

ALVERNO COLLEGE'S SEX DISCRIMINATION AND SEX-BASED HARASSMENT POLICY AND PROCEDURES

Effective August 1, 2024

This document is a comprehensive policy and procedure for the resolution of all alleged sex discrimination, sex-based harassment, and retaliation as defined herein involving all qualified Parties.

This policy and procedure were drafted to comply with Title IX, Title VII, VAWA § 304, the Fair Housing Act (FHA), and their implementing regulations applicable to post-secondary education and employment.

Terms defined in the [Definitions Appendix](#) are treated as terms of art and are thus capitalized when used throughout this document.

THIS POLICY AND PROCEDURES ARE BASED ON AND ADAPTED FROM THE 2024 ASSOCIATION OF TITLE IX ADMINISTRATORS (ATIXA) TITLE IX MODEL POLICY AND PROCEDURES (AMPP).

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ALVERNO COLLEGE SEX DISCRIMINATION AND SEX-BASED HARASSMENT (Hereinafter, “the Policy”)

1. Purpose

Alverno College (“Alverno” or the “College”) is committed to providing an educational and employment environment that is free from Sex Discrimination, Sex-Based Harassment, and Retaliation for engaging in protected activity.

Alverno values and upholds the equal dignity of all members of its community and strives to balance the rights of all Parties in the resolution process.

To ensure compliance with federal, state, and local Sex Discrimination laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of its Education Programs or Activities, Alverno has implemented this Policy and the associated Procedures to provide for prompt, fair, and impartial resolution of allegations of Sex Discrimination, Sex-Based Harassment, and/or Retaliation.

2. Notice of Nondiscrimination

Alverno seeks to comply with all federal, state, and local laws, regulations, and ordinances prohibiting sex discrimination in private post-secondary education institutions.

Alverno does not discriminate on the basis of sex and prohibits sex discrimination in its Education Programs or Activities as required by Title IX of the Education Amendments of 1972 and its implementing regulations, Title VII of the Civil Rights Act of 1974, and other applicable state and local laws. The College’s prohibition on sex discrimination extends to all aspects of its operations, including admissions and employment. The College also prohibits various forms of retaliation as provided by law.

This Policy Implements the College’s prohibition on Sex Discrimination, contains information on how to report Sex Discrimination, and sets forth the College’s processes for investigating and adjudicating allegations of Sex Discrimination. The Policy prohibits all forms of Sex Discrimination, including Adverse Treatment Sex Discrimination, Policy or Practice Sex Discrimination, and Sex-Based Harassment, which includes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Members of the Alverno Community who commit Sex Discrimination are subject to the full range of College, discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; demotion; fines; permanent separation from the institution (that is, termination or dismissal); physical restriction from the College property; cancellation of contracts; and any combination of the same.

The College will provide persons who have experienced Sex Discrimination ongoing remedies as reasonably necessary to restore or preserve access to Alverno’s Education Programs or Activities.

Consistent with Title IX, the College also provides certain supports and modifications for persons who are experiencing pregnancy or pregnancy-related conditions. The College’s Pregnancy and Related

Conditions and Parenting Student Policy is included at [Appendix I](#). This Policy covers sex discrimination in both employment and access to educational opportunities. Therefore, any member of the Alverno community whose acts deny, deprive, unreasonably interfere with, or limit the education or employment, residential, or social access, benefits, or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived sex, is in violation of this Policy.

3. Title IX Team Contacts

The College has created a Title IX Team, comprised of the following positions: Title IX Coordinator, Deputy Title IX Coordinator for Employees, Deputy Title IX Coordinator for Students, Deputy Title IX Coordinator for the Mesa Program, Title IX Athletics Advisor, Title IX Investigator. The Title IX Team responds to questions about this Policy and Title IX and its implementing regulations; receives Complaints of sex discrimination, as further explained by this policy; and coordinates the College's compliance with federal, state, and local sex discrimination laws and ordinances. Below are the individuals who have been appointed to those positions:

Administrator (Title IX Coordinator)

Jason Pilarski
Title IX Coordinator, Clery Officer, Chief and Director of Campus Safety
Campus Safety Office
Founders Hall Room 254
3400 S 43rd Street
PO Box 343922
Milwaukee, WI 53234
(414) 382-6151
jason.pilarski@alverno.edu
<https://www.alverno.edu/Civility-Sexual-Misconduct-and-Harassment>

Deputy Title IX Coordinator for Employees

(Open)
Director of Human Resources
Human Resources Office
Founders Hall Room 211
3400 S 43rd Street
PO Box 343922
Milwaukee, WI 53234
(414) 382-6____
_____[@alverno.edu](mailto:____@alverno.edu)

Deputy Title IX Coordinator for Students / Chair of the Student Success Team

Ann Romei
Assistant Dean of Students
Dean of Students Office
Founders Hall Room 119
3400 S 43rd Street
PO Box 343922
Milwaukee, WI 53234

(414) 382-6372
ann.romei@alverno.edu

Deputy Title IX Coordinator for the Mesa Program

Sheila Heinert
Program Director for Alverno College Mesa Campus
Mesa Tower
1201 S Alma School Rd
Suite 5450
Mesa, AZ 85210
(414) 382-6159
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Title IX Athletics Advisor

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Athletics Director
Athletics Office
Athletics and Fitness Room 216
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PO Box 343922
Milwaukee, WI 53234
(414) 382-6324
katari.key@alverno.edu

Title IX Investigator

Carol Ann Kashishian
Title IX Investigator, Capitan, and Assistant Director of Campus Safety
Campus Safety Office
Founders Hall Room 254
3400 S 43rd Street
PO Box 343922
Milwaukee, WI 53234
(414) 382-6154
carolann.kashishian@alverno.edu

Collectively, these individuals are responsible for providing comprehensive sex discrimination education and training; coordinating the College's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related procedures to ensure an education and employment environment free from sex discrimination, sex-based harassment, and retaliation.

Alverno recognizes that allegations under this Policy may include multiple forms of sex discrimination and sex-based harassment, as well as violations of other College policies; may involve various combinations of students, employees, and other members of the College community; and may require the simultaneous attention of multiple College departments. Accordingly, all Alverno College departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable College policies, to provide uniform,

consistent, efficient, and effective responses to alleged sex discrimination, sex-based harassment, or retaliation.

Any person may report Sex Discrimination to the Title IX Team by using the contact information listed above.

4. External Contact Information

Concerns about Alverno's application of this Policy and compliance with Title IX of the Education Amendments of 1972 may also be addressed to:

US Department of Education's Office of Civil Rights

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
Facsimile: (202) 453-6012
TDD: (877) 521-2172
Email: OCR@ed.gov
Web: <https://www.ed.gov/ocr>

Or to the Regional OCR office in Chicago, Illinois.

Office of Civil Rights (OCR)
Chicago Office
U.S. Department of Education
John C. Kluczynski Federal Building
203 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: (312) 730-1560
Facsimile: (312) 730-1576
Email: OCR.Chicago@ed.gov
Web: <https://www.ed.gov/ocr>

Alverno College is the recipient of grant funding from the National Aeronautics and Space Administration (NASA), the United States Department of Agriculture (USDA), and the National Institute of Food and Agriculture (NIFA). The contact information for any concerns related to programs receiving grant funding from these federal agencies is listed below.

