Weber, Siena, and the Dominican Co-op and Apartments. Alcohol is not permitted in any public space outside of these designated apartment living spaces.

Alcohol may only be possessed and consumed only by residents 21 years of age or older in accordance with State law. Anyone found providing alcohol for underage students and/or guests will be subject to disciplinary action.

### **Consequences of Non-Compliance**

Individuals who are found responsible for violating any of the Alcohol and/or Drug policy may face disciplinary action. For further information please see the [STUDENT CODE OF CONDUCT](#).

Questions or comments about the Alcohol and Drug Policy or the Student Code of Conduct can be directed to the Dean of Students Office at deanofstudents@edgewood.edu or 608-663-2212.

### **Health Risks of Alcohol and/or Drug Use**

Individuals over 21 years of age have the right to choose to consume alcohol. Edgewood College urges those individuals to exercise sound judgment and responsibility in making that decision. Edgewood College does not condone underage consumption of alcohol.

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#### **Madison Alcohol Ordinances**

In addition to state laws, Madison enforces several local ordinances around alcohol. The legal drinking age is 21. More information about WI alcohol laws and penalties can be found at [www.cityofmadison.com](http://www.cityofmadison.com) and

#### **Compliance with Applicable Federal, State and Local Laws**

This policy is subject to amendment. Edgewood College reserves the right to amend, add, delete, or modify this policy, and any others, for any purpose including compliance with local, state, or federal law.

#### **Seeking Assistance**

At the discretion of the appropriate College authorities, assistance for problems with drug or alcohol may be offered in lieu of, or concurrent with, disciplinary action. An assessment and/or evidence of satisfactory progress toward elimination of the problem may be required as part of any such agreement.

A conscientious effort to seek help will not, by itself, jeopardize a student's enrollment. Students in need of help for an alcohol or drug problem are encouraged to utilize Personal Counseling Service (608-663-4148).

### **GOOD SAMARITAN/MEDICAL AMNESTY POLICY**

#### **Purpose**

Student health and safety are of primary concern at Edgewood College. As such, in cases of intoxication due to the consumption of alcohol and/or drugs, the College encourages individuals to seek assistance for themselves or others. The Good Samaritan/Medical Amnesty Policy protects students who seek help in matters of safety or well-being.

#### **Policy**

Students who report a safety concern or certain policy violations will not face documented action plans from the student conduct process for violating College policy if the intent in reporting is in good faith and is to ensure the safety/well-being of self or others.

Good faith is shown when a student reports an incident to seek assistance and not primarily to avoid consequences. For example, a student who has violated the Alcohol and Drug policy but comes forward out of concern for the safety of a fellow student will not face student conduct action plans.

In lieu of student conduct action plans, the intoxicated student (and possibly the referring student) will be required to meet with the Director of Community Standards and Student Wellbeing or designee, and/or the alcohol and drug counselor, for an alcohol



and drug clinical assessment. This is not a student conduct outcome. The purpose of the meeting and alcohol assessment is to minimize the chances of future safety risk or other serious alcohol/drug incidents through education. Failure to complete educational requirements or treatment recommendations issued under this protocol will result in the reinstatement of student conduct charges.

This Good Samaritan/Medical Amnesty Policy does not preclude disciplinary action regarding other violations of College policies, such as causing or threatening physical harm, sexual misconduct/relationship violence as a respondent, damage to property, harassment, hazing, etc. This College policy does not prevent action by local and state authorities.

Good Samaritan/Medical Amnesty status can be sought as many times as needed. Incidents will be carefully reviewed by the Director of Community Standards and Student Wellbeing to ensure safety and good faith use of the policy.

If in doubt about a person's safety related to but not limited to alcohol/drug use, incidents of sexual misconduct/relationship violence, or bias incidents, seek help by calling Edgewood College Security at 663-4321.

### **COMMUNICABLE DISEASE POLICY**

The College's commitment to integrity, human dignity, and concern for others with regard to communicable diseases is stated in the following goals:

1. To educate all members of the College community about communicable diseases. The Dean of Students Office will coordinate the programs of all departments and student organizations.
2. To comply with Federal, State and local health laws.
3. To comply with Federal, State and local laws protecting persons who have a communicable disease.
4. Students who have a communicable disease may attend classes and will not be denied any rights, privileges or services offered by the College including access to housing, cafeteria, and athletic facilities. Exceptions based upon an actual health risk to the College community will be decided on a case-by-case basis.
5. The College will consider the special needs of students with a communicable disease through services offered by the Director of Health Services and the Vice President for Student Development. These services include support, education and referrals.
6. In the course of College activities, students should treat students and staff who have a communicable disease as they would treat any student or staff.
7. Statements on Faculty and Staff.
  - a. Faculty and staff who have a communicable disease have the right to work. Exceptions based upon an actual health risk will be decided on a case-by-case basis.
  - b. In the course of College activities, faculty and staff should treat employees and students who have a communicable disease as they would treat any employee or student.
  - c. Faculty or staff who have a communicable disease are encouraged to notify their immediate supervisor who will deal with concerns on a case-by-case basis, in consultation with the appropriate administrator.
8. The College supports and will comply with laws respecting confidentiality of individuals having a communicable disease.

### **COMMUTER STUDENT LOCKER POLICY**

Free lockers are available for storage of personal belongings and are located in the Predolin Humanities Level 1 stairwell near Weber Hall. The lockers are reserved for Edgewood College commuter student use only from 7:00 a.m. – 10:00 p.m., when the Predolin Humanities Building is open for business.

Check out lockers at the Campus Assistance Center in the Predolin Lobby. You may check out the lockers on a daily basis only. You must provide your name and Edgewood College ID number for the use of the locker. All property must be removed by 10:00 pm.

Lockers are monitored nightly and unclaimed property will be removed at 10 p.m. and stored for no more than 1 week.

- If your property is removed for not complying with the policy, contact Campus Security at x4321. Property may be claimed by providing proof of ownership and your student ID. A \$15.00 service fee will be billed to your student account.
- If you lose your locker key, contact Campus Security at x4321. Proof of ownership and your student ID must be provided before Security will open your locker. Loss of key will result in a \$15.00 key replacement fee and will be billed to your student account.

The lockers are the property of Edgewood College. Users must agree to abide by all city, state, and federal laws. The Campus Security staff reserves the right to open lockers in instances where locker procedures are being abused or in the case of an emergency.

Edgewood College is not responsible for any lost, stolen, or damaged items. • Concerns and questions regarding this program are to be reported to the Campus Security Office at ext. 4321.

## **EMAIL COMMUNICATIONS**

Edgewood College Email is the official email of the College. Email is not a secure or private communications mechanism, nor should users treat it that way. Sensitive or confidential information should not be sent via email over the Internet without password protection or encryption.

Users should exercise care in the use of email and in the handling of email attachments. If an email is from someone you do not know, or if you were not expecting an attachment, do not open it; delete it. The user should contact the Technology Assistance Center for assistance if there are questions as to the validity of the message and attachment.

The following requirements pertain to the sending and receiving of emails, as well as the usage of the College's email system.

- Users may not use the College's network to send spam, "junk mail," or any unsolicited material unless in compliance with the College global email policy.
- Unauthorized use of another individual's account is prohibited.
- Users may not use unauthorized or forged email header information.
- Users may not create or forward "chain letters" or "pyramid schemes" of any type using the College's email system.
- Users may not share or post passwords.
- Users may not use the College's email system to send harassing messages, hoaxes, pornographic material, create a hostile work environment or otherwise perform illegal activities.
- Users must use a high degree of caution when opening email attachments received from unknown senders. This is a common vector for virus or malware infection.

Users should delete email messages that are no longer relevant to academic pursuits, research, social growth, individual discipline, and the furthering of these objectives. Users are responsible for using non-email network storage for retaining attachments that are needed for an extended period.

Refer to the College's Acceptable Use Policy for further direction.

When litigation against the College or its employees or its students is filed or imminent, the law imposes a duty upon the College to preserve all documents and records that pertain to the issue in dispute. As soon as College Counsel or the Human Resources designee is advised of pending litigation, a hold directive will be issued to the legal custodians. The litigation hold directive overrides any records retention schedule that may have otherwise called for the transfer, disposal, or destruction of the relevant documents, until the hold has been cleared by College Counsel or Human Resources. Email and computer accounts of separated employees and/or students that have been placed on litigation hold will be maintained by Information Technology Services until the hold is released. No employee or student who has been notified by College Counsel or Human Resources of a litigation hold may alter or delete an electronic record that falls within the scope of that hold. Violation of the hold may subject an employee or student to disciplinary action, up to and including termination. In addition, persons who violate the hold may be subject to applicable personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

## **INFORMATION RESOURCES POLICY**

The following are prohibited under the College Information Resources Policy:

- a. Unauthorized use of College information resources including the unauthorized sharing with individuals who otherwise have no authority to access College information resources.
- b. Use of College information resources for unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the College, another user, or another entity, and/or illegal activity.
- c. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to Edgewood College Information resources, compromising the privacy of another user or disrupting the intended use of College information resources.
- d. Attempted or actual use of the College's information resources for unauthorized commercial, political or personal purposes, or for personal gain.
- e. Attempted or actual use of College information resources to interfere with the normal operation of the College.
- f. Access, creation, storage, or transmission of material deemed obscene, in accordance with Federal, State, or Local law. Failure to report discovery of obscene material on any College information resource to the College.
- g. Attempted or actual destruction, disruption or modification of programs, records or data belonging to or licensed by the College.

- h. Intentional sending of unsolicited and unwanted electronic communications of faculty, staff, and students to parties with whom the sender has no existing business using College information resources.
- i. Negligent opening of email attachments received from unknown senders due to the high-risk of virus or malware infection.

## MILITARY RECRUITING AND ROTC POLICY & PROTOCOL FOR EDGEWOOD COLLEGE

***Under the current Solomon Amendment (2005), 10 U.S. Code § 983, colleges that receive federal funding for “student financial assistance” are obligated:***

- 9. To permit its students to enroll in a Reserve Officers Training Corps (ROTC) program.
- 10. To permit the Secretary of a military department or the Secretary of Homeland Security access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer;
- 11. To permit access by military recruiters for the purposes of military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at an institution (or any sub element of that institution):
  - a. Names, addresses and telephone listings;
  - b. Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

For Edgewood College, adherence to the guidelines of the above means that the College must:

- 1. Allow students who are interested in ROTC programs to enroll through the College’s Collaborative Program in the University of Wisconsin’s ROTC program
  - a. The Academic Dean’s Office coordinates the College’s Collaborative Program with the University of Wisconsin and will follow the written agreement between the two schools that allows Edgewood College students to enroll in UW ROTC courses.
  - b. Office of Military & Veterans Services will help to facilitate the relationships with UW ROTC programs.
    - i. The Director of Military & Veterans Services will act as the Military Advisor for all ROTC Cadets.
- 2. Allow representatives from ROTC and military recruiters from the six (6) branches access to the campus and students\*.
  - a. The Office of Military & Veterans Services will coordinate access to representatives of the military for the purpose of recruiting **current** Edgewood students (or those admitted but not yet matriculated). Recruiters will be asked to contact the Office of Military & Veterans Services to determine which campus events are appropriate for them to attend.
  - b. The Office of Military & Veterans Services will coordinate access to representatives of the military for the purpose of recruiting **prospective** Edgewood students (or those admitted but not yet matriculated). Recruiters will be asked to call the Office of Military & Veterans Services to determine which campus events are appropriate for them to attend.
 

\*It is the right of the College to determine what events are “appropriate” for military recruiters to attend but may at no time restrict representatives from ROTC and military recruiters, access to events that would otherwise be open to employers, within the prescription of the Solomon Amendment.

As a Dominican liberal arts college, Edgewood College fosters civil discourse about difficult issues and engages students in learning from multiple perspectives. Therefore, the College will make on-going efforts to offer information about non-military vocational and volunteer opportunities, and opportunities to discuss differing viewpoints on controversial issues.

## MISSING RESIDENT POLICY

In compliance with the “Higher Education Opportunity Act, P.L. 110-315, sec. 488, 122 Stat. 3301 (2008)” Missing Student Notification Policy and Procedures, it is the policy of the Office of Residence Life to actively investigate any report of a missing resident who is enrolled at the College and residing in on-campus housing. Each resident will be notified of the Missing Student Notification Policy and Procedures via the Residence Life Handbook.

For purposes of this policy, a student may be considered to be a “missing person” if the person’s absence is contrary to their usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student’s welfare.

Each resident, upon checking into their assigned room, is required via the Move-In Form to identify the name and contact number of the individual(s), a primary contact and secondary contact, to be notified in case of an emergency or in the event that the resident is reported missing. In the event the resident is under the age of 18 or is not emancipated, the College is required to have the primary emergency contact be a custodial parent or guardian.

If a member of the College community has reason to believe that a student is missing, Security should be notified. Upon receiving notification, Security, Residence Life and other applicable College personnel will make reasonable efforts to locate the student to determine their state of health and well-being. These efforts may include, but are not limited to, checking the resident's room, class schedule, friends, ID card access, locating the resident's vehicle, and calling their reported cell phone number. As part of the investigation, the College reserves the right to make contact with emergency contacts to help determine the whereabouts of the resident.

If upon investigation by Security and Residence Life Staff, the resident has been determined by Security to be missing for at least 24 hours, the following will occur: Security will contact the resident's designated emergency contact and will inform the appropriate law enforcement agency within the next 24 hours. Investigation will continue in collaboration with law enforcement officers as appropriate.

## **NON-DISCRIMINATION AND HARASSMENT POLICY**

### **Overview**

Edgewood College will not tolerate discriminatory or harassing behaviors. The College's Dominican Catholic heritage calls all members of the community to foster a learning environment that is free from any form of discrimination or harassment. To fulfill this commitment, the College will work to prevent discrimination from occurring and will ensure that federal, state and local laws, and campus policies prohibiting discrimination are fully enforced in an effort to prevent and address discriminatory or harassing behaviors.

Discrimination and Harassment take many forms. While some actions are blatant, others are subtler but may be harmful. Edgewood College strives to provide learning opportunities that educate members of the community on the impact that discrimination has on individuals and the community as a whole. Our mission and values call us to utilize a social justice framework to guide both prevention and reactive efforts.

Persons who believe that they are being or have been subjected to discrimination or harassment are encouraged to seek resolution as soon as possible. Due to the private nature of educational and personnel records, the College may not be able to fully disclose the actions taken in response to a report of discrimination or harassment. The College recognizes the right of all individuals involved in claims of discrimination to a fair process for encouraging resolution of complaints.

### **Policy Statement**

The College affirms and protects the rights and opportunities of all persons to a working and learning environment free from discrimination and harassment. No person shall, on the basis of gender, gender identity, gender expression, sex, sexual orientation, race, religion, color, creed, national origin or ancestry, age, ability, veteran status, or any other characteristic protected under applicable law, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination, including harassment, under any program of the College. This policy also prohibits any form of retaliation. Students and employees who violate this policy may be subject to discipline up to and including dismissal/termination.

### **Definitions specific to Non-Discrimination Policy**

**Discrimination** occurs when a member of the College community is subjected to disparate treatment in employment or in the provision of educational benefits, services, or programs, based on gender, gender identity, gender expression, sex, sexual orientation, race, ethnicity, religion, color, creed, national origin or ancestry, citizenship status, age, ability, veteran status, or any other characteristic protected under applicable law.

Edgewood College uses the following categories to address incidents of discrimination:

- a. **Hate Crimes** – Hate crimes include any criminal offense that manifest evidence of prejudice or bias based on one's identity (such as, but not limited to, race, gender, gender identity/expression, sexual orientation, religion). Edgewood College will report hate crimes, as defined by the FBI Uniform Crime Reporting, to the police, and cooperate with them in investigating any act constituting a hate crime. Those who commit hate crimes may also be subject to discipline by the College. Hate Crimes must also be reported to meet Clery Act requirements.

Investigations of hate crimes require due process according to the College's policies, including adherence to the American Association of University professors (AAUP) guidelines related to academic freedom. Action plans will depend on the severity of the action, the impact on the targeted individual and/or group, intentionality of the action, and on the overall context in which the action occurred. Action plans for students will be determined using the procedures for allegations of student conduct policy violations as described in the Student Code of Conduct. Sanctions for employees may range from reprimands or training to immediate termination of employment, depending on the severity of the incident and taking

into account any previous employment concerns.