NASA

NASA Headquarters
Office of the Inspector General
PO Box 23089
L'Enfant Plaza Station
Washington, DC 20026

Hotline: (800) 424-9183
Telephone: (202) 358-0001
TDD: (800) 535-8134
Facsimile: (202) 358-4338
Web: https://oigforms.nasa.gov/wp_cyberhotline.html

USDA

U.S. Department of Agriculture
Office of the Inspector General
Room 117-W Jamie Whitten Bldg
1400 Independence Ave., S.W.
Washington, DC 20250
Hotline: (800) 424-9121
Telephone: (202) 720-8001
Facsimile: (202) 690-2474
Web: <https://www.usda.gov>

NIFA

NIFA is a department within the USDA. The USDA Office of the Inspector General (OIG) has jurisdiction over all USDA matters including those with NIFA. NIFA is located at:

NIFA
305-A Whitten Bldg
12th Street, SW and Jefferson Drive
Washington, DC 20250

Or by mail at
NIFA
USDA
1400 Independence Ave., SW, MS 2201
Washington, DC 20250-2201

For Complaints involving employee-on-employee conduct: [Equal Employment Opportunity Commission](#) (EEOC)

EEOC Headquarters
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507
Telephone: (800) 669-4000
TTY: (800) 669-6820
ASL Video Phone: (844) 234-5122
Web: <https://www.eeoc.gov>

Or to the State EEOC office in Milwaukee, Wisconsin

EEOC
Reuss Federal Plaza
310 W Wisconsin Ave.
Suite 500
Milwaukee, WI 53203
Phone: (414) 662-3680
TTY: (800) 669-6820
ASL Video Phone: (844) 234-5122
Web: <https://www.eeoc.gov/field-office/milwaukee/location>

5. Mandated Reporting and Confidential Employees

All Alverno faculty and employees (including student-employees), other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected Sex Discrimination, Sex-Based Harassment, Retaliation, or Other Prohibited Conduct to the Title IX Team immediately.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Title IX Coordinator. A Mandated Reporter's Duty to report is triggered when: (1) the employee receives Notice of potential Sex Discrimination from another person; (2) the employee observes potential Sex Discrimination; or (3) the employee learns about potential Sex Discrimination through some other means.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes or Policy violations, these employees will immediately pass Notice to the Title IX Coordinator or the Title IX Team (and to the police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

A. Confidential Employees

There are three categories of Confidential Employees: 1) Those with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and mental health counselors; 2) Those whom Alverno has specifically designated as Confidential Resources for purposes of providing support and resources to the Complainant; and 3) Those conducting human subjects research as part of a study approved by Alverno's Institutional Review Board (IRB). For those in category 1), above, to be able to respect confidentiality, they must be in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the Notice. This category of employees must both: be employed by Alverno in this professional capacity; and serving solely in that professional capacity at the time of Notice. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

Where a reasonable expectation of Confidentiality exists on the part of the Complainant, however, the Confidential Employee does not meet the criteria of category 1 at the time of Notice, the Confidential Employee shall take all reasonable precautions to inform the

Complainant of the lack of confidentiality at the moment the potential for the existence of Notice becomes apparent to the Confidential Employee.

To enable Complainants to access support and resources without filing a Complaint, the College has designated specific employees as Confidential Resources. Those designated by Alverno as Confidential Resources are not required to report actual or suspected Sex Discrimination, Sex-Based Harassment, or Retaliation in a way that identifies the Parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or Alverno official unless a Complainant has requested the information be shared.

The Confidential Resource in compliance with the Jeanne Clery Act shall notify the Complainant that non-identification information including demographic information and details regarding the type of incident must be reported to the Clery Officer for Alverno College.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Employees at the College:

Confidential Employees

- The On-campus counselor
- On-campus campus minister who is a clergy member, a chaplain, or a layperson working within the scope of their licensure or ordination and the scope of their employment with Alverno College at the place and time of the discussion.
 - Campus Minister(s) who also teach classes are not confidential persons; when performing instruction, holding teacher/student meetings, including tutoring, or other non-ministerial duties.

Designated Confidential Resources

- The College Helpline counselors (the College Helpline reports all information to the On-campus Counselor, who will protect confidentiality in the reports.)

The Employee Assistance Program for employees; and the Alverno CareLine for students are available to help, free of charge, and may be consulted on an emergency basis.

Confidential Employees who receive Notice within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act statistical reporting purposes unless they believe it would be harmful to their client, patient, or parishioner. This analysis will be conducted on a case-by-case basis by the Confidential Resource(s), the Clery Coordinator, and the Dean of Students.

Failure of a Mandated Reporter, to report an incident of Sex Discrimination, Sex-Based Harassment, or Retaliation of which they become aware is a violation of Alverno Policy and may be subject the Mandatory Reporter to disciplinary action.

A Mandated Reporter who is themselves a target of Sex Discrimination, Sex-Based Harassment, or other misconduct under this Policy is not required to report their own experience, though they are, encouraged to do so.

In addition, Complainants may speak with individuals unaffiliated with Alverno without concern that the Policy will require them to disclose information to the institution without permission, including:

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

From time to time, the College may host public awareness events regarding Sex Discrimination, whether such events occur in person on campus or through an online platform. When potential Sex Discrimination is disclosed in the context of a public awareness event, the College will not act on the information solely because of the disclosure at the public awareness event, unless the information reveals an immediate and serious threat to the health or safety of any person. However, the Title IX Coordinator will use information disclosed during a public awareness event to inform efforts to prevent Sex Discrimination, including by providing tailored training and education.

The Title IX Coordinator will monitor the College's Education Programs and Activities for any barriers to reporting potential Sex Discrimination and take steps reasonably calculated to address any such barriers.

6. Scope

This Policy applies only to alleged incidents of Sex Discrimination that occur on or after August 1, 2024. For incidents of alleged Sex Discrimination or alleged sexual harassment occurring before August 1, 2024, the policy and procedures in place at the time the alleged incident occurred apply. Applicable versions of those policies and procedures are available from the Title IX Coordinator and at <https://www.alverno.edu/Civility-Sexual-Misconduct-and-Harassment>.

This Policy does not apply to Sex Discrimination that occurs outside the scope of the College's Education Programs and Activities. Nevertheless, the College will address a sex-based hostile environment under its Education Programs and Activities even when some conduct alleged to be contributing to the hostile environment occurred outside of the Education Programs or Activities or outside of the United States.

While this Policy is the exclusive policy governing Sex Discrimination that occurs within the College's Education Programs or Activities, reports and Complaints of Sex Discrimination may implicate conduct that violates other College policies and standards. The college retains full discretion to enforce its other policies and standards with respect to applicable conduct, whether prior to, at the same time as, or after allegations of Sex Discrimination have resolved pursuant to this Policy.

7. Jurisdiction

This Policy applies to the College's Educational Programs or Activities, as defined in Appendix A. Complainant(s) do(es) not have to be a member of the Alverno College community to file a Complaint.

This Policy also applies to the effects of off-campus sex-based misconduct that limit or deny a person's access to Alverno's Educational Programs or Activities. Including online conduct when the conduct affects a substantial College interest.

A substantial College interest includes:

- 1) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- 2) Any situation in which it is determined that the Respondent poses an imminent and serious threat to the health or safety of any student, employee, or other individual.
- 3) Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, or causes social disorder.
- 4) Any situation that causes or results in a substantial interference with the College's educational interests or mission.

For disciplinary action to be issued under this Policy, the Respondent must be an Alverno College faculty member, student, employee, or person with a special relationship that allows for actions to be taken by the College towards that individual including barring from any or all Campus property, functions, events, or activities. If the Respondent is unknown, or is not a member of the Alverno Community, the Title IX Coordinator will offer to assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate Supportive Measures or remedial actions (e.g., trespassing a person from campus). Alverno College can also assist the Complainant in contacting the appropriate local law enforcement if the individual would like to file a police report about criminal conduct.

When a party is participating in a dual enrollment, STEAM, STEM, or early college credit program, the College will coordinate with the party's home institution to determine jurisdiction and coordinate providing supportive measures and responding to the complaint under the appropriate policy and procedures based on the allegations and identities of the Parties.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences Sex Discrimination or Sex-Based Harassment in a externship, study abroad program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If the effects of the external conduct cause an impact on a student or employee's work or educational environment, those effects can often be addressed remedially by the Title IX Coordinator if they are brought to their attention.

8. Supportive Measures

Alverno will offer and implement appropriate and reasonable supportive measures to the Complainant upon Notice of alleged Sex Discrimination, Sex-Based Harassment, or Retaliation, regardless of whether the Complainant elects to make a Complaint. Contemporaneously with the Respondent being notified of a Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the College will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The College will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Complaint, if the Respondent requests such measures.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the College's Educational Programs or Activity, including measures designed to protect the safety of all Parties or the College's education environment or to deter sex discrimination, sex-based harassment, or retaliation.

Supportive Measures that burden a Respondent will only be imposed after a Complaint is made and will be terminated at the conclusion of the investigation and adjudication process. Supportive Measures that burden a Respondent must be no more restrictive of the Respondent than is necessary to restore or preserve the Complainant's access to the College's Education Programs or Activities and will not be imposed for punitive or disciplinary reasons.

For Supportive Measures, other than those that burden a Respondent, the College may, as appropriate, modify or terminate such Supportive Measures at the conclusion of the investigation and adjudication process or at the conclusion of any informal resolution process, or the College may continue them beyond that point.

Either party may request that the Title IX Coordinator modify, augment, or terminate Supportive Measures, after their imposition, if circumstances have materially changed.

If a party affected by Supportive Measures qualifies as a person with disability under the applicable law, the Title IX Coordinator may consult, as appropriate, with the individual or office at the College designated to provide support to persons with disabilities to ensure that the College complies with relevant disability law in the implementation of Support Measures.

The College will maintain the confidentiality of the Supportive Measures, provided that confidentiality does not impair the College's ability to provide and implement those Supportive Measures. Alverno will act to ensure that as minimal of an academic/occupational impact on the Parties as possible. The College will strive to implement measures that do not unreasonably burden any party.

These actions may include, but are not limited to:

- Referral to counseling, medical, or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling

- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact restrictions (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non-Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no-contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Complaint under this Policy.

The Parties are provided with a timely opportunity to seek modification or reversal of the College's decision to provide, deny, modify, or terminate Supportive Measures applicable to them. A request to do so should be made in writing to the Title IX Coordinator within seven (7) days of the date the Party is notified of the decision that the Party wishes to appeal, provided, however, that appeals may be made outside the seven (7) day window if good cause is shown based on the facts and circumstances. An impartial employee other than the employee who implemented the supportive measures, who has the authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the Supportive Measures if they are inconsistent with the Title IX regulatory definition of supportive measures. The College will provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances materially change. If the Supportive Measures at issue in an appeal are ones that may affect the other party, the Appellate Decision Maker will notify the potentially affected Party and allow the Party to submit a written response, prior to deciding the appeal.

The College typically renders decisions on Supportive Measures within ten (10) business days of receiving a request and provides a written determination to the impacted parties and the Title IX Coordinator. The decision of the Appellate Decision Maker is final and not subject to further review.

If a Supportive Measures burdens the Respondent, the Respondent will be given an opportunity to appeal the imposition of the Supportive Measure prior to the Supportive Measure taking effect unless such pre-imposition appeal is impractical, in which case the Respondent will be given an opportunity to appeal as soon as possible after the Supportive Measure has taken effect.

9. Online Sex-Based Harassment and Misconduct

This Policy includes online manifestations of any Prohibited Conduct, when this conduct occurs in or has an effect on the College's Educational Programs and Activities, or when they involve the use of Alverno networks, technology, or equipment.

When a report of communications that may constitute Prohibited Conduct are reported to Alverno, it will engage in a variety of means to address and mitigate the effects. Which may include using the Resolution Process described in this Policy and Procedures.

Nothing in this Policy is intended to infringe upon or limit a person's rights to free speech. Any online posting or other electronic communication by students, including technology-facilitated bullying, stalking, harassment, etc., occurring completely outside of the College's control (e.g., not on College networks, websites, or between College email accounts) will only be subject to this Policy when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on/harm to the rights of others. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the College when such speech is made in an employee's official or work-related capacity or has an undue effect on persons attempting to access employment or Alverno's Educational Programs or Activities.

10. Inclusion Related to Gender Identity/Expression

Alverno strives to ensure that all individuals are safe, included, and respected in their education and employment environments, regardless of their gender identity or expression, including intersex, nonbinary, transgender, agender, two-spirit, and gender-diverse students and employees.

Discrimination or harassment on the basis of gender identity or gender expression are not tolerated by Alverno College and should be reported in accordance with the processes outlined in this Policy.

In upholding the principles of equity and inclusion, Alverno supports the full integration and healthy development of those who are gender diverse and seeks to eliminate any stigma related to gender identity and expression.

The College is committed to fostering a climate where all identities are valued, contributing to a more vibrant and diverse community. Alverno will administratively address issues that some students and employees, including those identifying as intersex, transgender, agender, nonbinary, and gender diverse, may confront as they navigate systems originally designed around the assumption that gender is binary. As our society's understanding of gender evolves, so do the College's processes and policies.

Concepts like misgendering and deadnaming may not be familiar to all but understanding them is essential to Alverno's goal of being as welcoming and inclusive a community as possible.

Misgendering or mispronouncing is the intentional or unintentional use of pronouns or identifiers that differ from those used by an individual. Unintentional misgendering is usually resolved with a simple apology if someone clarifies their pronouns for you. Intentional misgendering is inconsistent with the type of community we hold ourselves out to be and may constitute a Policy violation if the effect is greater than *de minimis* harm. We each have a right to determine our own gender identity and expression, but we don't get to choose or negate someone else's.

Deadnaming, along with misgendering, can be very traumatic to a person who is transgender, transitioning, nonbinary, or gender diverse. Deadnaming means using someone's birth-assigned (cisgender) name, rather than the name they have chosen.

To a person who is transgender, transitioning, nonbinary, or gender diverse, their cisgender identity may be something that is in their past — dead, buried, and behind them. To then revive their deadname could trigger issues, traumas, and experiences of the past that the individual has moved past, or is moving past, and can interfere with their health and well-being.

Again, unintentional deadnaming can often be addressed by a simple apology and an effort to use the person's chosen name. Intentional deadnaming could be a form of bullying, outing, or otherwise harassing an individual, and thus should be avoided.

This Policy should be interpreted as consistent with the goals of maximizing the inclusion of intersex, transgender, transitioning, agender, nonbinary, and gender-diverse students and employees, including:

- Maintaining the privacy of all individuals consistent with the law
- Ensuring all students have equal access to educational programming, activities, and facilities, including restrooms and locker rooms
- Ensuring all employees have equal access to employment opportunities and work, service, or health-related facilities
- Providing professional development for employees and education for students on topics related to gender inclusion
- Encouraging all students and employees to respect the pronoun usage and identities of all members of the College community

Alverno uses several interventions to address concerns that are raised related to gender-based harassment or discrimination, including problem-solving, intervention, confrontation, investigation, and Policy enforcement. When conflicts arise between the right of members of the community to be free from gender-identity discrimination and those exercising their right to religious freedom or academic freedoms in the instructional setting, the College will try to balance rights and interests to find mutually agreeable outcomes or compromises. When that is not possible, Alverno will offer remedial solutions or enforce its Policies while also respecting the rights of all members of its community.

11. Prohibited Conduct

Members of the Alverno Community are entitled to an educational and employment environment that is free of Sex Discrimination, Sex-Based Harassment, and Retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by academic freedom.

The sections below describe the specific forms of prohibited Sex Discrimination, Sex-Based Harassment, and Retaliation under this Policy. When speech or conduct is protected by academic freedom or the First Amendment, it will not be considered a violation of Alverno policy, even though Supportive Measures may be offered to those impacted.

All offense definitions below encompass actual or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will indicate clearly that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

A. Sex Discrimination

Sex Discrimination is different treatment concerning a person's employment or participation in an Education Program or Activity based, in whole or in part, upon the person's actual or perceived sex. Sex Discrimination includes Adverse Treatment Sex Discrimination, Policy or Practice Discrimination, and Sex-Based Harassment.

Sex Discrimination can take two primary forms:

1) Adverse Treatment Discrimination:

- A material, adverse action taken against a person where the motivating factor for the action is Sex-Based except where such action is permitted by law. The adverse action need not be sexual in nature to constitute Adverse Treatment Sex Discrimination.

2) Policy or Practice Discrimination:

- A Pattern or practice established by evidence that a discriminatory action is a regular practice rather than resulting from an isolated instance.
- Policies or practices that appear to be neutral unintentionally result in a disproportionate impact on the basis of sex that:
 - Excludes a person from participation in;
 - Denies a person benefits of; or
 - Otherwise adversely affects a term or condition of a person's participation in an Alverno College program or activity.

B. Sex-Based Harassment (Applicable under Title IX, Title VII, and the Fair Housing Act)

Sex-based Harassment is a form of Sex Discrimination and means sexual harassment and other harassment on the basis of sex,¹ including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; that constitute Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

1) Quid Pro Quo Harassment, defined as:

- an employee agent, or other person authorized by the College,
- to provide an aid, benefit, or service of the College,

¹ Throughout this Policy, "on the basis of sex" means conduct that is sexual in nature, or that is directed to the Complainant because of his/her/their actual or perceived sex or gender identity.

- explicitly or implicitly conditioning the provision of such aid, benefit, or service,
- on a person's participation in unwelcome sexual conduct.

2) Hostile Environment Harassment, defined as:

- unwelcome sex-based conduct, that
- based on the totality of the circumstances,
- is subjectively and objectively offensive, and
- is so severe or pervasive,
- that it limits or denies a person's ability to participate in or benefit from the College's Education Program or Activity

The College reserves the right to address offensive conduct or sex-based harassment that (1) does not rise to the level of creating a Hostile Environment, or (2) that is of a generic nature and not prohibited by law. Addressing such conduct may not result in the imposition of discipline under this College Policy, it may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, or other Informal Resolution mechanisms.