- b. **Bias Incidents** – A bias incident is a verbal, written, or physical act of intolerance or prejudice that does not involve violence or other criminal conduct. Bias incidents may be expressed through acts of bigotry, harassment or intimidation. Examples of bias incidents include, but are not limited to, jokes, epithets, slurs, offensive graffiti, disparaging remarks on social media, or making a grading decision because of a person’s protected status. Bias incidents may or may not be intended to cause harm, but such incidents negatively affect the campus climate and student wellbeing.

Responses to bias incidents may include educational opportunities for the individuals and groups involved, as well as for members of the campus community as a whole when reporting patterns suggest broader issues that move beyond the immediate incident. This policy therefore seeks to enhance understanding, provide a forum for expression of multiple viewpoints, mediate conflict, and pursue restoration. In some cases, reports of bias incidents will be referred to a disciplinary body if the behavior violates a College policy.

**Harassment** includes unwanted, unsolicited, and offensive physical or verbal conduct, that tends to injure, degrade, disgrace, or show hostility toward a person because of one’s gender identity, sex, sexual orientation, race, religion, color, creed, national origin or ancestry, age, disability, or any other characteristic protected under applicable law. The conduct does not have to be threatening and may include deliberate and persistent conduct that is severe or pervasive enough that a reasonable person would find intimidating, hostile or offensive.

Examples include, but are not limited to:

- Abusive, degrading, intimidating, or offensive remarks, jokes, or gestures.
- Slurs, negative stereotyping, or threatening, intimidating, or hostile acts.
- Posting of graphic material on walls, bulletin boards, in electronic communication or elsewhere on the College’s premises that shows hostility, aversion, or is derogatory to an individual group.
- Differential treatment of an individual with regard to terms and conditions of employment or educational benefits or services because of that individual’s gender, sex, sexual orientation, race, religion, color, creed, national origin or ancestry, age, disability, or any other characteristic protected under applicable law.

Incidents of sexual harassment or sexual misconduct will be reported to the Title IX Coordinator.

#### **Reporting Incidents of Discrimination or Harassment**

If you have experienced or observed an incident of discrimination or harassment, please report it by doing one of the following:

**Online:** [www.tinyurl.com/EdgewoodBias](http://www.tinyurl.com/EdgewoodBias)

**By phone or in-person:** Dean of Students Office Predolin 215 | 608-663-2212

Office of Mission, Values, & Inclusion | Predolin 239 | 608-663-4161

Human Resources Office | DeRicci 214 | 608-663-3317

For additional information on how to file a formal or informal complaint, please see How to File a Complaint or Report a Student Code of Conduct Violation.

## **PARKING POLICIES**

### **General Information**

Edgewood College offers parking for students, faculty, staff and visitors of the College. Parking facilities are limited and members of the College are encouraged to participate in the alternative transportation program by riding the Edgewood College shuttle or Madison Metro bus, carpooling or joining the Registered Walker/Biker Program. Permits are required to park on campus, including in spaces designated for disabled persons. Please be aware that purchasing a permit does not guarantee an immediate parking space will be available. Please take this into consideration when planning to park on campus.

General Parking is available in the Parking Ramp, DeRicci Lot, Marshall Lot and Regina Lot. No overnight surface lot parking is allowed. Cars must be parked in the Parking Ramp overnight.

Application for an Edgewood College parking permit constitutes the applicant’s agreement to comply with all College parking regulations. The permit remains the property of Edgewood College, and may not be copied, re-sold, or transferred to an unregistered vehicle by the registered holder.

Edgewood College accepts no responsibility for loss or damage to any vehicle or its contents, however caused, while parked in any College parking lot.

### **Parking Regulations**

Parking at Edgewood College is by permit only. All Edgewood College students, faculty and staff parked on campus must display a valid parking permit. Permits are required in all College lots. Parking spaces are marked with white lines. Vehicles must park in paved marked spaces. Failure to follow parking rules will result in parking citations. Vehicles that receive 3 or more parking tickets (paid or unpaid), will lose parking privileges and be towed at the motorist's expense. Vehicles parking on campus after previously being towed due to parking ticket violations will be towed immediately. Students who have a vehicle towed are subject to a Student Conduct Process.

Permits must be displayed on the rearview mirror with the permit number facing the front windshield to be valid. The license plate number on the permit must match the license plate on the car in which the permit is displayed. The permit must be fully visible. Failure to display a permit properly will result in a citation.

A temporary permit, available in the Security Office, must be obtained on days users are driving a different vehicle to campus. Temporary permits must also be fully visible and properly displayed with the permit information facing the front windshield.

The parking staff is available to assist motorists & ensure their safety. Persons who demonstrate abusive behavior toward the parking staff may have their parking privileges suspended.

Students, faculty and staff may not park in visitor parking for any reason for any length of time or sign in on the visitors log/sheet at the Campus Assistance Center. Violators will be cited.

Motorists parked in a restricted lot or any space designated for disabled persons, no parking area or fire lane will be ticketed and may be towed at the owner's/motorist's expense.

### **Restricted Lots**

There are several restricted lots on campus. Restricted lots include the Stream lot, Campus School Lot, Siena Lot, and the Edgewood High School Lot. Special permits are required for all of these lots. Please familiarize yourself with our restricted lot information. Please note, the Campus School and High School lots require special permits and are enforced by the City of Madison. All parking lots are monitored by security cameras.

### **Parking Tickets and Appeals**

#### **Parking Tickets**

Failure to comply with Edgewood College parking rules and regulations will result in parking tickets. For more information about the parking fine structure, please go to <https://edgewood.sharepoint.com/sites/TransportationServices>.

**Parking fines must be paid within 10 days at the Business Office, 217 DeRicci Hall or at the Security/Transportation office in Weber Hall.** Fines not paid within 10 days will be doubled and added to the student's account. An additional DMV fee may be added to unpaid tickets for vehicle and driver identification. Outstanding fines result in a hold on grades and registration and a possible revocation of parking privileges.

#### **Appeals Process**

Citation appeal forms are available in the Security Office. **Appeals must be made within 10 days of the ticket date.** Appeals will be reviewed by the Parking Appeals Review Committee. Students, faculty, and staff will be notified of the status of their appeal through email. Denied appeals must be paid within 10 days of notification. Please note: Ignorance of regulations, late arrivals for appointments or inability to find a convenient parking space will not be accepted as grounds for an appeal.

#### **Visitor Parking**

All visitors must register their cars at the Campus Assistance Center located in the Predolin Lobby. Visitors may park in the designated visitor spaces located in the front row of the Regina Parking Lot. If there are no visitor spaces available there, visitors may park in any available space except disabled person's parking unless they have a valid disabled person's permit. Visitors may not park in any restricted lots.

Overnight guests will need to register their car at the Campus Assistant Center. They will be issued a registered guest overnight parking permit, valid for the parking ramp only.

### **Temporary Permits**

If a student, faculty, or staff member (with a permit) is driving a different vehicle for the day, they must obtain a one-day temporary parking permit from the Security Office. Students, faculty, and staff who have not purchased a yearly permit can purchase temporary day passes. Temporary permit holders must follow all College parking rules, including not parking in visitor stalls.

### **Parking Fees**

Information regarding the rates for parking on campus are available at <https://edgewood.sharepoint.com/sites/TransportationServices>.

### **Replacement Permits**

Replacements for permanent parking permits can be obtained through the Security Office. You must bring in your old permit to obtain a free replacement permit. Please remember to remove your permit before selling or trading in your vehicle. There is a \$30 charge to replace permits.

## **POSTING POLICY**

1. Campus bulletin boards are reserved for Edgewood College events and campus resources only. Campus resources will be posted in designated areas.
  - Exceptions may be made by the Vice President for Student Development, Associate Director of Student Life, or a designee.
  - Exceptions may only be made for Edgewood College students, faculty, or staff wanting to post events or opportunities that directly affect the campus community.
2. No posters may cover previously posted material. Due to space limitations, posting is available on a first come, first serve basis.
3. All advertising materials to be posted must include the following
  - Name and contact information of the recognized campus organization or department clearly identified as the sponsoring group
  - Date, time, and location of event (where applicable)
  - Posted materials should be legible, in good taste, and free of error.
4. All materials must be approved by the Office of Student Inclusion & Involvement.
5. Sponsoring organizations and departments are responsible for hanging and removing posted material. Posted material must be removed within 48 hours of the event ending.
6. One posting is permitted for events held off campus or non-Edgewood sponsored events on the designated bulletin board in the Wingra Commons. For sale or for rent postings are not permitted.
7. Please be advised that some bulletin boards are limited to the use of academic departments only. Each designated bulletin board is clearly marked.
8. Posters or other similar materials may not be posted on any exterior surface of the College buildings. Nothing shall be affixed to any walls, windows, doors, or doorframes.
9. Sidewalk chalking is allowed only on pavement that is not covered by a shelter. Sidewalk chalk is not allowed on vertical surfaces.
10. The Office of Student Inclusion & Involvement reserves the right to remove materials that are not posted in accordance with this policy.

The number of copies needed in each building are available from the Office of Student Inclusion & Involvement. Please see the Residence Life Handbook for additional information concerning posting in the residence halls.

## **SMOKING POLICY**

Smoking, including the use of electronic delivery devices, is prohibited in all campus facilities and buildings which includes residence halls and resident rooms. "Electronic delivery device" means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

- Smoking is prohibited within 25 feet of all buildings.
- All building entrances are to be smoke-free.
- It is unlawful to remove or destroy any “No Smoking” signs or to smoke in any “No Smoking” areas.

## SOCIAL MEDIA POLICY

### Purpose

Edgewood College understands the importance and value of utilizing social media outlets to foster and enhance the sense of community among College constituents. With this in mind, Edgewood College encourages faculty, staff, and students to participate in social media in an effort to create an online atmosphere that reflects the College’s values.

This document outlines an institutional policy that **covers the use of social media by faculty, staff, and students, where that use represents either implicit or explicit institutional sanction. This policy does not cover personal use of social media.**

The Policy will serve as both a resource for faculty and staff, and provide remedies for use of social media that is contrary to the policy.

Faculty, Staff, and Students of Edgewood College adhere to policies outlined in the Faculty, Staff, and Student Handbooks, and in the Acceptable Use Policy.

The policy outlined here covers additional considerations specific to social media, but at no time supersedes the Faculty, Staff, and Student Handbooks or the Acceptable Use Policy.

### Legal Considerations

All content published by Edgewood College must be accurate and consistent; information distributed via social media must match the information distributed through print materials and through [www.edgewood.edu](http://www.edgewood.edu).

Like all educational institutions, Edgewood College is bound by the Federal Educational Rights and Privacy Act (FERPA). Students must give their consent before we publish content about them.

Similarly, please respect the privacy of colleagues/peers and ensure that you have their approval before publishing content about them.

Use of content (video, music, photos, text) in social media is covered by local intellectual property law. Faculty, staff, and students should not use text or media (video, images, etc.) without the permission of the owner. Wherever possible, all sources should be cited. Please refer to the Edgewood College Copyright Policy.

All social media efforts on behalf of the College are covered by existing codes of conduct for students, faculty, and staff. All social media efforts on behalf of the College should support the Mission, Identity, and Vision of the College.

### Getting Started

Please follow these steps when launching a new social media presence:

What already exists? The Office of Marketing & Strategic Communications audits social media accounts associated with Edgewood College. Social Media resources are available from that office.

What’s going on in my area or department? Check with your immediate supervisor, department chair, Dean, or faculty advisor to let them know you’re considering “joining the conversation” on behalf of both Edgewood College, and the particular unit or department.

Who is the contact? The social media outlet utilized should provide information about who maintains the presence, and how one may reach them via email or phone. There should always be at least one person responsible for maintaining the presence.

Visual Identity The outlet should adhere to the Graphic & Communication Standards established by the Office of Marketing & Strategic Communications. Social media accounts should avoid using the official Edgewood College logo as an avatar/icon/profile image to avoid confusion with the primary, institutional-level social media accounts. Accounts should also avoid alterations of the logo, use of the Dominican shield as a standalone, and other violations of the Graphic Standards. Consider using a campus photo, photo of involved students, etc.



### **Ongoing Expectations**

Who Does the Work? We are accountable to our audiences. When launching social media initiatives, we must commit to regular updates, accuracy, and prompt responses to audiences when appropriate.

Proofreading As an institution of higher learning, we are held to the highest standard for grammar and spelling. Proofread content before publishing.

Commitment An engaging social media presence takes consistent time and energy – if done poorly, (not updated regularly, not responsive to audience) it can do more harm than good. Consider your purpose, and consider your ability to commit time to this venture before engaging.

### **Recommendations**

Please inform the Office of Marketing & Strategic Communications about your new social media efforts. The Office will add the new presence to the audit of College sites, and can serve as a resource to support your efforts.

### **Responsible parties**

Deans, chairs of academic departments, supervisors, and faculty advisors are responsible for the social media outlets created by and for their particular units, departments, or school.

### **Process for Resolving Concerns**

Social media technology is evolving and no policy or procedure can address all situations and circumstances that may arise. Faculty, Staff, and Students of Edgewood College adhere to policies outlined in the Faculty, Staff, and Student Handbooks, and in the Acceptable Use Policy. Any circumstances that may arise will be followed up using the procedures identified in the above- mentioned handbooks and Acceptable Use Policy.

## **SOLICITATION**

Campus organizations wishing to raise money through on-campus solicitation may do so with permission of the Executive Director of Student Life. Unless directly connected to an official Edgewood College academic department, student organization, or administrative office, no outside soliciting is permitted on campus. For solicitation regulations for the residence halls, please reference the Residence Life Handbook found at [www.edgewood.edu](http://www.edgewood.edu). Please report violations to the Director of Security, a Student Development Staff member or the Dean of Students Office.

## **VISITOR POLICY**

The College retains the right to set standards of behavior for students, faculty, staff, and visitors. A visitor is anyone who is not a current Edgewood student, faculty, or staff member. These standards ensure the safety and security of all. Some areas of the campus are open to the public and some are not. The College reserves the right to further limit public access at any time. Specific hours of operation for each building vary. Questions regarding open hours for any building or area should be directed to the Edgewood College Campus Assistance Center in the Predolin Humanities Center Lobby.

The following general guidelines apply at all times:

- Space for parking on campus is limited. Visitor parking permission may be obtained at the Campus Assistance Center located in the Predolin Humanities Center upon check-in.
- All non-Edgewood College students under the age of 17 must be accompanied and supervised by an adult at all times.
- Individuals or groups who contract for use of the facilities assume responsibility for maintaining the orderly conduct of guests.
- A designated member of Edgewood College should be available on campus for assistance at all events.
- Visitors must be able to produce identification and state the purpose for their presence on campus if asked to do so by Security.
- Security or other designated College agents may ask a visitor to leave campus if certain conditions exist, including, but not limited to; violent, threatening or intrusive behavior, harassment, possession of weapons, illegal drugs or unauthorized possession of alcohol, or lack of an appropriate purpose.
- Any behavior deemed inappropriate by Security or other agent of the College may result in contacting the Madison Police Department.

Individual departments and offices may have additional guidelines specific to the type of event or the type of facility in use. The additional guidelines may be viewed at the Campus Assistance Center. Visitors are expected to comply with these guidelines.

**WEAPONS POLICY**

Possession of weapons, whether concealed or unconcealed per Wisconsin law, on campus and/or at College-sponsored events is prohibited. This includes illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others, including, but not limited to guns, paint ball guns, pellet guns, BB guns, Airsoft guns, arrows, nun chucks, knives with blades longer than three inches, swords, shells, shell casings, and plastic or metal pellets, metallic knives, explosives, or any other device which, in the manner it is used or intended to be used is calculated or likely to produce bodily harm.

**FILING A COMPLAINT WITH THE OFFICE OF CIVIL RIGHTS**

Anyone who believes that Edgewood College has discriminated against them on the basis of race, color, national origin, sex, disability or age, may file a report with the Office of Civil Rights.

Office for Civil Rights (OCR) 233  
N. Michigan Ave., Suite 240  
Chicago, IL 60601  
Customer Response Center: (800) 368-1019  
Fax: (202) 619-3818  
TDD: (800) 537-7697  
Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

# **Edgewood College Sexual Misconduct Policy**

## **Institutional Values, Community Expectations, and Notice of Non-Discrimination**

It is the policy of Edgewood College to maintain an environment for students, faculty, administrators, staff, and visitors that is free of all forms of discrimination and harassment, including sexual misconduct. The College has enacted this Sexual Misconduct Policy (the “Policy”) to reflect and maintain its institutional values and community expectations, to provide for fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals and the community in response to violations of this Policy.