For assistance with Alternative Resolution and other Informal Resolution techniques and approaches, contact the Title IX Coordinator.

3) Sexual Assault:^{2,3}

a. Rape:

- Penetration, no matter how slight,
- of the vagina or anus,
- with any body part or object, or
- oral penetration by a sex organ of another person, or by a sex-related object,
- without the consent of the victim, including instances where the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age.

b. Fondling:

- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- without the consent of the victim,
- including instances where the victim is incapable of giving consent because of their age or because of temporary or permanent mental incapacity.

c. Incest:

- Sexual intercourse,

² This definition set is not taken from the FBI Uniform Crime Reporting (UCR) system verbatim. ATIXA has substituted Complainant for "victim," has removed references to his/her throughout, and has defined "private body parts." These are liberties ATIXA thinks are important to take with respect to the federal definitions. Alverno College concurs with this stance and has adopted them accordingly.

³ This would include having another person touch you sexually, forcibly, or without their consent.

- between persons who are related to each other,
- within the degrees wherein marriage is prohibited by Wisconsin or Arizona state law.

d. **Statutory Rape:**

- Sexual intercourse,
- with a person who is under the statutory age of consent of 18.

3) **Dating Violence**,⁴ defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the victim.
 - i. The existence of such a relationship shall be determined based on the Complainant's statement 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—
 - a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b) Dating violence does not include acts covered under the definition of domestic violence.

4) **Domestic Violence**,⁵ defined as:

- a. Felony or misdemeanor crimes of violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the victim,
- d. by a person with whom the victim shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Wisconsin or Arizona, or
- g. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Wisconsin or Arizona,

5) **Stalking**, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or

⁴ In the state of Arizona, offenses categorized in this policy as Dating Violence are covered under the state Domestic Violence law.

⁵ To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- iii. 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.

B. Sexual Misconduct

7) Sexual Exploitation:⁶

- a person taking non-consensual or abusive sexual advantage of another, that does not constitute Sex-based Harassment as defined above,
- for their own benefit or for the benefit of anyone other than the person being exploited.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) a person's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another person in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity

⁶ This offense is not classified under Title IX as "Sex-based Harassment," but it is included here in this Policy as a tool to address a wider range of behaviors.

- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., catfishing, spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)

C. Other Prohibited Conduct

1) **Bullying:**⁷

- repeated and/or severe aggressive behavior
- that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the victim,
- that is not speech or conduct that is otherwise protected by the First Amendment.

2) **Endangerment:**

- threatening or causing physical harm;
- extreme verbal, emotional, or psychological abuse; or
- other conduct which threatens or endangers the health or safety of any person or damages their property.

3) **Hazing:**

- any act or action
- which does or is likely to endanger the mental or physical health or safety of any person
- as it relates to a person's initiation, admission into, or affiliation with any College group or organization.

For the purposes of this definition:

- It is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the student group or student organization, for an allegation of hazing to be upheld.
- It shall not constitute an excuse or defense to a hazing allegation that the participants took part voluntarily, gave consent to the conduct, voluntarily assumed the risks or hardship of the activity, or that no injury was suffered or sustained.

⁷ For Bullying, Hazing, and Endangerment, these offenses can be applied when the conduct is on the basis of sex but is not a form of Sex-Based Harassment.

- The actions of alumni, active, new, and/or prospective members of a student group or student organization may be considered hazing.
- Hazing is not confined to the student group or student organization with which the person subjected to the hazing is associated.

4) **Retaliation:**

- Adverse action, including intimidation, threats, coercion, or discrimination, against any person,
- by the College, a student, employee, or a person authorized by the College to provide aid, benefit, or service under the College's education program or activity,
- for the purpose of interfering with any right or privilege secured by law or Policy, or
- because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process under the Grievance Procedures, including an Informal Resolution process, or in any other appropriate steps taken by the College to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for the College to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under the Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

5) **Unauthorized Disclosure:**⁸

- Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by the College; or
- publicly disclosing institutional work product created during an investigation or Resolution Process under this Policy and Procedures that contains personally identifiable information about an individual without authorization or consent from that individual.

6) **Failure to Comply/Process Interference**

- Intentional failure to comply with the reasonable directives of the Title IX Coordinator in the performance of their official duties, including with the terms of a no-contact order
- Intentional failure to comply with emergency removal or interim suspension terms
- Intentional failure to comply with sanctions
- Intentional failure to adhere to the terms of an Informal Resolution Agreement

⁸ Nothing in this section restricts the ability of the Parties to: obtain and present evidence, including by speaking to witnesses (as long as it does not constitute retaliation under this Policy), consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the Resolution Process.

- Intentional failure to comply with mandated reporting duties as defined in this Policy
- Intentional interference with the Resolution Process, including, but not limited to:
 - Destruction of or concealing of evidence
 - Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
 - Intimidating or bribing a witness or party

D. Sanction Ranges

The following sanction ranges apply for Prohibited Conduct under this Policy. Sanctions can be assigned outside of the specified ranges based on aggravating or mitigating circumstances, or the Respondent's cumulative conduct record.

Sanctions include documented Warnings (written or verbal), Probation, Research paper and presentation, remedial or specific training modules designed to mitigate or eliminate the accused behavior, Letters of Reprimand, Suspension (length of time may vary in accordance with the findings), Persona Non-Grata (PNG), No Trespass (NTO) or No Contact (NCO) orders and Expulsion or termination of employment or educational pursuit with the College.

- **Sex Discrimination:** Reprimand (warning) through expulsion or termination.
- **Quid Pro Quo Harassment:** Reprimand through expulsion or termination.
- **Hostile Environment Harassment:** Reprimand through expulsion or termination.
- **Rape:** Suspension through expulsion or termination.
- **Fondling:** Reprimand through suspension (termination for employees).
- **Incest:** Reprimand through probation.
- **Statutory Rape:** Reprimand through suspension (termination for employees).
- **Stalking:** Probation through expulsion or termination.
- **Dating/Domestic Violence:** Probation through expulsion or termination.
- **Sexual Exploitation:** Reprimand through expulsion or termination.
- **Bullying:** Reprimand through expulsion or termination.
- **Endangerment:** Reprimand through expulsion or termination.
- **Hazing:** Reprimand through expulsion or termination.
- **Retaliation:** Reprimand through expulsion or termination.
- **Unauthorized Disclosure:** Reprimand through expulsion or termination.
- **Failure to Comply/Process Interference:** warning through expulsion or termination.

E. Consent, Force, and Incapacitation

As used in this Policy, the following definitions and understandings apply:

1) Consent

Consent is defined as:

- knowing, and
- voluntary, and
- clear permission
- by word or action

- to engage in sexual activity.^{9,10}

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action during the interaction, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to be kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, sexual activity should cease within a reasonably immediate time.

Silence or the absence of resistance alone should not be interpreted as consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Consent to some sexual contact (such as kissing or fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected. If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of sexual assault.

⁹ The state of Wisconsin's definition of consent is "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." WI §940.225(4), which is applicable to criminal prosecutions for sex offenses in WI but may differ from the definition used by the College to address Policy violations. Included for Clery/Violence Against Women Act (VAWA) Sec. 304 compliance purposes.

¹⁰ The state of Arizona's definition of consent is defined in the absence of consent as "Without consent includes any of the following: (a) The victim is coerced by the immediate use or threatened use of force against a person or property. (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, "mental defect" means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another. (c) The victim is intentionally deceived as to the nature of the act. (d) The victim intentionally deceived to erroneously believe that the person is the victim's spouse ." AZ §13-1401(7), which is applicable to criminal prosecutions for sex offenses in WI but may differ from the definition used by the College to address Policy violations. Included for Clery/Violence Against Women Act (VAWA) Sec. 304 compliance purposes.

Proof of consent or non-consent is not a burden placed on either party involved in a Complaint. Instead, the burden remains on the College to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault.¹¹

2) Force

Force is the use of physical violence or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me. I’ll do what you want.”).

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person’s consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

3) Incapacitation

Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, blackout, or being drunk.

¹¹ Consent in relationships must also be considered in context. When Parties consent to BDSM (bondage, discipline, sadism, masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual.

If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of this Policy. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

F. Unethical Relationships ([See Appendix D](#))

12. Standard of Proof

The College uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that the College will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent engaged in conduct in violation of the Policy.