This Policy prohibits all forms of sexual or gender-based discrimination, harassment, and misconduct, including sexual assault, non-consensual sexual contact, intimate partner violence, sexual exploitation, and stalking. This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in, any matter related to this Policy. All the foregoing conduct will be referred to as “Prohibited Conduct.” Edgewood College does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title IX, Title VII of the Civil Rights Act of 1964, the Wisconsin Fair Employment Act, and other applicable statutes. This Policy prohibits sexual harassment against Edgewood College community members of any sex, sexual orientation, gender identity, or gender expression in the context of education or employment. This Policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

The College strongly encourages all members of our community to act to maintain and facilitate a safe, welcoming, and respectful environment on campus. The College expects that all Edgewood College community members will take reasonable and prudent actions to prevent or stop Prohibited Conduct. The College strongly supports individuals who choose to take such action and will protect such individuals from retaliation. Upon receipt of a report, the College will take prompt and equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects. In addition, the College will fulfill its obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) in response to reported Prohibited Conduct. The College’s processes for investigating and responding to reported Prohibited Conduct are contained in [Appendix A](#), [Appendix B](#), and [Appendix C](#).

Edgewood College also prohibits other forms of discrimination and harassment, including discrimination and harassment on the basis of race, color, national origin, ancestry, age, religious belief, marital status, physical or mental disability, medical condition, veteran status, or any other characteristic protected by federal, state, or local law. Such prohibited conduct is addressed in the College’s Non-Discrimination and Harassment Policy, which is available at [https://www.edgewood.edu/docs/default-source/diversity-docs/policies\\_statements.pdf?sfvrsn=9aa9ce8e\\_2](https://www.edgewood.edu/docs/default-source/diversity-docs/policies_statements.pdf?sfvrsn=9aa9ce8e_2).

### **The College’s Title IX Coordinator**

The Title IX Coordinator coordinates the College’s compliance with Title IX and related provisions of the Clery Act (as amended by VAWA). The Title IX Coordinator oversees the College’s centralized response to all reports of Prohibited Conduct to ensure consistent implementation of this Policy and compliance with federal and state law. The Title IX Coordinator and designated staff will, among other things:

- Communicate with members of the College community regarding applicable law and policy and provide information about reporting and support options.
- Review applicable College policies to ensure institutional compliance with applicable federal and state law.
- Monitor the College’s administration of its own applicable policies, including record keeping, adherence to timeframes, and other procedural requirements.
- Conduct training regarding Title IX, related provisions of the Clery Act (as amended by VAWA), and Prohibited Conduct defined in this Policy.
- Respond to any report to the Title IX Coordinator regarding conduct that may violate this Policy. In this capacity, the Title IX Coordinator will oversee the response to, and resolution of, such alleged misconduct,

direct the provision of any remedial and protective measures (including oversight of the failure to abide by an interim protective measure), and monitor the administration of any request for review of the finding.

The Title IX Coordinator may delegate responsibilities under this Policy to designated administrators or external professionals, who will have appropriate training and/or experience. When used in this Policy, the term Title IX Coordinator may include an appropriate designee.

Edgewood College's Title IX Coordinator is Arhelia Dalla Costa Behm in the Office of Human Resources (DeRicci 215 | 608-663-4304 | [ADallaCostaBehm@edgewood.edu](mailto:ADallaCostaBehm@edgewood.edu)).

### **Prevention and Awareness Programs**

The College is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation and returning students and current employees receive ongoing training and related education.

### **Scope of Policy**

This Policy applies to all reports of Prohibited Conduct received on or after the effective date of this Policy. The Grievance Processes under this Policy will be used to investigate and resolve all reports made or that are pending on or after the effective date of this Policy, regardless of when the incident(s) occurred. This Policy uses the terms complainant, respondent, third party, and witness as follows:

- **Complainant**: An individual who is reported to have experienced conduct that could constitute Prohibited Conduct, even if they do not participate in any related process.
- **Respondent**: An individual who has been reported to have engaged in conduct that could constitute Prohibited Conduct.
- **Party/Parties**: A complainant or respondent participating in a resolution process.
- **Witness**: An individual who may have information relevant to a report of Prohibited Conduct. A witness may be a student, an employee, or a third party.

For every report, the Title IX Coordinator will review the circumstances of the reported conduct to determine whether the College has jurisdiction or disciplinary authority over the respondent or the conduct. In exercising jurisdiction over an Edgewood College-affiliated respondent for reported conduct that occurs off campus and that has no nexus to the College or a College-related or sponsored education program or activity, the College's ability to investigate and impose disciplinary action may be limited. In instances where the College does not have disciplinary authority over the respondent, the College will still take reasonably available steps to support a complainant through interim or supportive measures and will assist a complainant in identifying external reporting mechanism.

This Policy applies to all Edgewood College community members, including students, faculty, administrators, staff, volunteers, vendors, contractors, visitors, and individuals regularly or temporarily employed, conducting business, studying, living, visiting, or having any official capacity with the College or on its property. The College strongly encourages reports of Prohibited Conduct regardless of who engaged in the conduct.

This Policy applies to all on-campus conduct and some off-campus conduct, as described below. The College strongly encourages reports of Prohibited Conduct regardless of location. Even if the Policy does not apply to the conduct because of its location, the College will take prompt action to provide for the safety and well-being of the complainant and the broader campus community.

- **On-Campus Conduct**: Conduct that occurs on-campus, including conduct which occurs on property owned or controlled by the College.
- **College Programs**: Conduct that occurs in the context of College employment or education programs or activities, including, but not limited to, Edgewood College study abroad or internship programs.
- **Off-Campus Conduct**: Conduct that occurs off-campus and has continuing adverse effects on, or creates a hostile environment for, any member of the Edgewood College community on-campus or in any College employment or education program or activity.

## Academic Freedom and Freedom of Speech

This Policy is consistent with the College's commitment to academic freedom and free speech, including but not limited to those set forth in the 1940 Statement of Principles on Academic Freedom and Tenure. This commitment requires that the College protect community members' expression of ideas in their teaching, learning, and research, including advocacy that may be controversial, provocative, or unpopular. This protection extends to the expression of ideas, however controversial, in the classroom, residential life, and other campus-related activities. It must be recognized, however, that this protection has its limits. This Policy defines those limits and conduct which is found to be "harassing" is not consistent with the College's commitment to academic freedom and free speech. No member of the College community may escape responsibility for engaging in harassing conduct merely by labeling the conduct as "speech" or other expressive activity.

### Prohibited Conduct and Definitions

In determining whether reported conduct violates this Policy, the College will consider the totality of the facts and circumstances involved in the incident, including the nature of the reported conduct and the context in which it occurred. Individuals of any sex or gender can commit any of the Prohibited Conduct defined in this Policy, and it can occur between individuals of the same sex or gender, or different sexes or genders. It can occur between strangers or acquaintances, as well as persons involved in intimate, sexual, dating, domestic, or familial relationships. This Policy prohibits the following forms of conduct, including attempts to commit the Prohibited Conduct defined below.

#### **Title IX Sexual Harassment**

"Title IX Sexual Harassment" is a subset of Prohibited Conduct. Under Department of Education regulations (*see* 34 C.F.R., Part 106) issued in May 2020 to implement Title IX of the Education Amendments of 1972, the College is required to prohibit certain forms of sexual harassment as defined in those regulations.

Prohibited Conduct meets the definition of Title IX Sexual Harassment when:

- An Employee conditions the provision of an aid, a benefit, or a service on another Employee's or a Student's participation in unwelcome sexual conduct (i.e., *Quid Pro Quo* sexual harassment), within the United States; or
- A Student, Employee, or Third Party (to the extent applicable) engages in unwelcome conduct on the basis of sex that would be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies another person equal access to the College's programs or activities, in the United States; or
- A Student, Employee, or Third Party engages in Sexual Assault, Domestic Violence, Dating Violence, or Sexual and/or Gender-based Stalking as defined below; and
  - The alleged conduct was perpetrated against a person in the United States; and
  - The conduct took place within the College's programs and activities.

Conduct takes place within the "College's programs and activities" when that conduct occurs: (1) in a location, at an event, or in a circumstance where the College exercises substantial control over both the respondent and the context in which the conduct occurs; or (2) in any building owned or controlled by a student organization recognized by the College. Events that occur off campus or in locations with no connection to the College are unlikely to be considered a College program or activity. Conduct that does not meet this strict definition for Title IX Sexual Harassment is still prohibited by this policy if it otherwise constitutes Prohibited Conduct as further defined below. Prohibited Conduct under the definition of Title IX Sexual Harassment will follow the disciplinary resolution procedures outlined in [Appendix A](#). The following Prohibited Conduct definitions apply for purposes of the definition of Title IX Sexual Harassment:

#### **Title IX Quid Pro Quo Sexual Harassment**

Conduct on the basis of sex by which an employee of the College conditions the provision of an educational benefit of the College on participation in unwelcome sexual conduct.

### *Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment*

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

### *Title IX Sexual Assault*

Title IX sexual assault includes rape, fondling, incest, or statutory rape, defined as follows:

- Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral-genital contact of another person without consent.
- Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without consent.
- Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape is sexual intercourse with a person who is under the statutory age of consent. Under Wisconsin law, individuals younger than 18 years of age are legally incapable of giving consent to sexual penetration or contact by an adult (someone 18 years of age or older) who is three or more years older than the individual.

### *Title IX Domestic Violence*

Title IX domestic violence is conduct, on the basis of sex, that constitutes a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the complainant;
- By a person with whom the complainant shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
- By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

### *Title IX Dating Violence*

Title IX dating violence is conduct that constitutes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship will be determined based on the parties' statements and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

### *Title IX Stalking*

Title IX stalking for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex that constitutes 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 distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.

- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

## **Non-Title IX Misconduct**

Non-Title IX Misconduct is Prohibited Conduct that falls within the Scope of this Policy and the definitions below but that does not fall within the definition of [Title IX Sexual Harassment](#), either due to the nature of the conduct or because it did not reportedly occur within a program or activity of the College in the United States. Non-Title IX Misconduct will follow the disciplinary resolution procedures outlined in [Appendix B](#) or [Appendix C](#). Such conduct is defined for purposes of this policy as:

### **Non-Title IX Sexual Assault**

Sexual Assault (i.e., rape, fondling, incest, or statutory rape) as defined in the Title IX Sexual Assault [definition](#) above that did not reportedly occur in a program or activity of the College in the United States.

### **Non-Consensual Sexual Contact**

Any intentional touching of a person's breast(s), buttock(s), groin, genitals, or other intimate parts without [affirmative consent](#). Touching may be over or under clothing and may include the respondent touching the complainant, the respondent making the complainant touch the respondent or another person, or the respondent making the complainant touch the complainant's own body.

### **Sex or Gender-Based Discrimination**

Sex or gender-based discrimination refers to the disparate treatment of a person or group because of that person's or group's sex, sexual orientation, gender identity, or gender expression.

### **Sexual or Gender-Based Harassment**

"Harassment" is conduct that creates an intimidating, offensive, or hostile working or learning environment or that unreasonably interferes with work or academic performance based on a person's protected status, including sex, sexual orientation, gender identity, or gender expression. All such conduct is unlawful.

**Sexual Harassment:** any unwelcome sexual advance, request for sexual favors, and/or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise.

**Gender-Based Harassment:** harassment based on sex, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise. To qualify as Gender-Based Harassment, the conduct need not involve conduct of a sexual nature.

Generally speaking, harassment can be divided into two types of conduct:

**Quid Pro Quo Harassment.** Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic standing, or participation in any aspect of a College program or activity or is used as the basis for the College's decisions affecting the individual.

**Hostile Environment.** A hostile environment exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College's education or employment programs and/or activities. Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective.

Harassing conduct can take many forms. The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to: (1) the frequency of the conduct; (2) the nature and severity of the conduct; (3) whether the conduct was physically threatening; (4) the effect of the conduct on the complainant's mental or emotional state, with consideration of whether the conduct unreasonably interfered with the complainant's educational or work performance and/or College programs or activities; (5) whether the conduct was directed at more than one person; (6) whether the conduct arose in the context of other discriminatory conduct; and (7) whether the conduct implicates concerns related to academic freedom or protected speech.

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the



conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression is typically not sufficient to constitute a hostile environment.

#### Sexual or Gender-Based Harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, sexual orientation, gender identity, or gender expression.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the complainant and/or third parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute Sexual Harassment as defined above may include a severe, persistent, or pervasive pattern of unwelcome conduct that includes one or more of the following:

- *Physical conduct*, including unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements, or unwanted sexual advances;
- *Verbal conduct*, including making or using derogatory comments, epithets, slurs or humor; verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; or objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes;
- *Visual conduct*, including leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons, or posters in a public space or forum; or severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate;
- *Written conduct*, including letters, notes or electronic communications containing comments, words, or images described above;
- *Quid pro quo conduct*, including direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists; offering educational or employment benefits in exchange for sexual favors; making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose; or making or threatening reprisals after a negative response to sexual advances.

#### Sexual Exploitation

Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another. Sexual exploitation may include:

- surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all parties involved;
- exposing one's genitals or inducing another to expose their own genitals in non- consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge; and

- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

### Non-Title IX Stalking

Stalking as defined in the Title IX Stalking definition above that did either not reportedly occur on campus, in a program or activity of the College in the United States, or in a building controlled by a recognized organization (such as a Greek house), or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the alleged victim on the basis of sex.

### Non-Title IX Dating Violence

Dating violence as defined in the Title IX Dating Violence definition above that either did not reportedly occur on campus, in a program or activity of the College in the United States, or in a building controlled by a recognized organization.

### Non-Title IX Domestic Violence

Domestic violence as defined in the Title IX Domestic Violence definition above that either did not reportedly occur on campus, in a program or activity of the College in the United States, or in a building controlled by a recognized organization, or that otherwise fits within the definition of stalking but does not fall within the Title IX Domestic Violence definition because the reported conduct is not directed at the alleged victim on the basis of sex.

### Retaliation

Retaliation is defined as a materially adverse action, and may include intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding Prohibited Conduct (including both Title IX Sexual Harassment and Non-Title IX Misconduct). Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitutes retaliation, as does any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this Policy.

Retaliation may include intimidation, threats, coercion, harassment, or other materially adverse employment or educational actions that would discourage a Reasonable Person from engaging in activity protected under this Policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process under this Policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

As explained below, any employee may pursue any charge of discrimination or harassment with the Wisconsin Department of Workforce Development, or the federal Equal Opportunity Employment Commission (“EEOC”). It is unlawful to retaliate against any employee for opposing the practices prohibited by the Wisconsin Fair Employment Act or comparable federal law or for filing a complaint with, or for otherwise participating in, an investigation, proceeding, or hearing conducted by the state or federal government.

### Complicity

Any act that knowingly aids, facilitates, promotes, or encourages the commission of Prohibited Conduct by another person.

## **Definitions of Key Terms and Other Considerations**

To provide clarity to all individuals as to the kinds of behavior which constitute Prohibited Conduct, the College further defines key terms which the College will use in evaluating whether Prohibited Conduct has occurred.

### **Consent**

Words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. A person is unable to give consent if they are incapacitated because of drugs, alcohol, disabled physically or intellectually, or unconscious (s. 940.224(4), Wis. Stats.).

Consent is informed, knowing, and voluntary participation in any desired sexual activity. It is the responsibility of the person initiating sexual contact to obtain consent. It can be withdrawn by a participant at any time. Silence alone cannot be interpreted as consent. Consent can be given by words or actions, as long as those words and actions create a clear and mutually understandable permission regarding the conditions of sexual activity. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent cannot imply consent to future sexual acts. A person who is incapacitated cannot give consent to engage in sexual activity. Incapacitation can result from alcohol or other drug use, unconsciousness, blackout, mental disability, sleep, involuntary physical restraint, or from being drugged. An accused student cannot avoid a violation of this policy by claiming that they were impaired from alcohol or drug use and unable to tell whether the complaining party was incapacitated. The issue is whether a reasonable unimpaired person would know that the other person was incapacitated.

It will not be a valid excuse to allege lack of consent that the respondent believed that the complainant consented to the sexual activity under either of the following circumstances: (a) The respondent's belief in affirmative consent arose from the intoxication or recklessness of the respondent, or (b) the respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the complainant consented.

The following are essential elements of affirmative consent:

- ***Informed and reciprocal:*** All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
- ***Freely and actively given:*** Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.
- ***Mutually understandable:*** Communication regarding consent consists of mutually understandable words and/or actions that indicate a mutually unambiguous willingness to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.
- ***Not indefinite:*** Consent must be ongoing throughout the activity. Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consenting an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be a verbally expressed “no” or “stop” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately, and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.
- ***Not unlimited:*** Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

In evaluating whether consent has been freely sought and given, the College will consider all relevant facts and circumstances, including, but not limited to, the ages of the parties; the presence of any force, threat of force, intimidation, or coercion; whether the complainant had the capacity to give consent; and, whether the communication

(through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

### **Age**

The State of Wisconsin considers sexual intercourse with a minor to be unlawful, regardless of “consent”. A person who engages in felony “unlawful” sexual intercourse as described in the Wisconsin Penal Code does so without effective consent as defined by the College’s Sexual Misconduct Policy. Specifically, there is no effective consent under the College’s Sexual Misconduct Policy where one party (the “minor”) is under the age of eighteen, and the other party is more than three years older than the minor.

### **Force**

“Force” is the use or threat of physical violence to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid. For the use of force to be demonstrated, there is no requirement that a complainant resist the sexual advance or request. However, evidence of resistance by the complainant will be viewed as a clear demonstration of a lack of consent.

### **Intimidation**

“Intimidation” is the use of implied threats to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by intimidation is not valid.

### **Coercion**

“Coercion” is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual’s will. Consent obtained through coercion is not valid.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive. The College will evaluate the following in determining whether coercion was used: (a) the frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (d) the duration of the pressure.

### **Incapacitation**

“Incapacitation” is a state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. For example, an individual is incapacitated, and therefore, unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to mental or physical condition.

Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person’s: decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

It will not be a valid excuse that the respondent believed that the complainant affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the complainant was asleep or unconscious; (b) the complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity; (c) the complainant was unable to communicate due to a

mental or physical condition.

Whether the respondent reasonably should have known that the complainant was incapacitated will be evaluated using an objective reasonable person standard. The fact that the respondent was actually unaware of the complainant's incapacity is irrelevant to this analysis, particularly where the respondent's failure to appreciate the complainant's incapacitation resulted from the respondent's failure to take reasonable steps to determine the complainant's incapacitation or where the respondent's own incapacitation (from alcohol or drugs) caused the respondent to misjudge the complainant's incapacity.

It is the responsibility of each party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity. Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

### **Prohibited Relationships by Persons in Authority**

Sexual or other intimate relationships in which one party maintains — and fails to promptly report and discontinue — a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors, or other College employees. Similarly, College employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under the employee's direct supervision.

The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. However, faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach, or otherwise guide students should understand the fundamentally asymmetrical nature of the relationship they have with students, employees (as applicable), or subordinates. Intimate or sexual relationships where there is a differential in power or authority produce risks for every member of our community and undermine the professionalism of faculty and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach, or otherwise make decisions or recommendations as to the other person in connection with their employment or education at the College.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

The College has adopted a policy that strives to balance, on the one hand, its wish not to interfere with the private choices of its community members and, on the other hand, concerns regarding relationships in which one party maintains a direct supervisory or evaluative role over the other party. Specifically, if an individual contemplates beginning, or is involved in, a sexual or other intimate relationship with another, over whom the individual holds direct supervisory or evaluative responsibilities, the individual must promptly: (1) discontinue any supervising role or relationship over the other person; and (2) report the circumstances to their own supervisor or the Human Resources Director. Failure to fully or timely comply with these requirements is a violation of this Policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the College.

Any individual may file a complaint alleging harassment or discrimination, including third parties outside the relationship directly affected by the perceived harassment or discrimination.

## **Confidentiality, Privacy, and Related Reporting Responsibilities**

### **Privacy and Confidentiality: Understanding the Differences**

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. The College also is committed to assisting students, employees, and third parties in making informed choices. With respect to any report under this Policy, the College will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All College employees who are involved in the College's Title IX response receive specific instruction about respecting and safeguarding private information. Privacy and confidentiality have distinct meanings under this Policy.

### Privacy

"Privacy" generally means that information related to a report of Prohibited Conduct will only be shared with individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the College's FERPA Policy. The privacy of an individual's medical and related records may be protected by the Health Insurance Portability and Accountability Act ("HIPAA"), excepting health records protected by FERPA any related state laws.

While there are certain limitations on privacy, the College generally will not release the names of the complainant or respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including the Family Educational Rights and Privacy Act (FERPA) and the Clery Act. In addition, no information will be released from a proceeding to enforce this Policy except as required or permitted by law and College policy.

### Confidentiality

"Confidentiality" generally means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual.

The confidentiality of information shared by an individual with designated campus or community professionals generally is governed by Wisconsin law, which includes restrictions on disclosure of information by mental health providers, ordained clergy, rape crisis counselors or advocates, and attorneys, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

An individual who seeks confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. The confidential resources available to individuals on campus are listed below. Note, however, that these confidential resources are required by state law to notify child protective services and/or local law enforcement of any report which involves suspected abuse of a minor under the age of 18.

### **Requests for Confidentiality**

A student may desire to report Prohibited Conduct to the Edgewood College to maintain confidentiality; if so, the Title IX Coordinator will evaluate such requests. Where a complainant requests that the complainant's name or other identifiable information not be shared with the respondent or that no formal action be taken, the Title IX Coordinator will balance the complainant's request with its obligation to provide a safe and non-discriminatory environment for all College community members. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the complainant and respondent, whether there were additional complainants or potential respondents involved, whether a weapon was used, evidence of predation, and whether there have been other complaints or reports of harassment or misconduct against the respondent, among other factors. Please note that a complainant's name or identity cannot be withheld in investigations under Appendix A.

The College will take all reasonable steps to the complaint with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the complainant. Where the College is unable to take action consistent with the request of the complainant, the Title IX Coordinator will inform the

complainant about the chosen course of action, which may include the College seeking disciplinary action against a respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a respondent or revealing the identity of the complainant.

## **Responsible Employees**

A “Responsible Employee” includes any employee who: (1) has the authority to take action to redress the harassment; (2) has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; and/or, (3) a student could reasonably believe has the authority or responsibility to take action. **All College employees who do not have legally protected confidentiality are considered Responsible Employees.** This includes all employees with supervisory or leadership responsibilities on-campus, including, but not limited to, faculty, coaches, administrators, staff members and Resident Advisors. The College requires that all Responsible Employees share a report of misconduct with the Title IX Coordinator. The purpose of this requirement is to permit the College to take immediate and corrective action to respond to allegations of Prohibited Conduct.

## **Take Back the Night and Other Public Awareness Events**

Consistent with guidance from the Office for Civil Rights of the Department of Education, public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, or other forums in which community members disclose incidents of Prohibited Conduct do not initiate the College’s Title IX obligations, including its obligation to investigate reports of sexual harassment or sexual violence. Such events may, however, inform the need for campus-wide educational and prevention efforts, and the College may implement broad community initiatives in response to such events where appropriate.

## **Disclosures Required by The Clery Act**

### *Timely Warnings*

A “Timely Warning” is a campus-wide notification of a serious or continuing threat to the Edgewood College community. The Timely Warning does not include identifying information about the complainant. If a report of misconduct discloses a continuing threat involving one of the specified “Clery crimes” to the Edgewood College community, the College may issue a campus wide timely warning (which can take the form of an email to campus) to protect the health or safety of the community.

### *Annual Reporting Responsibilities*

All higher education institutions that receive federal funding, including the College, are obligated to issue publicly an Annual Security Report (“ASR”) which identifies the number of particular reported crimes on campus or campus property, or adjacent to campus. The ASR does not include identifying information about the complainant or respondent.

### *Crime Log*

All higher education institutions that have campus police forces or security departments must maintain a daily crime log that includes entries for all crimes that occur within both the Clery geography and the campus safety force’s regular patrol route. The crime log does not include identifying information about the complainant or respondent.

## **Reporting Options**

The College strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The College also strongly encourages all individuals to make a report to the College and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously. The College has a strong interest in supporting those who have experienced sexual harassment, sexual violence, stalking, and intimate partner violence and

strongly encourages all individuals or third-party witnesses to report any incident to the College.

Making a report means telling a Responsible Employee what happened - in person, by telephone, in writing, or by text message or email. At the time a report is made, a complainant does not have to request any particular course of action, nor does a complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions and will respect an individual's autonomy in deciding how to proceed to the extent legally possible. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

The College will respond to all reports of Prohibited Conduct in a fair and impartial manner. A complainant, a respondent, and all individuals involved will be treated with dignity and respect. In response to all reports of Prohibited Conduct, the College will make an immediate assessment of a risk of harm to the complainant, respondent, or to the broader campus community and will take steps to address those risks. These steps may include interim supportive or protective measures to provide for the safety of the individual and the campus community.

Reports of violations of this Policy may be made to the Title IX Coordinator. A formal complaint may be submitted by dropping it off at the Title IX Office, by email, or by mail. Upon receipt of any complaint, the Title IX Coordinator will contact the complainant to conduct an intake interview. Any person may notify the Title IX Coordinator if they believe they, or someone else, may have experienced conduct that would be a violation of this Policy. The Title IX Coordinator will then contact the complainant and schedule an intake interview.

In the event that a complainant has filed a formal complaint under Appendix A but then declines to participate in an intake interview, if the formal complaint contains an allegation meeting all of the jurisdictional elements of this Policy, the formal complaint is signed and requests an investigation, the Title IX Coordinator will put the respondent on notice of the allegation and commence the investigation process.

### **Emergency and External Reporting Options**

File a Report with Law Enforcement. Filing a complaint with the City of Madison Police Department or other law enforcement agency is encouraged, but not required. The complainant is entitled to the assistance of an Edgewood College representative in reporting to the Police Department, and thereafter during the process. Law enforcement may always be contacted, regardless of any other actions the person chooses to take under this policy. Filing a complaint with the police is a separate process from the College's student conduct process. Complainants who want to report incidents directly to the police should call 608-255-2345 or visit <https://www.cityofmadison.com/police/contact/> for more options. Complainants retain the right to decline to file a report with law enforcement and will continue to receive support from the College regardless of if they reported to law enforcement.

### **Campus Reporting Options**

The College strongly encourages all individuals to report misconduct to any College employee. The College recommends that individuals report Prohibited Conduct to any of the following offices or individuals:

Title IX Coordinator: Arhelia Dalla Costa Behm  
Director of Human Resources  
DeRicci 214 | 608-663-4304 | [ADallaCostaBehm@edgewood.edu](mailto:ADallaCostaBehm@edgewood.edu)

Deputy Title IX Coordinator: Matthew Sullivan  
Vice President for Student Development  
Predolin 215 | 608-663-2212 | [msullivan@edgewood.edu](mailto:msullivan@edgewood.edu)

### **Anonymous Reporting**

Additionally, anonymous reports can be made by victims/survivors and/or third parties using the online reporting form posted at [www.tinyurl.com/EdgewoodSV](http://www.tinyurl.com/EdgewoodSV) or [https://secure.ethicspoint.com/domain/en/report\\_custom.asp?clientid=16096](https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=16096).

Note that these anonymous reports may prompt a need for the institution to investigate.



The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate, and in consultation with the Clery Team, compliance with all Clery Act obligations.

Please note that a formal complaint under Appendix A cannot be filed anonymously and is only considered to have been filed only when the complaint contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

### **Reporting to External Agencies**

In addition to reporting to law enforcement or the College, students, faculty, and staff should be aware of the following external governmental agencies that investigate and prosecute complaints of prohibited discrimination and harassment:

#### *Title IX Compliance*

Inquiries or complaints concerning the College’s compliance with Title IX may be referred to the U.S. Department of Education’s Office for Civil Rights.

U.S. Department of Education Office for Civil Rights

233 N. Michigan Ave., Suite 240

Chicago, IL 60601

Customer Response Center: (800) 368-1019

Fax: (202) 619-3818

TDD: (800) 537-7697

Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

#### *Employment Discrimination or Harassment*

Any employee may pursue any charge of discrimination or harassment with the Wisconsin Department of Workforce Development or the federal Equal Opportunity Employment Commission (“EEOC”). It is unlawful to retaliate against any employee for opposing the practices prohibited by Wisconsin law or comparable federal law or for filing a complaint with, or for otherwise participating in an investigation, proceeding, or hearing conducted by the Wisconsin Department of Workforce Development or EEOC.

Any employee may pursue any charge of discrimination or harassment with the Wisconsin Department of Workforce Development:

201 E. Washington Ave

P.O. Box 7946

Madison, WI 53707

608-266-3131

Any employee may pursue any charge of discrimination or harassment with the federal Equal Opportunity Employment Commission (“EEOC”).

201 E. Washington Avenue

Madison, WI 53703

608-266-6860

[www.eeoc.gov](http://www.eeoc.gov)

### **Other Reporting Considerations**

#### *Timeliness and Location of Incident*

Complainants and third-party witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the College’s ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the respondent is not a member of the Edgewood College community, the College will still seek

to take steps to end the harassment, prevent its recurrence, and address its effects, but its ability to take disciplinary action against the respondent may, of course, be limited.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the complainant's on-campus life and activities or poses a threat or danger to members of the Edgewood College community may also be addressed under this Policy.

#### *Amnesty for Alcohol or Other Drug Use or Other Conduct Violations*

The College strongly encourages the reporting of Prohibited Conduct under this Policy. It is in the best interest of this community that as many complainants as possible choose to report to college officials and that participants in the grievance process are forthright in sharing information. To guard against discouraging reporting or participation, a student who reports Prohibited Conduct or participates in the grievance process, either as a complainant, respondent, or a third-party witness, will not be subject to disciplinary action by the College for personal consumption of alcohol or drugs or other violations of the conduct policy (not including this Policy) at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk and do not involve plagiarism, cheating, or academic dishonesty. The College may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or other drugs. Being intoxicated or impaired by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

#### *Coordination with Law Enforcement*

The College strongly encourages complainants to pursue criminal action for incidents of sexual harassment, sexual violence, and intimate partner violence that may also be crimes under Wisconsin law. The College will assist a complainant in making a criminal report and cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. The College's Policy, definitions, and burden of proof may differ from criminal law. A complainant may seek recourse under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this Policy has occurred.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. The College may not delay conducting its own investigation unless specifically requested by the law enforcement (e.g., MPD). In the event of such a specific request, the College will defer its investigation only during the time that law enforcement is gathering evidence, which should not exceed ten days absent extenuating circumstances. The College will nevertheless communicate with the complainant and respondent (if appropriate) regarding Title IX rights, procedural options, and the implementation of supportive measures to assure safety and well-being. The College will promptly resume fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

#### *False Reports*

The College takes the accuracy of information very seriously, as a report of Prohibited Conduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated report of Prohibited Conduct. Each party and every witness is expected to provide truthful information to the Investigator, Hearing Officer, and Appeals Officer. Should any party, or a witness, provide knowingly false information as part of this process, this may be considered a violation of College policies and will be referred to the appropriate office for further handling. It is a violation of the Student Code of Conduct and other College policies to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

#### *Reports Involving Minors or Suspected Child Abuse*

Under Wisconsin law, an individual must make a mandatory report of suspected child abuse and neglect, including sexual assault when that individual, in their professional capacity or within the scope of their employment, has knowledge of, or observes, a minor under the age of 18 whom the individual knows or reasonably suspects has been the survivor of child abuse or neglect. All College employees are required to immediately report any suspected child abuse and neglect to the Title IX Coordinator and the Director of Campus Safety. The source of abuse does not need to be known in order to file a report. The College will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or the Wisconsin Department of Children and Families. The College must act quickly regarding all reasonable suspicions of sexual or physical abuse. It is not the responsibility of any employee, student, or volunteer to

investigate suspected child abuse. This is the role of Child Protective Services and law enforcement authorities.

In addition to notifying the Title IX Coordinator and Director of Campus Safety, any individual may make a direct report as follows:

- If a child is in immediate danger, call 911.
- Main Contact Telephone Number: 608-422-7000  
Fax: 608-422-7163  
Email: dcfweb@wisconsin.gov

Any Edgewood College employee who is also a confidential employee (for example, a therapist, sexual assault victim advocate, physician) and who was hired into that confidential role should report suspected child abuse or neglect to law enforcement and/or the Wisconsin Department of Children and Families but would not make any such report to the Title IX Coordinator or the Director of Campus Safety.

## **Supportive Measures and Remedies**

Upon receipt of a report, the College will provide reasonable and appropriate supportive measures designed to preserve equal access to the College's programs and activities, and to protect the parties involved. The College will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Supportive measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the College, and regardless of whether a crime is reported to Campus Safety or local law enforcement. Interim protective measures are available to both complainants and respondents.