13. Reports/Complaints of Sex Discrimination, Sex-Based Harassment, or Retaliation

A Report provides notice to the College of an allegation or concern about Sex Discrimination, Sex-Based Harassment, or Retaliation and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. A Complaint provides notice to the College that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Complaint. Reports or Complaints of Sex Discrimination, Sex-Based Harassment, or Retaliation may be made using any of the following options:

- 1) File a Complaint with, or give verbal Notice directly to, the Title IX Coordinator or to any member of the Title IX Team. Such a Complaint may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail to the office of the Title IX Coordinator or any other Title IX Team member listed in this Policy.
- 2) Submit an online Notice at <https://lampout1.alverno.edu/php/confidential/confidential.php>. Anonymous Notice is accepted, but the Notice may give rise to a need to try to determine the Parties’ identities. Anonymous Notice typically limits the College’s ability to investigate, respond, and provide remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to Complainants who are the subject of anonymous Notice.
- 3) Reporting may also be accomplished by speaking to any employee of the College who is a Mandated Report, including all faculty, staff, or student employees during the course of their work on behalf of the College.

Reporting carries no obligation to initiate a Complaint, and in most situations, Alverno is able to respect a Complainant’s request to not initiate a resolution process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health or safety, where the College may need to initiate a resolution process. If a Complainant does not wish to file a Complaint, the College will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by giving Notice that allows the College to discuss or provide supportive measures, in most circumstances.

The Title IX Coordinator will exercise the authority to make a Complaint only after careful consideration of multiple factors suggests there is an immediate and serious threat to the health or safety of the Complainant or other person or where not making a Complaint would prevent the College from maintaining a non-discriminatory environment. Such factors to be considered include (1) the Complainant's request not to proceed with the initiation of a Complaint; (2) the Complainant's reasonable safety concerns regarding the initiation of a Complaint; (3) the risk of additional Sex Discrimination; (4) the severity of the alleged Sex Discrimination, including whether the discrimination, if disciplinary sanction to the end the discrimination and prevent its recurrence; (5) the age and relationship of the parties involved; (6) whether the alleged perpetrator is an Employee; (7) the scope of the alleged Sex Discrimination; including information suggesting a pattern, ongoing Sex Discrimination, or Sex Discrimination alleged to have impacted multiple individuals; (8) the availability of evidence; and (9) whether the College could end the alleged Sex Discrimination and prevent its recurrence without initiating the investigation and adjudication procedures.

If the Title IX Coordinator makes a Complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures.

If the Title IX Coordinator elects not to make a Complaint, and no other person makes a Complaint, the Title IX Coordinator will still evaluate the need for and, if appropriate, implement other prompt and effective steps to ensure that Sex Discrimination does not continue to recur in the College's Education Programs or Activities and remedy its effects, if any.

14. Time Limits on Reporting

There is no time limitation on providing Notices/Complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction or significant time has passed, the ability to investigate, respond, or provide remedies may be more limited or impossible. The College will still provide the Parties with reasonably available Supportive Measures, assist the Complainant in identifying external reporting options, and may take other appropriate action consistent with relevant College Policies.

15. False Allegations and Evidence

Deliberately false or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate Alverno policies.

16. Confidentiality/Privacy

When Confidentiality is used in the Policy it is used with the expressed definition of privacy for information as described herein. Confidentiality with the plain definition of the prohibition of a party to share protected information with any other party of the College. Privacy is the plain language

definition as information held within the Title IX process and Policy must be kept private with the exception for necessary disclosures as described in the Policy.

Alverno makes every effort to preserve the Parties' privacy. The College will not share the identity of any individual who has made a Complaint of sex discrimination, sex-based harassment, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of sex discrimination, sex-based harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.^{12,13} Additional information regarding confidentiality and privacy can be found in [Appendix C](#).

17. Unauthorized Disclosure of Information

Parties and Advisors are prohibited from disclosing information obtained by the College through the Resolution Process, to the extent that information is the work product of the College (meaning it has been produced, compiled, or written by Alverno for purposes of its investigation and resolution of a Complaint), without authorization. It is also a violation of College Policy to publicly disclose institutional work product that contains a party or witness's personally identifiable information without authorization or consent. Violation of this Policy is subject to significant sanctions.

18. Emergency Removal/Interim Actions/Leaves

See section **7. *Emergency Removal of a Student*** under the Resolution Process.

19. Federal Timely Warning Obligations

Alverno must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the College community.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

It is the responsibility of the Chief of Campus Safety to issue Timely Warnings in compliance with the Clery Act. The Chief of Campus Safety will work with the Title IX Team to ensure that notices are given for all dangers and situations as appropriate.

20. Amnesty

The College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to give Notice to College officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

¹² 20 U.S.C. 1232g

¹³ 34 C.F.R. § 99

It is in the best interests of the Alverno Community that Complainants choose to give Notice of misconduct to College officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, Alverno offers Parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by the College, and amnesty does not apply to more serious allegations or conduct that may constitute a felony offense under state laws, such as physical abuse of another or illicit drug distribution.

The College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident.

21. Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. The College will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

Sexual Assault

- Seek forensic medical assistance at the nearest hospital, Women's Center, or Sexual Assault Treatment Center, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be able to be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, using mouthwash, or brushing your teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement) and place the bag in a dry place out of direct sunlight. Do not allow others to take or have possession of the bag except designated medical or law enforcement personnel.
- Seeking medical treatment can be essential, even if it is not for the purpose of collecting forensic evidence. Treatment for STD, STI, HIV, or pregnancy may be offered.
- Seeking mental health treatment can assist with processing or dealing with the events that have occurred.

Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
 - Make a secondary recording of any voice messages or save the audio files to a cloud server.
 - Take screenshots or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take time-stamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.

- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and Title IX Coordinator, the importance of taking these actions will be discussed, if appropriate and timely.

22. Federal Statistical Reporting Obligations

Certain institutional officials (those deemed Campus Security Authorities) have a duty to report the following for federal statistical reporting purposes (Clery Act):

- 1) All “primary crimes,” which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- 2) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
- 3) Violence Against Women Act (VAWA-based crimes), which include sexual assault, domestic violence, dating violence, and stalking¹⁴
- 4) Arrests and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus, in a residence hall (cumulatively and not specified by hall name) or in the surrounding area, but no addresses are given) must be shared with Clery Act Coordinator for publication in the Annual Security Report and daily campus crime log. Campus Security Authorities include Student Development and Success staff, student conduct staff, campus law enforcement (Campus Safety Department), local police, coaches, administrative athletics staff, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, student worker supervisors, clinical or internship site coordinator and monitors, and any other official with significant responsibility for student and campus activities.

23. Independence and Conflicts of Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. The members of the Resolution Pool are vetted and trained to ensure they are not biased for or against any party in a specific Complaint, or for or against Complainants or Respondents, generally. Alverno participates in a shared Title IX Resource pool with other member institutions from the Wisconsin Association of Independent Colleges and Universities (WAICU) and generally will choose Resolution Pool members from this group in order to avoid potential conflicts. Alverno College may also choose to hire an outside expert to serve as the Hearing Administrator/Adjudicator for the hearing phase of the Resolution Process.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the Vice President for Academic Affairs in FO-217. Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Resolution Pool member should be raised with the Title IX Coordinator.

¹⁴ 42 U.S.C. Sections 13701 through 14040.

24. Revision of this Policy

This Policy succeeds previous policies addressing Sex Discrimination, Sex-Based Harassment, Sexual Misconduct, or Retaliation, though previous policies and procedures remain in force for sexual harassment incidents occurring before August 1, 2024. The Title IX Coordinator reviews and updates these policies and procedures regularly. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If governing laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with such governing laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

This Policy is effective August 1, 2024

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE PROHIBITED SEX DISCRIMINATION, SEX-BASED HARASSMENT, AND RETALIATION POLICY (Hereinafter the “Resolution Process”)

1. Overview

Alverno will act on any Notice, Complaint, or Knowledge of a potential violation of the Policy that the Title IX Coordinator or any other Mandated Reporter receives by applying the Resolution Process below.

The procedures below apply to all allegations of Sex Discrimination, Sex-Based Harassment, Retaliation, or Other Prohibited Conduct involving students, employees, or third parties. Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

2. Notice/Complaint

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial evaluation to determine the College’s next steps. The Title IX Coordinator will contact the Complainant or individual providing the Notice, if the Notice is not provided by the Complainant, to offer Supportive Measures, provide information regarding resolution options, and determine how the Complainant or individual providing the Notice wishes to proceed.

3. Collateral Misconduct

Collateral misconduct is defined to include potential violations of other Alverno policies not incorporated into the Policy that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, which will be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with Alverno College officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the discretion of Title IX Coordinator. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the student, faculty, and staff handbooks.

4. Initial Evaluation

Typically, within seven (7) business days of receiving Notice / Complaint/Knowledge of alleged misconduct, the Title IX Coordinator conducts an initial evaluation.¹⁵ The initial evaluation typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy.

¹⁵ If circumstances require, the Dean of Students or Title IX Coordinator will designate another person to oversee the Resolution Process should an allegation be made about the Title IX Coordinator, or the Title IX Coordinator be otherwise unavailable, unable to fulfill their duties or have a conflict of interest.

- If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the [dismissal provision](#) in these procedures. It may then be referred to another process, if applicable.
- Determining whether Alverno has jurisdiction over the reported conduct, as defined in the Policy.
 - If the conduct is not within Alverno’s jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate Alverno office for resolution.
- Offering and coordinating supportive measures for the Complainant.
- Offering and coordinating supportive measures for the Respondent, as applicable.
- Notifying the Complainant or the person who reported the allegation(s), of the available resolution options.
- Determining whether the Complainant wishes to initiate a Complaint.

Helping a Complainant to Understand Resolution Options

If the Complainant indicates they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the Title IX Coordinator will help to facilitate the Complaint, which will include working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:

- a supportive and remedial response, or
- Informal Resolution, or
- the Resolution Process is described below.

The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for the Resolution Process below, and the Title IX Coordinator has determined the Policy applies and that the College has jurisdiction, they will route the matter to the appropriate Resolution Pool member, will provide the Parties with a Notice of Investigation and Allegation(s), and will initiate an investigation consistent with these Procedures.

If any Party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and refer the matter accordingly.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator), though the Complainant can elect to initiate one later, if desired.

Title IX Coordinator Authority to Initiate a Complaint

If the Complainant does not wish to file a Complaint, the Title IX Coordinator, who has ultimate discretion as to whether a Complaint is initiated, will offer supportive measures and determine whether to initiate a Complaint themselves. To make this determination, the Title IX Coordinator will evaluate that request to determine if there is a serious and imminent threat to someone's safety or if the College cannot ensure equal access without initiating a Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Complaint:

- The Complainant's request not to initiate a Complaint.
- The Complainant's reasonable safety concerns regarding initiating a Complaint.
- The risk that additional acts of Sex Discrimination would occur if a Complaint is not initiated.
- The severity of the alleged Sex Discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is an Alverno College employee.
- The scope of the alleged Sex Discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals.
- The availability of evidence to assist a Decision-maker in determining whether Sex Discrimination occurred.
- Whether the College could end the alleged sex discrimination and prevent its recurrence without initiating its resolution process.

If deemed necessary, the Title IX Coordinator may consult with appropriate Alverno employees, and/or conduct a violence risk assessment¹⁶ to aid their determination whether to initiate a Complaint.

When the Title IX Coordinator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

5. Dismissal

The College **may** dismiss a Complaint if, at any time during the investigation or Resolution Process, one or more of the following grounds are met:

- 1) The College is unable to identify the Respondent after taking reasonable steps to do so
- 2) The College no longer enrolls or employs the Respondent
- 3) A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator determines that without the withdrawn allegations, the conduct that remains part of the Complaint, if any, would not constitute Sex Discrimination, even if proven
- 4) The College determines the conduct alleged in the Complaint would not constitute a Policy violation if proven

In addition to other members of the Title IX Team, as authorized by the Title IX Coordinator, a Decision-maker can recommend dismissal to the Title IX Coordinator if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, the College will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the College will also notify the Respondent of the dismissal. When a Complaint is dismissed, the College will offer Supportive Measures to the Complainant and Respondent, as appropriate, and take other available measures to address Sex Discrimination within the College's Programs or Activities.

¹⁶ See detailed information regarding Violence Risk Assessment in [Appendix E](#).

This dismissal decision is appealable by any party.

6. Appeal of Dismissal

All appeals follow the *Appeals* under Section 26 of the Resolution Process.

7. Emergency Removal of a Student

The College may under an emergency remove a student accused of Sex Discrimination or Sex-based Harassment upon receipt of Notice/Knowledge, a Complaint, or at any time during the Resolution Process. Prior to an emergency removal, Alverno will conduct an individualized risk assessment and may remove the student if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies such action.

When an emergency removal is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal within two (2) business days of the notification. Upon receipt of a challenge, the College will meet with the student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate, should be modified, or lifted. When this meeting is not requested within two (2) business days, objections to the emergency removal will be deemed waived. A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the College determines it is equitable for them to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Title IX Coordinator for review.

An emergency removal may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX Coordinator will communicate the final decision in writing, typically within three (3) business days of the review meeting.

8. Placing an Employee on Leave

When the Respondent is an employee, or a student employee accused of misconduct in the course of their employment, existing provisions (https://intranet.alverno.edu/files/galleries/FT_Staff_and_Fac_Benefit-Eligible-10_16_2021.pdf) for interim action are typically applicable instead of the above emergency removal process.

9. Counter-Complaints

The College is obligated to ensure that the Resolution Process is not abused for retaliatory purposes. Although the College permits the filing of counter-complaints, the Title IX Coordinator will use an initial evaluation, described above, to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-complaints determined to have been reported in good faith will be processed using the Resolution Process below. At the Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

10. Advisors in the Resolution Process

A. Who Can Serve as an Advisor?

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews, and hearings within the Resolution Process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.¹⁷

The Title IX Coordinator will offer to have a training meeting with any Advisor that the party chooses. This meeting between the Title IX Coordinator and the Advisor is to familiarize the Advisor with the Policy, the process, and the role of the Advisor. The Title IX Coordinator may assist in arranging an Advisor at the request of a party.

The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide an attorney to advise that party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

The College may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Title IX Coordinator. The decision to grant this request is at the Title IX Coordinator's sole discretion and will be granted equitably to all Parties.

If a party requests that all communication be made through their attorney Advisor instead of to the party, the College will at the discretion of the Title IX Coordinator comply with that request, refuse that request, or agree to copy both the party and their Advisor on all communications.

¹⁷ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. The Advisor cannot have institutionally conflicting roles, such as being an administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. Additionally, choosing an Advisor who is also a witness in the process creates potential for bias and conflicts of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker(s).

Advisors provided by the institution cannot be Confidential Employees, and although they will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-makers absent an emergency, they are still reminded of their Mandated Reporter responsibilities.

While Alverno College is not a public entity, Alverno respects the rights of employees, meaning that for Parties who are entitled to union representation, the College will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, in such cases, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are not permitted to have union representation or Advisors in Resolution Process interviews or meetings.

B. Advisor's Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

C. Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to access relevant evidence and the same written investigation report that accurately summarizes this evidence.

Advisors are expected to maintain the confidentiality of the records the College shares with them, per [Section 16](#) of the Policy addressing Confidentiality. Advisors may not disclose any College work product or evidence the College obtained solely through the Resolution Process for any purpose not explicitly authorized by Alverno College.

Accordingly, Advisors will be asked to sign Non-Disclosure Agreements (NDAs). The College may decline to share materials with any Advisor who has not executed the NDA. Alverno may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's confidentiality expectations.

D. Advisor Expectations

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings/interviews/hearings when planned, but the College may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies.

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by the College. Advisors are expected to advise without disrupting proceedings.

E. Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the College's established rules of decorum will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including the College requiring the party to use a different Advisor or providing a different College-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

11. Resolution Options Overview

This Resolution Process, consisting of Informal Resolution, or Hearing Resolution, is the College's chosen approach to addressing Sex Discrimination, Sex-Based Harassment, Retaliation, and Other Prohibited Conduct under the Policy. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion.

Resolution proceedings are confidential. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with Alverno Policy.

A. Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, in writing. The College will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Before initiation of an Informal Resolution process, Alverno will provide the Parties with a NOIA that explains:

- The allegations.
- The requirements of the Informal Resolution process.
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume the College's Resolution Process.
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the Resolution Process arising from the same allegations.
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties.

- What information the College will maintain, and whether and how it could disclose such information for use in its Resolution Process.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Decision-maker.

It is not necessary to pursue an Informal Resolution first in order to pursue a Hearing Resolution Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Hearing Resolution Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Hearing Process, should Informal Resolution not be successful, unless agreed to by all Parties.

If an investigation is already underway, the Title IX Coordinator has the discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Categories of Informal Resolution

(1) Supportive Resolution

The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to the College's education program and activity. Such measures can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options, and the Title IX Coordinator does not initiate a Complaint.

(2) Educational Conversation

The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Title IX Coordinator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy.