A complainant or respondent may request a mutual No Contact Letter or other protection, or the College may choose to impose supportive measures at its discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the process. The College will maintain the privacy of any remedial and supportive measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a supportive measure. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

### **Range of Measures**

Supportive and protective measures will be implemented at the discretion of the College. Potential measures may include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus;
- Assistance in obtaining a sexual assault forensic examination;
- Imposition of mutual campus "No Contact Letter;"
- Rescheduling of exams and assignments (in conjunction with appropriate faculty and deans as necessary);
- Providing alternative course completion options (with the agreement of the appropriate faculty);
- Change in class schedule, including the ability to take an "incomplete," drop a course without penalty or transfer sections (with the agreement of the appropriate faculty);
- Change in work schedule or job assignment;
- Change in on-campus housing, when feasible;
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies;
- Limiting an individual or organization's access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing access to medical services;

- Providing academic support services, such as tutoring;
- Interim suspension or College-imposed leave;
- Any other remedy that can be tailored to the involved individuals to reasonably achieve the goals of this Policy.

### **Interim Suspension or Separation**

If the College determines that the conduct, as alleged, poses a physical safety risk to one or more students, or to the College’s educational environment, the College may suspend the respondent, on an interim basis, from the College, from residence halls, or from specific programs or activities. Any such assessment will be made on a case-by-case basis, based on an individualized safety and risk analysis. If the College determines that an immediate physical threat to the health or safety of students or others justifies removal, then the respondent may be suspended on an interim basis. The decision to do so will be provided to the respondent in writing.

### **Care and Support Resources for Complainants and Respondents**

The College is committed to treating all members of the community with dignity, care, and respect. Any student who experiences or is affected by violations under this Policy, whether as a complainant, a respondent, or a third-party, will have equal access to support and counseling services through the College.

The College strongly encourages individuals to report Prohibited Conduct. The College recognizes, however, that the decision to report Prohibited Conduct (to the College and/or law enforcement) can be difficult. The College strongly encourages individuals who are considering whether to report Prohibited Conduct to seek the support of confidential campus and community resources, listed below. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this Policy is pursued. These resources are available regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources, which by law cannot share information without the consent of the individual seeking assistance (in most circumstances). There are also a variety of College resources that will be discreet and private but are not considered confidential. These resources will maintain the privacy of an individual’s information within the limited circle of those involved in the resolution of a complaint under this Policy.

### **Confidential Resources (Non-Medical)**

The College strongly encourages all community members to make a prompt report of any incident of Prohibited Conduct to local law enforcement and/or the College. For individuals who are not prepared to make a report, or who may be unsure how to proceed, but are still seeking information and support, there are several legally protected confidential resources available as designated below. Confidential Support Contacts are not obligated to investigate or report information. Complainants can call or approach any of the following professional staff confidentially and inform them about what happened. They will listen and explain options. Talking to any of the following people does not constitute reporting the incident to the College.

Edgewood College has designated the following individuals as Confidential Support Contacts:

- Director of Personal Counseling: Dominican 122 | 608-663-4148
- Director of Health Services: Dominican 122 | 608-663-8334
- Director of Campus Ministry: Predolin 217 | 608-663-32333
- Rape Crisis Center Advocate: Dominican 122 | 608-251-7273

In addition to the above on-campus supports, students may wish to seek support from any of the following community resources:

- RAINN (Rape, Abuse & Incest National Network)  
Online hotline: <https://hotline.rainn.org/online/terms-of-service.jsp> 800-656-HOPE (4673)
- Dane County Rape Crisis Center 24-hour help line: 608-251-7273

- Domestic Abuse Intervention Services (DAIS) 24-hour help line: 608-251-4445

## **Confidential Medical Resources**

**In Wisconsin, medical providers who treat a physical injury sustained from an assault, physical or sexual, are required by state law to report the assault to law enforcement.** However, the patient has the right to request that a survivor advocate be present when the patient speaks with law enforcement and to request that law enforcement not pursue a criminal charge at that time. Further, the disclosure of private information contained in most medical records is generally protected by HIPAA, and community medical providers will not notify the College (or anyone else, other than law enforcement).

**Forensic examinations:** Qualified providers can provide a forensic examination. The forensic medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time (within 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence, although it may be possible to obtain evidence from towels, sheets, clothes, and other items for longer periods of time. It is best to gather evidence prior to washing a person's body or changing clothing. If clothes have been changed, the clothes worn at the time of the incident should be brought to the examination in a clean, sanitary container such as a paper bag or wrapped in a clean sheet. Do not use a plastic bag: plastic containers do not breathe and may render evidence useless. A change of clothing should also be brought to the hospital, as the clothes worn at the time of the incident will likely be kept as evidence. Taking the steps to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this Policy or through the pursuit of criminal prosecution, and may be helpful in obtaining protective orders.

**Seek help from the Forensic Nurse Examiners Program.** Students who experience sexual assault are encouraged to go to the Emergency Department at Meriter Hospital (Unity/Point Health) to consult with a Forensic Nurse Examiner. These medical professionals have advanced education and instruction in medical-forensic examination and in psychological and emotional trauma. Even if a survivor doesn't intend to file a report with the police, it is important to preserve evidence. Some survivors decide to report their assault after a period of time has passed. Preserving as much evidence as possible will help to ensure survivor rights are able to be enforced. The Forensic Nurse Examiners will collect medical-forensic evidence and empower the survivor to create a plan for self-care. Find more information online at <https://www.unitypoint.org/madison/sexual-assault-nurse-examiner-program.aspx>.

## **Overview of Resolution Options**

The College is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this Policy. The College uses two processes to resolve reports of Prohibited Conduct under this Policy: Disciplinary Resolution, which involves an investigation and adjudication, and if appropriate, the imposition of sanctions, and Adaptable Resolution, which includes restorative options for resolving reports. The Title IX Coordinator will determine the appropriate resolution process after making an initial assessment of the reported information, considering the stated interests of the parties, campus safety, and the College's obligation to maintain an environment free from harassment and discrimination.

The processes under this Policy are separate and distinct from state criminal procedures. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this Policy occurred.

## **Initial Assessment**

After receiving a report of Prohibited Conduct, the Title IX Office will gather information about the reported conduct and respond to any immediate health or safety concerns raised by the report. The Title IX Office will assess the complainant's safety and well-being, offer the College's immediate support and assistance, and assess the nature and circumstances of the report to determine whether the reported conduct raises a potential Policy violation, whether the reported conduct is within the scope of this Policy, and the appropriate manner of resolution under this Policy.

As part of the initial assessment, the Title IX Office will:

- assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness, and/or any other individual with knowledge of the reported incident;
- address immediate physical safety and emotional well-being;
- notify the complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- notify the complainant of the right to seek medical treatment;
- notify the complainant of the importance of preservation of evidence;
- communicate necessary details of the report to Campus Safety to enter the report into the College's daily crime log if required by the Clery Act;
- provide the complainant with written information about on- and off-campus resources;
- notify the complainant of the range of interim or supportive measures available, including the right to reasonable interim remedial measures regardless of whether they choose to participate in a College or law enforcement investigation;
- notify the complainant of the range of interim protective measures available if the College pursues an investigation;
- provide the complainant with an explanation of the procedural options, including Disciplinary Resolution and Adaptable Resolution;
- discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);
- discuss the process for filing a formal complaint;
- notify the complainant of the right to be accompanied at any meeting by an advisor of choice;
- assess for any pattern of conduct by the respondent;
- explain the College's policy prohibiting retaliation, that the College will take prompt action when retaliation is reported, and how to report acts of retaliation; and
- determine age of the complainant; and if the complainant is a minor, or was a minor at the time of the alleged Prohibited Conduct, make the appropriate notifications to state agencies.

Any Supportive Measures put in place will be kept private, except to the extent that doing so impairs the ability of the institution to provide the supportive measures. For example, to effectuate a housing change, staff at Residential Education and Housing Services will be informed of the need to assist with a housing change as directed by the Title IX Coordinator but will not be provided with any of the details of any complaint. When the Title IX Coordinator decides to initiate an investigation, impose interim protective measures, or take any other action that impacts a respondent, the Title IX Coordinator will also ensure that the respondent is notified and receives written information on available resources and options.

At the conclusion of the initial assessment, the College will proceed with one of the following options:

- Proceed with an investigation under the Disciplinary Resolution process as outlined in [Appendix A](#), [Appendix B](#), or [Appendix C](#). This will occur when a complainant requests an investigation and the Title IX Coordinator determines it is appropriate; when the Title IX Coordinator determines that an investigation must be pursued even when a complainant requests that no investigation be pursued; or when Adaptable Resolution is not appropriate or available.
- Proceed with the Adaptable Resolution process as outlined in [Appendix D](#). This will always require the consent of the complainant. The consent of the respondent is also required when the form of resolution involves the respondent.

- If outside the scope of this Policy, refer the matter to another appropriate office or department for resolution under the relevant policy.
- Close the report with the option to re-open it at another time if the complainant requests resolution or if the College subsequently determines there is a need to further investigate the alleged misconduct.

### **Formal Complaints, Dismissals and Appeals of Dismissals**

A formal complaint for purposes of this Policy is a document filed by a complainant or signed by the Title IX Coordinator alleging Prohibited Conduct as defined by Title IX Sexual Harassment, committed by a respondent and requesting that the College investigate the allegation. A formal complaint may be filed at any time by contacting the Title IX Coordinator by email or in writing. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in a College education program or activity.

A formal complaint may be submitted [online](#), and by dropping it off at the Title IX Office, by email, or by mail. Upon receipt of complaint, the Title IX Coordinator will contact the complainant to conduct an intake interview. When a complainant submits a formal complaint, the Title IX Coordinator will first promptly determine whether:

- the conduct alleged would, if proved, constitute Title IX Sexual Harassment (i.e., *Quid Pro Quo* Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, or sex-based Domestic Violence, Dating Violence or Stalking) as defined in this Policy;
- the conduct allegedly occurred in the College's education program or activity;
- the conduct allegedly occurred in the United States; and
- the complainant is participating in or attempting to participate in the College's education program or activity at the time the complaint is filed.

If the formal complaint satisfies all of these elements, it will be investigated and resolved as a Title IX Sexual Harassment matter through the procedures outlined in [Appendix A](#). If it appears based upon initial review or upon information gathered during an investigation that a formal complaint does not satisfy and/or no longer satisfies all of these elements, the College will dismiss the formal complaint for purposes of the Title IX Sexual Harassment process. The Title IX Coordinator may upon such dismissal transfer the matter for handling under the disciplinary processes outlined in [Appendix B](#) or [Appendix C](#), or other College procedures, as deemed appropriate by the College.

Even if the allegations of a formal complaint fall within the definition of Title IX Sexual Harassment, the Title IX Coordinator may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:

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

If a formal complaint is dismissed by the College under the circumstances described above, the College will simultaneously provide to the parties written notice of the dismissal and the reasons for the dismissal, and notice of the parties' opportunity to appeal such dismissal through the appeal procedures outlined in [Appendix G](#).

### **Formal Complaints Signed by Title IX Coordinator**

In cases where it appears based on an initial report that the elements stated above would be satisfied, but the complainant does not wish to file a formal complaint, the Title IX Coordinator may, in their discretion, decide to sign a complaint of Title IX Sexual Harassment and initiate an investigation and resolution process under the process outlined below. If this occurs, the Title IX Coordinator will not be a complainant or otherwise a party to the matter.

Additionally, if a formal complaint is dismissed as described above because it does not fit within the definition of [Title IX Sexual Harassment](#), but the Title IX Coordinator determines that the allegations of the complaint may constitute [Non-Title IX Misconduct](#), the Title IX Coordinator may (upon the resolution of, and to the extent consistent with the result of, any appeal of such dismissal), address the alleged Non-Title IX Misconduct through the disciplinary resolution procedures outlined in [Appendix B](#) or [Appendix C](#).

### **Balancing Complainant Autonomy with the College’s Responsibility to Investigate**

In order to protect the safety of the campus community, the Title IX Coordinator may need to proceed with an investigation even if a complainant specifically requests that the matter not be pursued. The Title IX Office may also initiate an investigation of potential violations of this Policy even absent a formal report or identified complainant or respondent and even if a report has been withdrawn. In such a circumstance, the Title IX Coordinator will take into account the complainant's articulated concerns, the safety of the campus community, fairness to all individuals involved, and the College’s obligations under Title IX.

A complainant may request that their name or other personally identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps, a member of the Title IX Office will discuss any concerns with the complainant and seek to address and remedy barriers to reporting and/or participation based upon concerns about retaliation or other lack of clarity in understanding procedural options and potential outcomes. In reaching a determination on whether to honor a complainant’s request that the matter not be pursued, the Title IX Coordinator will balance the complainant’s request against the following factors:

- the totality of the known circumstances;
- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the complainant and respondent;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of other Prohibited Conduct or other misconduct by the respondent;
- whether the report reveals a pattern of misconduct related to Prohibited Conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- the complainant’s interest in the College not pursuing an investigation or disciplinary action and the impact of such actions on the complainant;
- whether the College possesses other means to obtain relevant evidence;
- fairness considerations for both the complainant and the respondent;
- the College’s obligation to provide a safe and non-discriminatory environment; and
- any other available and relevant information.

The Title IX Coordinator will consider what steps may be possible or appropriate when a respondent is unknown or the complainant requests anonymity, and what other measures or remedies might be considered to address any effects of the reported behavior on the campus community. The Title IX Coordinator will make a determination regarding the appropriate manner of resolution under the policy. The College will seek resolution consistent with the complainant’s request, if it is possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the complainant and the College community.

Where the Title IX Coordinator determines that a complainant’s request(s) can be honored, the College may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the complainant and the College community. Those steps may include offering appropriate remedial measures to the complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Title IX Coordinator may also request that a report be reopened and pursued under this Policy if any new or additional information becomes available, and/or if the complainant decides that they would like Disciplinary Resolution to occur.



In those instances when the Title IX Coordinator determines that the College must proceed with an investigation despite the complainant's request that it not occur, the Title IX Coordinator will notify the complainant that the College intends to initiate an investigation. The College's ability to investigate and respond fully to a report may be limited if the complainant requests anonymity or declines to participate in an investigation. The College will, however, pursue other steps to limit the effects of the potential Prohibited Conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent the College will conduct an investigation and whether other interim remedial or protective measures will be taken in connection with a report of Prohibited Conduct will be made in a manner consistent with this Policy.

## **Additional Provisions**

### *Consolidation of Investigation*

The Title IX Office has the discretion to consolidate multiple reports into a single investigation if evidence relevant to one incident might be relevant to the others. Consolidation might involve multiple complainants and a single respondent, multiple respondents, or conduct that is temporally or logically connected. In the event that the allegations under this Policy involve allegations of a violation of a separate policy, whether Student Code of Conduct, Faculty Handbook, or Staff Handbook, the College will have the right, within its sole discretion, to consolidate those other allegations within one investigation and/or hearing. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Policy.

### *Transfer of Cases, Sharing of Information*

For any case brought under this Policy, should the case be dismissed and then transferred to another office, the College will have the right to transfer all communications and information gathered to any other College administrator who will be reviewing and/or handling the case.

### *Standard of Evidence*

The standard for determining whether the respondent is responsible for a policy violation is the preponderance of the evidence standard, i.e., whether it is more likely than not that a violation of College policy occurred.

### *No Conflict of Interest or Bias*

Any individual carrying out these procedures must be free from any actual conflict of interest or bias that would impact the handling of this matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the President of the College, who will appoint a College administrator to serve as Acting Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any Investigator have a conflict of interest, the Investigator is to notify the Title IX Coordinator immediately upon discovery of the conflict.

Each party may also object to the Title IX Coordinator or designated Investigator, Hearing Officer, or appeals officer, on the grounds of an actual bias or conflict of interest. If either of the parties objects, they must notify the Title IX Coordinator (or the President's Office in the event of an actual conflict of interest or bias on the part of the Title IX Coordinator), in which case the Title IX Coordinator will evaluate whether the objection is substantiated. The party raising the objection will be notified in writing of the determination within three (3) business days. If it is determined that an actual bias or conflict of interest exists, the person who was the subject of the objection will be removed and replaced.

### *Modification of Processes*

The College will follow the Processes described herein barring exceptional circumstances. In rare instances, however, the College may be required to adapt or modify the Processes (including timelines) to ensure prompt and equitable resolution of a report of Prohibited Conduct. The College reserves this right. In such instances, the College will notify the parties of the modification of the Processes and, if appropriate, the exceptional circumstances requiring the College to adapt or modify the Processes.