(3) Accepted Responsibility¹⁸

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If an Informal Resolution is available, the Title IX Coordinator will determine whether all Parties and the College are able to agree on responsibility, restrictions, sanctions, restorative measures, or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Alverno Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Resolution Process will either continue or resume.¹⁹

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

(4) Alternative Resolution

The institution offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate College officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

¹⁸ In [Section 20](#) below, there is a description of a process to waive the decision-making step of the Resolution Process if a Respondent decides to admit to violating the charged Policies. That section and this one are similar, but there are meaningful differences. In this section, the Parties must agree to the resolution, and the Respondent in essence self-sanctions as part of the Informal Resolution by agreeing to voluntarily comply with whatever the terms are to which the Parties agree. Section 20, in contrast, is unilateral. Neither the Complainant nor the Title IX Coordinator determine eligibility. It is simply a waiver of steps in the process by the Respondent, who can admit violations and accept sanctions assigned by the Decision-maker if they choose to. No Complainant approval is sought or needed. Under Section 20, the outcome involves sanctioning imposed by the College, rather than an agreement to self-sanction, as outlined in this section.

¹⁹ The Parties may not want discussions that take place within Informal Resolution to be admissible in a later Resolution Process, but essential facts must and do transfer from the informal process to subsequent resolution proceedings. Disclosing something in an informal setting to shield it from formal admissibility is a cynical strategy, so administrators should take care in determining the terms of any assurances of the confidentiality of the Informal Resolution.

The Title IX Coordinator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history
- Whether an emergency removal or other interim action is needed
- Skill of the facilitator with this type of Complaint
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). The results of Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, the College will initiate or continue an investigation and subsequent Resolution Process to determine whether the Policy has been violated.

b. Hearing Resolution Process (see [Section 22](#) below)

12. Resolution Process Pool

The Resolution Process relies on a pool of administrators (“the Pool”) to carry out the process.²⁰

A. Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the discretion of the Title IX Coordinator:

- Appropriate intake of and initial guidance pertaining to Complaints
- Advisor to Parties
- Informal Resolution Facilitator
- Perform or assist with initial evaluation
- Investigator
- Hearing Facilitator
- Decision-maker for challenges to emergency removal and supportive measures
- Decision-maker
- Appeal of Dismissal Decision-maker
- Appeal Decision-maker

B. Pool Member Appointment

The Title IX Coordinator, in consultation with senior administrators as necessary, appoints the Pool, which acts with independence and impartiality.²¹ Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Complaints, the College can also designate permanent roles for individuals in the Pool.

C. Training (see [Appendix G](#) for details of training for Pool Members)

13. Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the Title IX Coordinator will provide the Parties with a detailed written NOIA. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

The NOIA typically includes:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures

²⁰ External, trained third-party neutral professionals may also be used to serve in Pool roles.

²¹ This does not preclude the College from having all members of the Pool go through an application or interview/selection process.

- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator of any conflict of interest the Investigator(s) may have in advance of the interview process
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
- A statement that retaliation is prohibited
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share Alverno College work product obtained through the Resolution Process
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process
- A statement informing the Parties that the College's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how a party may request disability accommodations or other support assistance during the Resolution Process
- A link to the College's VAWA Brochure
- An instruction to preserve any evidence that is directly related to the allegations
- A statement that Parties who are members of a union are entitled to union representation throughout the process

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address(es) as indicated in official College records, or emailed to the Parties' College-issued email or designated accounts. Once mailed, emailed, or received in person, the notification will be presumptively delivered.

If there are legitimate concerns for the safety of any person because of providing the written notice of Complaint, providing such written notice may be reasonably delayed to address the safety concern appropriately. Safety concerns that would justify the delay of providing the written notice must be based on an individualized safety and risk analysis and not mere speculation or stereotypes. In any event, the written notice of Complaint will be provided to a party sufficiently in advance of their initial investigative interview such that the party has sufficient time to prepare.

14. Resolution Timeline

The College will make a good faith effort to complete the Resolution Process within sixty to ninety (60-90) business days, including any appeals, which the Title IX Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

If a Party or witness chooses not to participate in the Resolution Process or becomes unresponsive, the College reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process.

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. The College will promptly resume its Resolution Process as soon as feasible. During such a delay, Alverno will implement and maintain supportive measures for the Parties as deemed appropriate.

Alverno College action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

The College will make a good-faith effort to complete the Resolution Process as promptly as circumstances permit and will regularly communicate with the Parties to update them on the progress and timing of the process.

15. Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s), Decision-maker(s), and Appeal Decision-makers for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the Parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Dean of Students

The Resolution Process involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

16. Investigator Appointment

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. These Investigators may be members of the Resolution Process Pool, or any other properly trained Investigator, whether internal or external to the College's community.

17. Witness Role and Participation in the Investigation

Employees (not including Complainant and Respondent) are required to cooperate with and participate in the College's investigation and Resolution Process. Student witnesses and witnesses from outside the Alverno community cannot be required to participate but are encouraged to cooperate with College investigations and to share what they know about a Complaint. The investigator retains the discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible under these Procedures. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams), or, in limited circumstances, by telephone. The College will take appropriate steps to ensure the security/privacy of remote interviews.

In limited circumstances parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions if deemed appropriate by the Investigator(s), though not preferred. These circumstances should be understood to be primarily due to a reasonable difficulty of availability of the party or witness in question. This shall be considered an accommodation to ensure the prudent progress of the investigation.

18. Interview Recording

It is standard practice for Investigators to create a record of all interviews pertaining to the Resolution Process. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons should be made aware of the audio-video recording. The transcript of the audio-video recording of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also audio-video recorded, transcribed, and shared with the Parties.

19. Evidentiary Considerations

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible.

Relevant Evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

Impermissible evidence includes:

- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents

of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

- Evidence that is protected under a privilege as recognized by federal, state, or local law, or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A Party's records that are maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment of the Party unless the College obtains that Party's voluntary, written consent for use in the College's investigation and resolution process.

The fact of prior consensual sexual conduct occurred between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

20. Respondent Admits Responsibility

At any point in the proceedings, if a Respondent elects to admit to the charged violations and waive further process, the Decision-maker is authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This would waive the Respondent's right to appeal. If the Respondent rejects the finding/final determination/sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion. The Complainant retains their right to appeal a determination when a Respondent admits responsibility.

21. Investigation

All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the audio-video recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the audio-video recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

The College may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the Complainant.
- Identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.
- Work with the Title IX Coordinator, as necessary, to prepare the initial NOIA. The NOIA may be amended with any additional or dismissed allegations.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.
- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which questions were asked with a rationale for any changes or omissions in the investigation report.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.
- Ask the Parties to provide a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question.
- Write a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and party and witness interviews, and provides all relevant evidence.
- Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- The Investigator may share the investigation report with the Title IX Coordinator and legal counsel for their review and feedback.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is Relevant to the allegations in the Complaint. A party who is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

22. Hearing Resolution Process

A. Live Hearing Requirements

The following provisions apply to a live hearing:

- **Hearing Venue Options and Recordings.** The live hearing may occur in person or via video technology. The Decision-maker and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Title IX Coordinator's discretion.
 - The Parties may make a request to the Title IX Coordinator that the hearing be held in person or via video technology, but they must do so at least three (3) business days prior to the hearing. The Title IX Coordinator retains discretion to determine whether the hearing will occur in person or via video technology.
 - All hearings will be audio-video recorded, and Parties may request a copy of the recording from the Title IX Coordinator following the live hearing.
 - No unauthorized recordings are permitted.
- **Scheduling.** Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet the College's resolution timeline and ensure a prompt resolution. Employees, including Parties and witnesses, who do not have 12-month contracts are still expected to participate in Resolution Processes that occur during months between contracts.
- **Hearing Participants.** Persons who may be present for a hearing include the Decision-maker, Title IX Coordinator, hearing facilitator, Investigator(s), the Parties and their Advisors, anyone providing authorized accommodations, interpretation, or assistive services, and anyone else deemed necessary by the Decision-maker. Witnesses are present only during their portion of the testimony.
- **Advisors.** The Parties may have the assistance of an Advisor of their choosing at the hearing or can request that the College appoint a trained Advisor for them. Appointed Advisors are not attorneys. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves.
 - During the pre-hearing meeting and live hearing, Parties may only be accompanied by their Advisor. No other persons (e.g., additional support persons, advisors, friends, family) may accompany, attend, or listen in on the pre-hearing meeting or live hearing unless explicitly authorized by the Title IX Coordinator, with each party being provided the same opportunity.
 - Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a matter consistent with Policy.