### Requests for Delays, and Extensions of Time

The Title IX Coordinator may extend any deadlines within this Policy, for good cause shown and documented. “Good Cause” will be determined by the Title IX Coordinator in their sole discretion and may include: (1) the unavailability of a witness because of death, illness, or other excusable circumstances; (2) the unavailability of a party because of death, illness, or other excusable circumstances; (3) the unavailability of an advisor because of death, illness, or other excusable circumstances; (4) concurrent law enforcement activity; and (5) the need for language assistance or accommodation of disabilities.

Although reasonable attempts will be made to schedule proceedings consistent with an advisor’s availability, the process will not be delayed to schedule the proceedings at the convenience of the advisor. The complainant and respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.

### Past Sexual History

In general, a complainant’s prior sexual history is not relevant and will not be provided to the Investigator or Hearing Officer. Where there is a current or ongoing relationship between the complainant and the respondent, and the respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. The mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the complainant with other individuals is typically not relevant and will not be permitted.

### Presumption of Non-Responsibility

The decision to proceed with an investigation is not a determination that the respondent has engaged in the conduct as alleged. The respondent is presumed not responsible for the conduct that is the subject of the investigation, unless and until a decision of responsibility has been made upon the completion of the adjudication process.

### Respondent’s Prior Conduct History

Where there is evidence of a pattern of conduct similar in nature by the respondent, either prior, or subsequent, to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the Hearing Officer’s determination of responsibility, and/or the Review Panel’s determination of sanction. The Title IX Coordinator will make a determination of relevance based on an assessment of whether the previous incident was substantially similar to the conduct cited in the report and indicates a pattern of behavior and the College, through the Title IX Coordinator, may choose to provide this information to the Investigator or Hearing Officer, with appropriate notice to the parties. The Title IX Coordinator will assess the relevance of this information and determine if it is appropriate for inclusion in the investigation report.

### Advisor

Throughout any investigation or resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the investigation or resolution of a report under this Policy. While the advisor may provide support and advice to the parties at any meeting and/or proceeding, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings. Advisors may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings, with the exception that an advisors who is part of an Appendix A hearing will ask questions of the other party and witnesses. Generally, the Title IX Office and Investigator will communicate directly with the complainant or respondent, and any communications with an advisor may only occur after a FERPA waiver has been executed. An advisor should plan to make themselves reasonably available, and the College will not unduly delay the scheduling of meetings or proceedings based on the advisor’s unavailability.

### Failure to Comply with Investigation and Disciplinary Process

If an advisor fails to comply with the procedures set forth herein, including through a material breach of confidentiality, the College reserves the right to exclude the advisor from further participation in the process. If a participant fails to

comply with the procedures set forth herein, including through a material breach of confidentiality, the College reserves the right to bring additional charges of misconduct against the participant. The Title IX Coordinator is responsible for interpreting and applying this provision.

### *Integrity of Proceeding*

These procedures are entirely administrative in nature and are not considered legal proceedings, but rather procedures designed to address policy violations. No party may audio or video record the proceedings. Advisors may not speak for, or on behalf of, parties, with the exception of Advisors in hearings under Appendix A, who will pose questions of the other party and witnesses but otherwise do not act on behalf of a party.

### *Record Retention*

The Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Initial Assessment, Adaptable Resolution or Disciplinary Resolution. Complaints resolved by means of an Initial Assessment or Adaptable Resolution are not part of a student's conduct file or academic record. Affirmative findings of responsibility in matters resolved through Disciplinary Resolution are part of a student's conduct record. Such records will be used in reviewing any further conduct, or developing sanctions, and will remain a part of a student's conduct record. In addition to records kept by the Title IX Coordinator, the conduct files of students who have been suspended or expelled from the College are maintained in the Dean of Students Office indefinitely. Conduct files of students who have not been suspended or expelled are maintained in the Dean of Students Office for no fewer than seven years from the date of the incident. Further questions about record retention should be directed to the Title IX Office.

### *Use of Privileged Records*

The College will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

### *Training for Investigators, Hearing Officers, Appeals Officers, Title IX Coordinator*

The Title IX Coordinator, Review Panel, and Appeals Officer must have the following training prior to commencing any role in any case involving [Title IX Sexual Harassment](#):

- the definition of sexual harassment under 34 CFR 106.30(a);
- the scope of the College's education program or activity as defined by the same regulations;
- how to conduct investigations (not required for hearings or appeals officers), hearings, appeals, and informal resolution processes; and
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Hearing Officers must have training on the following prior to commencing a role in any case involving [Title IX Sexual Harassment](#):

- the definition of sexual harassment under 34 CFR 106.30(a);
- the scope of the College's education program or activity as defined by the same regulations;
- how to conduct investigations (not required for hearings or appeals officers), hearings, appeals, and informal resolution processes;
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- 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 per the regulations.

Any individual who will be coordinating any hearing involving [Title IX Sexual Harassment](#) must also have training on how to use any technology that will be used at a live hearing, such as recording equipment, or platforms designed to permit virtual attendance at a live hearing.

Investigators must have training on the following prior to commencing a role in any case involving [Title IX Sexual](#)

### Harassment:

- the definition of sexual harassment under 34 CFR 106.30(a);
- the scope of the College’s “education program or activity” as defined by the regulations;
- how to conduct investigations, hearings, appeals, and informal resolution processes;
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- issues of relevance; and
- how to create an investigative report that fairly summarizes relevant evidence

## **Appendix A: Disciplinary Resolution of a Grievance of Title IX Sexual Harassment**

Appendix A outlines the disciplinary resolution procedures the College follows in resolving allegations that a person has been subjected to [Title IX Sexual Harassment](#) in violation of the College's Sexual Misconduct Policy.

### **Notice of Investigation**

Upon the filing of a Formal Complaint, written notice will be provided to the parties. The notice will include the following information:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The identity of the parties;
- The date and location (if known) of the conduct that is alleged to have occurred;
- A copy of this Policy, which contains the process that will be followed, including an explanation that each party will have the right to inspect and review all evidence (get language) prior to the completion of the investigation;
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the respondent is presumed not responsible, unless and until, at the conclusion of the process below, there is a determination of responsibility;
- An explanation that each party may be accompanied by an advisor of their choice, who may be a parent, friend, attorney, or union representative;
- The date and time of the initial meeting with the Title IX Coordinator, with a minimum of three (3) business days' notice;
- The College's alcohol and drug amnesty policy;
- The College's prohibition against providing false information as part of an investigation or adjudication process;
- The name and contact information for the assigned Investigator; and
- Information regarding Supportive Measures, which are available equally to the respondent and to the complainant.

Should additional allegations be added to the investigation at a later time, the respondent will again be provided with full written notice.

### **Preliminary Investigation**

The Investigation process, up to evidence review, is generally expected to take thirty (30) business days, which may be extended for good cause by the Title IX Coordinator. Both parties will be notified, in writing, of any extension granted and the reason for the extension.

The Investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via telephone or video conference. The Investigator will prepare a summary of each interview ("Interview Summary"). The Investigator will share the Interview Summary with the interviewee. The interviewee will have three (3) business days to correct or comment on any statements made in the Interview Summary. The deadline may be extended for Good Cause, upon request to the Investigator. If the interviewee has no corrections to, or comments on, the Interview Summary, the interviewee will sign an acknowledgement that the interviewee has reviewed and agrees that the Interview Summary is accurate. If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response within three (3) business days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee's statement. If no response is received from the interviewee by the deadline, their Interview Summary may be included in the Investigation Report and will be presumed to be accurate. In all instances where the Investigator includes the Interview Summary as an exhibit to a report, the Investigator will also include any response.

Each party will be provided with an opportunity to offer relevant witnesses and evidence. The Investigator will consider

all relevant evidence, both inculpatory and exculpatory. All information for consideration by the Hearing Officer must be provided to the Investigator as part of the investigation process. Information that was not provided to the Investigator will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably known to or available to the parties at the time of the investigation. If new evidence is provided at the hearing, the Hearing Officer may either reject the new evidence, or send the case back to the Investigator for further fact-gathering, in the sole discretion of the Hearing Officer.

### Evidence Review

At the conclusion of all interviews and fact gathering, and when the evidence has been gathered, the Investigator will provide each party the opportunity to review all of the evidence gathered that is directly related to the allegation(s). This will include both inculpatory and exculpatory evidence. Given the sensitive nature of the information provided, the information will be provided in a secure manner (e.g., by providing digital copies of the materials through a protected, “read-only” web portal). Neither the complainant nor the respondent (nor their advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

Each party may respond to the evidence gathered. Each party will have ten (10) business days in which to respond to the evidence. Each may provide a response in writing to the Investigator. The Investigator will incorporate any response provided by the parties into the Investigation Report. Along with their response to the evidence, each party may also submit a written request for additional investigation, such as a request for a follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to witnesses or to the other party. This response may include written, relevant questions that a party would like the Investigator to ask of any party or witness (at the discretion of the Investigator). If any of the questions posed will be excluded as not relevant, or not likely to lead to relevant information, the Investigator will explain to the party who proposed the questions any decision to exclude a question as not relevant.

Upon receipt of each party’s response to the evidence reviewed, the Investigator will determine if any additional investigation is needed. In addition, either party may offer new witnesses or other new evidence. The Investigator will consider the responses provided, will pose questions to parties or witnesses as appropriate (at the discretion of the Investigator), and interview new witnesses, and accept new, relevant, evidence. If new relevant evidence is provided by either party, or gathered by the Investigator, the newly gathered evidence (including answers to clarifying questions) will be made available for review by each party. Each party will have five (5) business days in which to respond to the new evidence. Each may provide a response in writing, or verbally, to the Investigator. The Investigator will incorporate any written response provided by the parties into the Investigation Report.

Any evidence to be considered by the Hearing Officer must be provided to the Investigator during the fact-gathering portion of the investigation. Information that was not provided to the Investigator will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably known to, or available to, the parties at the time of the investigation. Should new evidence be presented at hearing, the Hearing Officer has the authority to reject the new evidence, or to send the matter back to the Investigator for further, limited, fact-gathering.

### Exclusion of Questions Regarding Complainant’s Past Sexual Behavior, or Predisposition

Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant and will not be asked, unless such questions and evidence about the complainant’s prior sexual behavior are offered for one of two reasons: (a) to prove that someone other than the respondent committed the conduct alleged by the complainant, or (b) if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

### Investigation Report

The Investigator will prepare a written report summarizing all the relevant evidence gathered and all investigative steps taken to date. Each party will be provided with a copy of the written report and will have ten (10) business days to provide a response. Upon receipt of any response(s), the Investigator will then complete the Investigation Report, which

will include as an attachment all relevant evidence gathered during the investigation, as well as all interview notes and interview summaries, showing the original (as sent to each interviewee for review) and the revised version, after corrections or additions by each interviewee. Cases investigated under Appendix A may include preliminary factual findings, when requested by the Title IX Coordinator.

### *Conclusion of Investigation, Notice of Hearing*

The Title IX Coordinator will review the Investigation Report, with appendices. The Title IX Coordinator may require that the Investigator conduct additional investigation. Once the Investigation Report is final, it will be provided through a protected, read-only, server, together with all appendices, to each party.

At the same time, each party will be provided with a Notice of Hearing, which will include information regarding the date of the hearing, the identity of the Hearing Officer, and any deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure relevance. The hearing will be scheduled no less than ten (10) business days from the date of the Notice of Hearing.

Within three (3) business days of receipt of the Notice of Hearing, either party may object to the Hearing Officer on the basis of an actual bias or conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is a bias or conflict of interest, the Title IX Coordinator will remove the Hearing Officer and appoint another.

### **Hearing**

Hearings will be held via videoconferencing. Prior to the hearing, the Hearing Officer will receive instructions regarding the operation of any audio-visual equipment for the hearing. Each participant shall also be provided with instructions on how to access the hearing. Each hearing will be audio recorded. No individual is permitted to record while the hearing is taking place. The recording is the property of Edgewood College but will be available to the parties for listening by contacting the Title IX Coordinator.

The complainant, respondent, and the Hearing Officer all have the right to call witnesses. Witnesses must have information relevant to the incident. No party will be permitted to call as a witness anyone who was not interviewed by the Investigator as part of the Preliminary Investigation. Each party must submit the names of witnesses they would like to call to the Title IX Coordinator no less than five (5) business days in advance of the hearing.

Five (5) business days prior to the hearing, each party must submit to the Title IX Coordinator a preliminary list of questions they wish to pose to the other party, or to a witness. If the Hearing Officer determines that any questions are not relevant, the Hearing Officer will explain the reason for the exclusion of the question at the hearing.

The Hearing Officer will have the authority to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. Any such limitation will be communicated to the parties no later than three (3) business days before the hearing.

The hearing will start with an overview of the hearing process from the Hearing Officer. The Hearing Officer will then pose questions to the complainant. When the Hearing Officer has concluded, the respondent's advisor will then pose questions to the complainant. If the Hearing Officer has any additional questions, those will be posed by the Hearing Officer. If the respondent's advisor has any follow-up questions for the complainant, the advisor will ask those questions. The same process will then be followed for questions posed to the respondent by the Hearing Officer, followed by questions from the complainant's advisor to the respondent. This process will then be followed for any witnesses who are to be interviewed.

The Hearing Officer shall have the authority to maintain order and decorum at the hearing. The Hearing Officer also has the authority to determine whether any questions are abusive, intimidating, or disrespectful, and will not permit such questions. Further, the Hearing Officer may refuse to allow any questions that seek information that is not relevant under this Policy. The Hearing Officer is not required to provide a lengthy or complicated explanation but is required only to explain the reason why a question will not be permitted.

If either party does not appear, their advisor will be present for the purpose of asking questions of the other party, or of

witnesses. During the hearing, if either party has any follow-up or clarifying questions for the other party, or for witnesses, the questions must be submitted in writing to the Hearing Officer. The Hearing Officer will determine the relevance of each question and explain why any question is deemed irrelevant. At the hearing, the Hearing Officer may consider any statement(s) of any party or witness who does not appear at the hearing, and shall have the authority to determine what weight, if any, to give to such statements. Each party will have the opportunity to make a closing statement, with time limits set in advance by the Hearing Officer. This statement is to be made by the party directly, and not by their advisor. This closing statement is not evidence but is intended as an opportunity to address the decision-maker directly.

Following the conclusion of the hearing, the Hearing Officer will prepare a written notice of hearing outcome. To the extent credibility determination needs to be made, determinations will not be based on a person's status as complainant, respondent, witness. The Hearing Officer's written determination regarding responsibility and any sanctions, as determined by the procedures outlined in [Appendix E](#) or [Appendix F](#), will be provided to the parties within fifteen (15) business days of the hearing.

The Hearing Officer's written determination will include:

- Identification of the Prohibited Conduct section(s) of this policy, and of any other College policy sections considered in the investigation, alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the College's definitions of Prohibited Conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any sanction imposed on the respondent, and whether remedies designed to restore or preserve equal access to the educational program or activity of the College will be provided by the College to the complainant; and
- Identification of the College's procedures and permissible bases for the complainant and respondent to appeal.

The written decision will not be redacted and will be sent simultaneously to each party. The determination regarding responsibility becomes final either on the date that the parties are provided 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.

### *Advisor for Hearing*

Each party is entitled to one advisor at the hearing. The role of the advisor is to ask questions of the other party and of witnesses, but not to advocate for, or otherwise speak on behalf of, the advisee during the hearing. No party will be permitted to ask questions of the other party, or of a witness. An advisor of the College's choosing will be provided for any party who does not have an advisor.

### **Sanctions and Remedies**

Upon conclusion of the adjudication process, when there is a finding of responsibility, the complainant will be offered such remedies designed to restore or preserve equal access to the institution's education program or activity. If the Hearing Officer determines that the respondent is responsible for one or more violations of the College's policies, the Hearing Chair will also determine the sanctions. In determining the sanctions, the Hearing Chair will consult with the appropriate College staff member. For reports against students or student groups, the Director of Student Conduct; for reports against staff, the Director of Human Resources; for reports against faculty, the Director of Human Resources.

The College will issue sanctions commensurate with the violation(s), in accordance with [Appendix E](#) or [Appendix F](#).



## **Appeals**

Appeals may be filed by either party and must be sent to the Title IX Coordinator. When an appeal is filed, the other party will be notified, in writing, and will then have five (5) business days to respond to the appeal. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal. The appeals process is documentary only, and no hearing is held. Appeals will follow the procedures outlined in [Appendix G](#).

## **Appendix B: Disciplinary Resolution of a Grievance of Non-Title IX Misconduct Against a Student**

Appendix B outlines the disciplinary resolution procedures the College follows in resolving allegations that a person has been subjected to [Non-Title IX Misconduct](#) by a student in violation of the College's Sexual Misconduct Policy.

### **Notice of Investigation**

If (1) the Title IX Coordinator determines that the complainant's report must proceed through Disciplinary Resolution; (2) either the complainant or respondent declines to pursue Adaptable Resolution; or (3) either the complainant or respondent fails to respond to the Title IX Coordinator's inquiry regarding Adaptable Resolution, the Title IX Coordinator will notify both parties, in writing, that the complaint will proceed through Disciplinary Resolution. The Title IX Coordinator's written notification to the respondent and complainant will include:

- The complainant's name;
- Nature of the report;
- Specific policy violation(s) alleged (e.g., sexual assault, sexual harassment, retaliation);
- Date(s) of alleged policy violation(s);
- Location(s) of alleged policy violation(s);
- Brief description of allegation(s);
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the Disciplinary Resolution process;
- A statement that the parties have the right to review and inspect all evidence being considered by the Investigator or Hearing Officer during the Disciplinary Resolution process, consistent with this Policy; and
- A statement regarding the College's policy related to false reports and making knowingly false statements during the Disciplinary Resolution process.

The notice of the complaint will also be accompanied with a request for a meeting with the Title IX Coordinator within three (3) business days. At the meeting, or if the respondent does not respond to the meeting request or is unable to meet within three (3) business days, the Title IX Coordinator will provide the following information in writing:

- On- and off-campus resources, including counseling, health, mental health, legal assistance (including connecting respondent with visa and immigration advisory resources), student financial aid, and other available services.
- The range of supportive measures and remedies available, including changes to academic, living, transportation, and/or working situations, or other supportive measures as may be appropriate.
- An overview of the procedural options and process, including Adaptable Resolution and Disciplinary Resolution.
- Explain that the student has a right to an advisor of their choice during the process and provide a list of College employees trained as advisors upon request.
- The College's alcohol and drug amnesty policy.
- The College's policy prohibiting retaliation.

Concurrently, the Title IX Coordinator will select a trained internal or external Investigator ("Investigator") to conduct a reasonable, impartial, and prompt investigation of the complaint ("Investigation").

The Investigator will commence the investigation once the time for the parties to object has passed or any objections have been resolved.

### **Fact-Gathering**

#### **Initial Fact-Gathering**

The Investigator will interview all parties and relevant witnesses and gather documentary evidence provided by the parties and any identified witnesses. Following the interview, the Investigator will share the interview notes with the

interviewee. The interviewee will have three (3) business days opportunity to correct or comment on any statements contained in the notes. The deadline may be extended for good cause, upon request to the Investigator. If the interviewee has corrections or comments to the notes, the interviewee may submit a written response within three days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee's statement. If no response is received from the interviewee by the deadline, their interview notes will be presumed to be accurate.

### Evidence Review

Once the Initial Fact-Gathering is complete, the Title IX Coordinator will provide the Interview Summaries and any documentary evidence gathered to the parties for review. Given the sensitive nature of the information provided, the Title IX Coordinator will provide the information in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Neither the complainant nor the respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student who fails to abide by this Policy may be subject to discipline. Any advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process.

The parties may respond to the Interview Summaries and any documentary evidence; the parties will submit any response within ten (10) business days of being notified of their opportunity to review the documents. The parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following: (1) request(s) for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to witnesses (at the discretion of the Investigator); (2) request(s) for interviews with new witnesses; or (3) request(s) to consider new evidence. Any request for additional investigation will explain the reason for the request.

### Additional Fact-Gathering

The Investigator may conduct follow-up interviews with the parties and witnesses based upon the parties' request for additional investigation, if any. The parties and witnesses can expect that, in these follow-up interviews, the Investigator will seek responses to specific allegations or evidence (e.g., an Investigator may show one of the parties a series of text messages between himself or herself and another witness and ask about the content of the text messages). To the extent additional material, witnesses or evidence are identified during evidence review, the Investigator may conduct additional interviews and gather additional evidence consistent with the procedures outlined above. Any and all information for consideration by the Hearing Officer should be provided to the Investigator during the preliminary investigation. Information that was not provided to the Investigator will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably known to or available to the parties at the time of the investigation.

### Investigation Report

The Investigator will prepare an Investigation Report summarizing the facts and evidence gathered in the course of the Preliminary Investigation. The Investigator will not state factual findings or ultimate findings as to whether the respondent has, or has not, violated one or more of the College's policies in the Investigation Report. The Investigator will attach as appendices to the Investigation Report all Interview Summaries and any documentary evidence gathered in the Preliminary Investigation, including any written responses to the evidence submitted by the parties. When the Investigator determines that the Preliminary Investigation is complete, the Investigator will submit the Investigation Report to the Title IX Coordinator. The Title IX Coordinator may require the Investigator to conduct additional investigation; if so, the Investigator will conduct additional investigation consistent with the procedures outlined above.

Once the Title IX Coordinator has agreed that the Investigation is complete, within five (5) business days, the Title IX Coordinator will provide the Investigation Report to the parties. The parties will have ten (10) business days to review the Investigation Report and provide a response to the Title IX Coordinator. The Title IX Coordinator will provide the parties' response, if any, to the Hearing Officer, and to the other party. Given the sensitive nature of the information provided, the Title IX Coordinator will provide the Investigation Report in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Neither the complainant nor the respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print,

image, videotape, record, or in any manner otherwise duplicate or remove the information provided. An advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process.

## **Hearing**

The hearing is an opportunity for the parties to address the Hearing Officer in person, to question the other party and/or witnesses through indirect cross-examination, and for the Hearing Officer to obtain information following the investigation that is necessary to make a determination of whether a Sexual Misconduct Policy violation occurred. The hearing will be conducted as follows:

### *Hearing Officer*

The hearing will be conducted by a Hearing Officer, who is selected by the College. The Hearing Officer will be an individual other than the Investigator or Title IX Coordinator. The Hearing Officer will receive annual training regarding the College's policies and procedures, the handling of student sexual misconduct cases, and other relevant issues.

The Hearing Officer must be impartial and free from bias or conflict of interest. The parties will be informed of the identity of the Hearing Officer and vice versa before the pre-hearing meeting. If the Hearing Officer has concerns that they cannot conduct a fair or unbiased review, the Hearing Officer must report those concerns in advance of the pre-hearing meeting to the Title IX Coordinator and a different Hearing Officer will be assigned. Similarly, the parties will have three (3) business days to object to the Hearing Officer's selection on the basis of demonstrated bias or an actual conflict of interest. If any party objects, the Title IX Coordinator will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace any Hearing Officer the Title IX Coordinator finds to have a bias or conflict of interest against any party.

The Hearing Officer has broad discretion to determine the hearing format. However, in instances in which a respondent faces severe disciplinary sanctions (i.e., expulsion or suspension), and the credibility of any party or witness is central to the adjudication of the allegation, the Hearing Officer may conduct a live hearing, at which they will permit indirect cross-examination of the parties and witnesses. For purposes of this Policy, the term Indirect Cross-Examination means the Hearing Officer will allow the parties and/or their advisors to submit proposed questions for the parties and witnesses, as well as follow-up questions based on testimony provided during the hearing. The Hearing Officer will ask the parties and witnesses the proposed questions that the Hearing Officer determines are consistent with this Policy and are probative of facts relevant to the adjudication of the matter. The Hearing Officer may refuse to allow questions that are threatening, unduly harassing, or that seek information that is not relevant under this Policy.

The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing and has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending person.

Parties may make requests to the Title IX Coordinator related to the format or the nature of their participation in the hearing. The Title IX Coordinator will work with the Hearing Officer to accommodate reasonable requests. All hearings will occur via videoconferencing.

### *Scheduling*

The Title IX Coordinator will schedule a hearing date and time and notify the parties and their advisors of the date, time, and location of the hearing.

### *Pre-Hearing Meeting*

Prior to the hearing, or, at the latest, on the day of the hearing, the Hearing Officer or a designated Hearing Coordinator will conduct a pre-hearing meeting with the parties prior to commencing the hearing. At this pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions. If the complainant and/or respondent have elected to have advisors throughout the hearing process, the advisor is encouraged to accompany the complainant/respondent to this meeting. If the advisor does not attend this meeting, the advisor will nonetheless be held responsible for adhering to the rules of decorum and College processes for the hearing.

### Witnesses

The complainant, respondent, and the Hearing Officer all have the right to call witnesses. Witnesses must have observed the conduct in question or have information relevant to the incident and cannot be called solely to speak about an individual's character. No party will be permitted to call as a witness anyone who was not interviewed by the Investigator as part of the College's investigation.

If any party wishes to call witnesses, the following must be submitted no later than five (5) business days before the hearing to the Hearing Officer and Title IX Coordinator via e-mail:

- The name of any witness (es)
- A summary of why the witness' presence is relevant to making a decision about responsibility at the hearing; and

The Hearing Officer will determine if the proffered witness(es) has relevant information.

When witnesses are approved to be present, the respondent and complainant will be provided with a list of witnesses and any relevant documents related to the witnesses' appearance at the hearing three (3) business days before the hearing.

### Case Presentation

The hearing is intended to provide a fair and ample opportunity for each side to present their account of the incident and for the Hearing Officer to determine the facts of the case and make a determination as to whether College policy was violated. The hearing is not intended to be a repeat of the Investigation. The Hearing Officer will be well-versed in the facts of the case based upon the Investigation Report and the parties' responses to the Investigation Report, if any. The Hearing Officer will make a copy of the Investigation Report, the parties' responses to the Investigation Report, Interview Summaries, and any documentary evidence provided to the Investigator available to the parties for their use during the hearing.

The complainant and the respondent, their advisors, and the Hearing Officer will attend the hearing. Advisors may only be present during the hearing if the party they are advising is also present. A Hearing Coordinator designated by the College, who may be the Title IX Coordinator, will be present to ensure the orderly handling of the hearing. Any individual appearing as a witness will be present only while providing a statement and responding to questions.

The Hearing Officer has absolute discretion to decide upon a format for the hearing and to determine which witnesses are relevant to the outcome determination. A Hearing Officer may decline to hear from a witness where they conclude that the information is not necessary for their outcome determination. A typical hearing may include brief opening remarks by the Hearing Officer; questions posed by the Hearing Officer to one or both of the parties; questions by the Hearing Officer to any witness; and indirect cross-examination by either party to any party or witnesses. The Hearing Officer may also afford any party an opportunity at the end of the hearing to offer closing remarks. A decision whether to offer closing remarks is completely voluntary; however, closing remarks may only be made by the parties, and not their advisors. The Hearing Officer will have discretion to impose time limits on closing remarks.

### Expectations of the Complainant, Respondent, and Witnesses at a Hearing

Students, staff, and faculty have the responsibility to participate fully and truthfully in any proceeding under this Policy. If any party chooses not to appear at the hearing, they will not be permitted to cross-examine the witnesses or any party during the hearing, nor will they be permitted to offer witnesses, documents, or a closing statement. If any party chooses not to appear at the hearing, the College may move forward with the hearing and imposition of findings and sanctions, if any, in absentia. In reaching findings in absentia, the Hearing Officer may rely on: (1) any information in the Final Investigation Report; (2) any documentary evidence disclosed to the Investigator; (3) any statements made during the hearing; and (4) any documentary evidence presented at the hearing. If the complainant chooses not to appear at the hearing, the College's ability to fully investigate, adjudicate, and respond to the complaint may be limited.

### Record of Hearing

The hearing and any pre-hearing meetings or conferences are closed to the public. The complainant and the respondent are each allowed to have one advisor of their choice present throughout the hearing process. The College will keep an official transcript or recording of the hearing; any other recording is prohibited.

### Standard of Evidence

The Hearing Officer will determine a respondent's responsibility by a preponderance of the evidence. This means that the Hearing Officer will decide whether it is "more likely than not," based upon all the evidence, that the respondent is responsible for the alleged violation(s).

### Notice of Hearing Outcome

Following the hearing, the Hearing Officer will consider all of the evidence and make a determination, by a preponderance of the evidence, whether the respondent has violated the Sexual Misconduct Policy. In making this determination, the Hearing Officer will independently review and assess all evidence collected and presented at the hearing. Where appropriate, the Hearing Officer may also assess credibility. The Hearing Officer will issue a written notice of hearing outcome (the "Final Report"), which will contain the Hearing Officer's factual findings, determination of whether a Sexual Misconduct Policy violation occurred, and a summary of the Hearing Officer's rationale in support of the hearing outcome. The Hearing Officer's written determination regarding responsibility and any sanctions will be provided to the parties within fifteen (15) business days of the hearing.

### **Sanctions and Remedies**

Upon conclusion of the adjudication process, when there is a finding of responsibility, the complainant will be offered such remedies designed to restore or preserve equal access to the institution's education program or activity. If the Hearing Officer determines that the respondent is responsible for one or more violations of the College's antidiscrimination policies, the College will issue sanctions commensurate with the violation(s), in accordance with [Appendix E](#).

### **Appeals**

Appeals may be filed by either party and must be sent to the Title IX Coordinator. When an appeal is filed, the other party will be notified, in writing, and will then have five (5) business days to respond to the appeal. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal. The appeals process is documentary only, and no hearing is held. Appeals will follow the procedures outlined in [Appendix G](#).

## **Appendix C: Disciplinary Resolution of a Grievance of Non-Title IX Misconduct Against Administrator, Staff Member, or Faculty Member**

Appendix C outlines the disciplinary resolution procedures the College follows in resolving a grievance that a person has been subjected to [Non-Title IX Misconduct](#) by an administrator, staff member, or faculty member in violation of the College's Sexual Misconduct Policy.

### **Notice of Investigation**

The Title IX Coordinator's written notification to the respondent will state facts sufficient to apprise the respondent of the nature of the allegations, including specifically:

- The complainant's name;
- Nature of the complaint;
- Specific policy violations alleged (e.g., sexual assault, racial harassment, retaliation);
- Dates of alleged policy violations;
- Locations of alleged policy violations;
- Brief description of the incident/ alleged misconduct;
- An overview of the procedural options and process, including Adaptable Resolution and Disciplinary Resolution;
- The availability of an advisor of their choice; and
- A description of the College's policy prohibiting retaliation

In the notice to the respondent, the Title IX Coordinator will request a meeting within three (3) days of transmittal of the notice. If the respondent does not respond to the meeting request, the investigation may proceed without the respondent's participation.

### **Investigation**

The Title IX Coordinator will select a trained internal or external Investigator or a two- person investigative team, (which may include a combination of one internal and one external Investigator) (the "Investigator") to conduct a reasonable, impartial, and prompt investigation of the complaint ("Investigation"). The Title IX Coordinator will notify the parties, in writing, of the name of the Investigator within three (3) business days of the Investigator's selection. Both parties will have three (3) business days to object to the Investigator's selection on the basis of bias or conflict of interest. If either of the parties objects, the Title IX Coordinator or other College Administrator if the objection is against the Title IX Coordinator, will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace any Investigator the Title IX Coordinator finds to have a bias or conflict of interest against either party.

Reasonable effort will be made to complete the investigation within sixty (60) business days of the date the formal complaint is made or as soon thereafter as practical under the circumstances. The Title IX Coordinator will provide the complainant and the respondent with notice of any delays and give them a new timetable for completion of the investigation.

The investigation will include an interview(s) with the complainant, the respondent and/or any other person who may have information regarding the incident, each of whom is encouraged to cooperate with any investigation. The Investigator may also gather any relevant documents. The Investigator will also conduct follow-up interviews, as necessary. The Investigator will take steps to ascertain the accuracy of the notes taken in each interview, whether by reading the notes back to the person interviewed at the conclusion of the interview, or by providing a copy of the notes and requesting corrections.

The Investigator will provide the interview notes or summaries, and any relevant documentary evidence gathered, to the parties for review. Given the sensitive nature of the information provided, the information will be provided in a secure

manner (e.g., by providing digital copies of the materials through a protected, “read-only” web portal). Neither the complainant nor the respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any party who fails to abide by this Policy may be subject to discipline. Any advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process. The parties may respond to the Interview Summaries and any documentary evidence; the parties will submit any response within ten (10) business days of being notified of their opportunity to review the documents. The parties may respond in one or both of the following ways:

- The parties may provide a written response. The Investigator will incorporate any written response provided by the parties in the Final Investigation. Report.
- The parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following: (1) request(s) for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to witnesses; (2) request(s) for interviews with new witnesses; or (3) request(s) to consider new evidence. Any request for additional investigation will explain the reason for the request.

The Investigator will review the evidence submitted by the parties and conduct any additional fact-gathering as may be necessary.

The Investigator will prepare a Final Report for the Title IX Coordinator. The report will state (1) the ultimate finding(s) (e.g., whether the respondent did, or did not, violate College Policy); (2) the specific factual findings in support of the Investigator’s ultimate finding(s); and (3) the specific evidence upon which the Investigator relied in making each factual finding. The standard for determining whether the policy has been violated is the preponderance of the evidence standard, i.e., whether it is more likely than not that a violation of College policy occurred. Where applicable, the report will have attached as appendices the testimonial and documentary evidence from the Investigation. Once the Investigator is satisfied that the report is complete, the Investigator will submit the report to the Title IX Coordinator. The Title IX Coordinator will review the report and assess whether the report demonstrates, by a preponderance of the evidence, that: (1) the evidence supports the Investigator’s factual findings; and (2) the Investigator’s factual findings support the Investigator’s ultimate finding of responsibility or non-responsibility.

Once the report is finalized, the Title IX Coordinator will issue a resolution letter to the complainant and respondent. The resolution letter will briefly describe how the investigation was conducted, as well as the ultimate finding(s) (i.e., whether the respondent did, or did not, violate College policy) and the specific factual findings in support of the Investigator’s ultimate finding(s).

## **Sanctions**

Where the Investigator concludes that a violation of this Policy has occurred, the appropriate College officers will take prompt and appropriate remedial action, including disciplinary action, as described in [Appendix F](#).

## **Appeals**

The right to appeal is limited and applies only in cases where suspension without pay or termination of employment are appropriate disciplinary actions for the alleged conduct. An appeal for such cases will follow the procedures outlined in [Appendix G](#).



## **Appendix D: Alternative Resolution**

Alternative resolution is a voluntary, remedies-based, structured interaction between or among affected parties that balances support and accountability without taking formal disciplinary action against the respondent. Alternative resolution is generally designed to allow the respondent to acknowledge harm and accept responsibility for repairing harm (to the extent possible) experienced by the complainant and/or the College community. Alternative resolution is designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the complainant while maintaining the safety of the campus community. Alternative resolution may not be used in cases where an employee is alleged to have committed [Title IX Sexual Harassment](#) against a student.

### **Circumstances in which Alternative Resolution May Be Used**

The Title IX Coordinator reviews the matter to the extent necessary to confirm that it is of the type that would be appropriate for an alternative resolution process and that use of an alternative resolution process was without pressure or compulsion from others. The alternative resolution options available under this Policy recognize:

- The goal of alternative resolution is to address the Prohibited Conduct, identify ways that individuals and/or the community have been harmed, and develop a resolution agreement to address the harm and prevent future Prohibited Conduct;
- Participation is voluntary and both a complainant and a respondent, as well as any other participating individuals, must consent in writing to participation in alternative resolution;
- The written consent will inform the complainant and the respondent that either can request to end alternative resolution at any time and pursue formal resolution. Written consent will also inform parties that information gathered and utilized in alternative resolution by and between the parties cannot be used in any other College process, including formal resolution, if alternative resolution ends and formal resolution begins or resumes;
- The College will not pressure or compel a complainant to engage in mediation, to directly confront the respondent, or to participate in any particular form of alternative resolution;
- Prohibited Conduct affects complainants, respondents, witnesses, friends, community members, family members, and others;
- Complainants, respondents, and other participants in alternative resolution often benefit when resolution processes and outcomes are tailored to meet their unique needs and interests;
- Complainants and other participants in alternative resolution may find it useful to meet with a respondent who acknowledges the substance of the underlying events and who acknowledges that complainants or participants have reported experiencing harm as a result;
- Structured interactions between participants can facilitate long-term healing and reduce recidivism; and
- Participants in alternative resolution processes must be protected from secondary victimization and other potential harms, including the pressure to proceed through alternative resolution instead of formal resolution.

### **Adaptable Resolution Options**

The alternative resolution options will be determined by the Title IX Coordinator, who will appoint an alternative resolution coordinator. The alternative resolution coordinator must be impartial and free from demonstrated bias or actual conflict of interest. If the alternative resolution coordinator has concerns that they cannot facilitate a fair or unbiased process, the alternative resolution coordinator must report those concerns to the Title IX Coordinator and a different alternative resolution coordinator will be assigned. Similarly, a complainant, a respondent, or any other participant who has concerns that the assigned alternative resolution coordinator cannot enable a fair and unbiased process, may report those concerns to the Title IX Coordinator who will assess the circumstances and determine whether a different alternative resolution coordinator should be assigned to the alternative resolution process.

If a party requests the initiation of an alternative resolution process and the Title IX Coordinator agrees that the matter is appropriate for alternative resolution, each party will receive a written notice that discloses:

- The allegations;

- The requirements of the alternative resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
- The parties' right to withdraw from alternative resolution and resume or initiate disciplinary resolution with respect to the formal complaint; and
- Information about maintenance of records or how records could be shared.

With approval from the Title IX Coordinator, after consultation and intake with the alternative resolution coordinator, the complainant and the respondent may voluntarily agree on the process that best meets the interests and needs of the parties. Alternative resolution may include one or more of the following restorative approaches:

*Facilitated Dialogue:* A structured and facilitated conversation between two or more individuals, most often the complainant, the respondent, and/or other community members. The focus is often on providing a space for voices to be heard and perspectives to be shared. Depending on stated interests, the participants may sometimes work towards the development of a shared agreement, although working towards an agreement is not always the intended outcome.

*Restorative Circle or Conference Process:* A facilitated interaction where the individuals who have experienced harm can come together with an individual(s) who assumes responsibility for repairing the harm (to the extent possible). A circle or conference may include multiple members of the community to explore individual and community impact, harm, obligations, and opportunity for repairing them. Parties must agree on all those who will be present.

*Facilitated (Indirect) Agreement:* An indirect, facilitated conversation individually with the complainant, the respondent, and/or other participants to discuss experience and perspective and explore interests while working towards meeting expressed needs. This negotiated process does not require direct interaction between the parties or the parties and other participants, but rather, independently, with a coordinator.

Measures that may be agreed to as a result of the alternative resolution process may include, but are not limited to:

- Alcohol education classes for the respondent;
- Regular meetings with an appropriate College individual, unit, or resource;
- Permanent extension of a no contact directive, whether mutual or unilateral;
- Restriction from participation in specific clubs and/or organizations;
- Respondent restriction from participation in particular events;
- Respondent completion of an educational plan with appropriate College staff or faculty member; and/or
- Counseling sessions for the respondent.

Individuals who wish to participate in an alternative resolution process must have successfully completed preparatory meetings with the alternative resolution coordinator. Individuals may be accompanied by an adviser at any meetings related to the alternative resolution process.

## **Resolution Agreements**

Any agreements reached in an alternative resolution must be documented by the alternative resolution coordinator and approved by the Title IX Coordinator to ensure consistency with the College's Title IX obligations. An agreement will not be considered valid if the Title IX Coordinator does not approve it. If the Title IX Coordinator or designee approves an agreement after the parties have voluntarily reached consensus as to its terms, the respondent will be required to comply with the agreement. If no agreement is reached, the matter may be referred to the Title IX Coordinator for further action. Once the Title IX Coordinator approves an agreement, the parties are bound by its terms and cannot return to Disciplinary Resolution.

To fairly assess pattern or systemic behavior, the Title IX Coordinator will maintain records of all reports and conduct referred for alternative resolution. The time frame for completion of alternative resolution may vary, but the College will seek to initiate action within fifteen (15) business days of the initial assessment. While the College will seek to

honor confidentiality of the parties' communications with the facilitator during the alternative resolution process to the extent necessary to facilitate the resolution, the College may be required to produce records created during this process in response to a judicial subpoena or a FERPA educational record request. If alternative resolution is stopped prior to completion, statements made by a party in alternative resolution may not be used in a disciplinary resolution process related to that matter.

### **Remedies or Interventions for the College Community**

In addition to interventions applied to the respondent, and regardless of whether the College pursues an Disciplinary Resolution or takes other formal disciplinary action, the Title IX Coordinator may find it helpful or necessary to request or require the respondent or others to undertake specific steps designed to eliminate the misconduct, prevent its recurrence, and/or remedy its effects. Examples include, but are not limited to, the following:

- Requesting or requiring a College entity to provide training for its staff or members;
- Requesting or requiring the respondent to receive training;
- Continuing any of the protective and supportive measures previously established;
- Identifying the need for any additional or ongoing measures, supports and remedies; or
- Revising College policies, practices, or services.

## Appendix E: Student Sanctioning Procedures

If a report proceeds through Disciplinary Resolution and the respondent is found responsible for one or more violations of the College's antidiscrimination policies, the College will issue sanctions commensurate with the violation(s).

When a student is found responsible for violating the College's antidiscrimination policies, sanctions will be assigned to the student. The following are possible, but not limited to, outcomes sanctions which may be assigned:

- **Disciplinary Warning:** Notice to the student that future misconduct will result in more severe disciplinary action by the College.
- **Disciplinary Probation:** A specified period of time during which the student is removed from good disciplinary standing. The student may be restricted from representing the College in any extracurricular activity or running for or holding office in any student group or organization. Probationary status may permit the student to remain in the residence halls and at the College on the condition that they comply with the action plans determined by the Student Conduct Officer.
- **Residence Hall Probation:** A specified period of time in which a student is allowed to continue living in the residence halls, however, the student's resident status is in jeopardy. Should further disciplinary issues occur during the period of Residence Hall Probation, the period of Residence Hall Probation may be extended or suspension from the residence halls may be imposed. Residence Hall Probation may also include reassignment to a different residence hall room or building.
- **Residence Hall Suspension:** Student is removed from the residence halls, without refund of housing fees, and is not allowed to live in the residence halls or have residence hall visitation privileges for a designated period of time.
- **Suspension:** Temporary loss of student status for a specified time with resultant loss of all student rights and privileges. A suspended student will be required to leave campus and not be permitted to return until the time of the suspension has elapsed. A suspended student will lose credit for subjects carried that semester and fees and tuition will be forfeited. The disciplinary action will be recorded as a part of the student's record in the Dean of Students Office. Conditions for readmission after the suspension period may be specified.
- **Expulsion:** Permanent termination of student status. An expelled student shall receive a grade of "F" in all courses carried during the term they are expelled and fees and tuition will be forfeited according to the normal withdrawal policy. The expelled student will not be permitted on campus without permission from the Vice President for Student Development. The action of expulsion will be noted in the student's record in the Dean of Students Office.
- **Behavioral Requirements:** A requirement to participate in certain activities, including, but not limited to, obtaining academic counseling, substance abuse assessment, behavioral assessment, etc. This sanction may require the student to submit payment of any resulting fees in order to participate.
- **Educational Requirements:** Requirement to attend, complete, present, and/or participate in a program or assignment that is educational and/or reflective in nature. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. This sanction may require the student to submit payment of any resulting fees in order to participate.
- **Loss of Privileges:** The student will be denied specified privileges for a designated period of time, including, but not limited to restrictions on participation in campus activities, campus presence, residence hall visitation, parking privileges, or contact with individuals or groups on campus.
- **Restitution:** Student is held responsible for damages to personal or community property through financial compensation or appropriate work arrangements.
- **Fine:** Monetary requirement which must be paid within a designated time

In determining the appropriate sanction, the Hearing Officer may consider factors including but not limited to the following:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the complainant;
- the impact or implications of the conduct on the community or the College;
- prior misconduct by the respondent, including the respondent's relevant prior discipline or criminal history (if available);
- maintenance of a safe and respectful environment conducive to learning;
- protection of the College community; and
- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

The Title IX Coordinator also has the discretion to review any interim protective or remedial measures to determine whether they should be changed or are no longer applicable.

Any one or more of the sanctions listed here may be imposed on a respondent who is found responsible for a violation of the College's Sexual Misconduct Policy. Sanctions are assessed in response to the specific violation(s) and any prior discipline history of the respondent. Sanctions are effective immediately. If the respondent appeals the findings contained in the Final Report, the sanctions will continue in effect during the appeal unless the Title IX Coordinator and Hearing Officer together determine that it is appropriate stay some or all of the sanctions; the Title IX Coordinator and Director of Community Standards and Student Wellbeing shall also have the discretion to temporarily remove a respondent from campus or some or all programs and activities, depending upon the nature of the findings.

## **Appendix F: Administrator, Staff Member, or Faculty Member Sanctioning Procedures**

If the respondent is found responsible for a violation of one or more of the College's antidiscrimination policies, the Disciplinary Resolution process concludes with the imposition of discipline. If the respondent is found not to have violated any antidiscrimination policy, the Disciplinary Resolution has concluded. If, however, the respondent is found not to have violated any antidiscrimination policy but is found to have engaged in inappropriate or unprofessional conduct which violates College policy, the appropriate College officers will take prompt and appropriate remedial action, including disciplinary action, limited to the actions set forth below.

### *Remedies*

Remedies may include but are not limited to offering to remove the complainant or the respondent from the hostile environment; changes in classes; changes in residence arrangements; changes in schedules or work hours; changes in work assignment/location; a "no contact" order.

### *Discipline*

Persons who violate one or more of the College's antidiscrimination policies will be disciplined pursuant to and in accordance with any and all applicable College rules, policies, and procedures. The form the discipline will be dependent on the nature of the violation. A person against whom such discipline is imposed will have any rights to contest the imposition of discipline as may otherwise exist under applicable College rules, policies, or procedures.

### *Accommodations and Non-Disciplinary, Administrative Measures*

In addition to, and independent of, the results of the investigation and disciplinary process, the Title IX Coordinator, in consultation with the Director of Human Resources and/or the appropriate Vice President, will determine any appropriate non-disciplinary, administrative measures. Such measures may include various forms of remedial, community-based responses, such as educational initiatives and/or trainings. In addition, the Title IX Coordinator will continue to provide for the care and support of the parties as appropriate, including the ongoing provision of appropriate accommodations.

## **Appendix G: Appeal Procedures**

Appeals of hearing or investigative outcomes may be filed by either party. Appeals must be sent to the Title IX Coordinator within five (5) business days of receipt of the Final Report. When an appeal is filed, the other party will be notified, in writing, and then have five (5) business days to respond to the appeal. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

The appeals process is documentary only, and no hearing is held.

### **Appeal of Finding and/or Sanctions**

In cases involving the Sexual Misconduct & Relationship Violence Policy, both the complainant and respondent may appeal the outcome, including a finding of responsibility (or no responsibility) and/or the sanction. In a request for an appeal, the burden of proof lies with the party requesting the appeal. Dissatisfaction with the outcome of the investigation is not grounds for appeal. The limited grounds for appeal are as follows:

- A procedural error or irregularity which substantively affected the outcome of the student conduct process.
- New evidence that was not available at the time of the student conduct conference and which could have a substantial impact on the outcome of the student conduct process. A summary of this new evidence and its potential impact must be included with the appeal.
- The Title IX Coordinator, investigator(s), or Hearing Chair/Panel had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
- The sanction imposed are substantially disproportionate to the severity of the violation.

The Appeal Officer for when the respondent is a student is the Vice President for Student Development. The Appeal Officer for when the respondent is a faculty member is the Vice President for Academic Affairs. The Appeal Officer for when the respondent is a staff member is the Vice President for Administration.

When the Appeal Officer is unable to serve, the Title IX Coordinator will select a trained individual to be the Appeal Officer with notice to the parties.

The Appeal Officer must be a neutral and impartial decision maker. The parties will be informed, in writing, of the specific Appeals Officer. Within 1 calendar day of receiving the notice of the designated Appeals Officer, the complainant and the respondent may submit a written request to the Title IX Coordinator to replace the named Appeals Officer if there are reasonable articulable grounds to establish demonstrated bias, actual conflict of interest or an inability to be fair and impartial. The designated Appeals Officer will only be replaced if the Title IX Coordinator determines their bias precludes impartiality or constitutes conflict. Additionally, an Appeals Officer who has reason to believe they cannot make an objective determination must recuse themselves from the process.

A complainant or respondent must submit a written appeal to the Title IX Coordinator and within 5 business days of receipt of the Notice of Outcome. The written appeal must include the specific basis for the appeal and any information or argument in support of the appeal. Upon receipt of the appeal, the Title IX Coordinator will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted to the Title IX Coordinator within 3 business days from the other party's receipt of the appeal. Appeal responses are shared with the other parties but no reply is permitted.

The Appeals Officer will make a decision regarding the written appeal and, within 10 business days of receipt of all appeal documents, notify the complainant and the respondent of the outcome. The Appeal Officer may affirm the finding(s); alter the finding(s); alter the sanctions; or request that additional steps be taken.

Appeal decisions are final. All appeal deadlines may be extended for good cause by the Title IX Coordinator. Any extension will be communicated to the parties.