- All questions during the hearing will be asked by the Decision-maker after a determination of relevance and appropriateness. Parties and Advisors may suggest questions to be posed by the Decision-maker during the pre-hearing meetings or by submission of written questions during the hearing. The method of submitting questions to the Decision-maker will be specified by the Decision-maker during the pre-hearing meetings.
- **Impact Statements.** Each party may submit an impact or mitigation statement to the Title IX Coordinator that the Decision-maker will review during any sanction determination.
 - Upon receipt of an impact or mitigation statement, the Title IX Coordinator will review the impact/mitigation statement to determine whether any immediate needs exist.
 - The Title IX Coordinator will only provide the impact statements to the Decision-maker if the Decision-maker determines that the Policy has been violated. When the Title IX Coordinator shares the impact statements with the Decision-maker, they will also be shared with the Parties.
- **Disability Accommodations and Other Assistance.** Parties should contact the Title IX Coordinator at least three (3) business days prior to the hearing to arrange any disability accommodations, language assistance, or interpretation services that may be needed at the hearing, if reasonably possible.
- **Conflicts of Interest or Bias.** The Decision-maker must not have a bias for or against complainants or respondents generally or the individual Complainant or Respondent in particular.
 - The Decision-maker must recuse themselves if such bias or conflict of interest exists.
 - If the Decision-maker believes there is a possible conflict of interest or bias, they will consult with the Title IX Coordinator about possible recusal or removal.
 - The Parties may raise challenges that the Decision-maker is biased or has a conflict of interest. The Parties must raise challenges with the Title IX Coordinator within two (2) business days of receiving the hearing notice.
 - The Title IX Coordinator will only remove and replace a Decision-maker in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
 - If a Decision-maker recuses themselves as the result of a conflict of interest or bias, or is removed, the Title IX Coordinator will promptly appoint a new Decision-maker who does not have a conflict of interest or bias and notify the Parties accordingly.
- **Evidence Provided to Decision-maker and Parties.**
 - The Decision-maker will be provided electronic copies of the Final Investigation Report and all relevant but not impermissible evidence, including the names of all Parties, witnesses, and Advisors, at least seven (7) business days in advance of the hearing.
 - The Parties will be provided with electronic copies of all the materials provided to the Decision-maker as part of the hearing notice unless those materials have already been provided.²²

²² Hard-copy materials may be provided upon request to the Title IX Coordinator. The Final Investigation Report and relevant evidence may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

B. Hearing Notice

The Title IX Coordinator will send the Parties a notice of hearing with sufficient time for the Parties to prepare for the hearing, typically at least seven (7) business days prior to the hearing. Once mailed, emailed, or received in person, notice will be presumptively delivered. The hearing notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- A description of any technology that will be used to facilitate the hearing.
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the Parties and witnesses participating in the hearing, the identity of the Decision-maker, details related to questioning, the role of Advisors, impact/mitigation statements, and how to request disability accommodations or other assistance.

C. Witness Participation

Student witnesses are encouraged to participate in and make themselves reasonably available for, the hearing. Employee witnesses are expected to participate in and make themselves reasonably available for, the hearing. Witnesses may participate in person or via video technology that allows the Decision-maker and the Parties to see and hear the witness while that person is speaking. Witnesses are not permitted to be accompanied by an advisor without the Title IX Coordinator's express permission. At the discretion of the Decision-maker, a witness may join by phone if no other reasonable alternative is available.

The Title IX Coordinator will notify all witnesses of their requested participation in the hearing at least five (5) business days prior to the hearing. Witnesses will be present for the hearing only during their testimony.

If any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. When compelling reasons exist, the Title IX Coordinator may decide to reschedule the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless:

- All Parties and the Decision-maker assent to the new witness's participation in the hearing without remanding the complaint back to the Investigator, and
- The Decision-maker deems the evidence presented by the new witness to be relevant, not impermissible, and not information already established in the record, and
- The witness's late involvement was not the result of bad faith by the witness, the Parties, or others.

If the above criteria are not met, but the witness's evidence is deemed relevant, not impermissible, and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing.
- Provide the Parties with at least five (5) business days to review the relevant portions of the new witness's statements, if such statements are submitted.

- Remand the Complaint back to the Investigator for further investigation or verification.
- Allow the Parties to review and comment on the testimony of the new witness.

If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the hearing absent the new witness's participation.

D. Pre-Hearing Meetings

The Decision-maker will offer to convene pre-hearing meetings with the Parties and their Advisors and invite them to submit the questions or topics they wish to ask or discuss at the hearing. This allows the Decision-maker to consider their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Parties from submitting a question at the hearing for the first time or asking for a reconsideration of a Decision-maker's pre-hearing decision based on any new information or testimony offered at the hearing. The Decision-maker will document and share their rationale for any evidence or question exclusion or inclusion, if any, at a pre-hearing meeting with each party.

The Decision-maker will work with the Parties to finalize a witness list for the hearing, and the Title IX Coordinator will notify any witnesses of the hearing's logistics. The Decision-maker, **only** with the agreement of all Parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the Final Investigation Report or during the hearing, and their presence is not essential to assess their credibility.

Pre-hearing meeting(s) will not be recorded. The pre-hearing meetings will typically be conducted as separate meetings with each party/Advisor, and can be done remotely, or as a written communication exchange. The Decision-maker will work with the Parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all Parties and Advisors are aware.

E. Hearing Procedures

(1) Evidentiary Considerations

The Parties must provide all evidence to the Investigator(s) prior to completing the Final Investigation Report. Evidence offered after that time will be evaluated by the Decision-maker for relevance. If deemed relevant and not impermissible, the Parties and Decision-maker must agree to admit it into the record. If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the hearing absent the new evidence.

The new relevant evidence will be admitted to the record if:

- All Parties and the Decision-maker assent to the new evidence being included in the hearing without remanding the Complaint back to the Investigator, and
- The evidence is not duplicative of evidence already in the record, and
- It is not impermissible, and

- The new evidence was either not reasonably available prior to the conclusion of the Final Investigation Report, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses, or others.

If the above criteria are not met, but the evidence is deemed materially relevant and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing.
- Provide the Parties with at least five (5) business days to review the relevant evidence.
- Remand the Complaint back to the Investigator for further investigation or analysis.
- Allow the Parties to review and comment on the new evidence.

If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the hearing without allowing the new evidence.

(2) Collateral Misconduct

The Decision-maker has the authority to hear and make determinations on all allegations of sex discrimination, sex-based harassment, retaliation, and Other Prohibited Conduct under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct, even though those collateral allegations may not specifically fall within the Policy. The Decision-maker may also, at their discretion, refer any Other Prohibited Conduct to the appropriate College conduct process.

(3) Joint Hearings

In Complaints involving more than one Respondent or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation or hearings pertinent to each Respondent or Complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent or for each Complaint with respect to each alleged Policy violation.

(4) Introductions and Hearing Procedure Explanation

The Decision-maker will explain the hearing procedures and introduce the participants. The Decision-maker will answer any procedural questions prior to and as they arise throughout the hearing.

(5) Investigator Presentation of Final Investigation Report

The Investigator(s) will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. The Investigator may be questioned first by the Decision-maker and then by the Parties. The Investigator will normally attend the duration of the hearing. They may, however, be excused after their testimony at the Decision-maker's discretion. The investigator may be subject to be recalled to provide further testimony

at the request of the parties and deemed appropriate by the Decision-maker or for clarification of evidentiary questions or other items at the discretion of the Decision-maker.

(6) Testimony and Questioning

The Parties and witnesses may provide relevant information in turn, beginning with the Complainant's opening statement, then the Respondent's, and then questioning in the order determined by the Decision-maker. The Decision-maker will facilitate questioning of the Parties and witnesses first by the Decision-maker and then by the Parties through verbalization by the Decision-maker.

All questions must be directed toward and asked through the Decision-maker and are subject to a relevance determination before they are asked. The Decision-maker will determine the method by which the Parties will submit their questions to the Decision-maker for their review and, if approved, to be posed. Questions that the Parties wish to have posed can be questions for that party themselves, another party, or witnesses.

The Decision-maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive. The Decision-maker has the final say on all questions and determinations of relevance and appropriateness. The Decision-maker may consult with legal counsel on any questions of admissibility.

The Decision-maker then poses the questions deemed relevant, not impermissible, and appropriate to the party or witness.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Decision-maker may elect to address those issues, consult with legal counsel, refer them to the Title IX Coordinator, or preserve them for appeal. If bias is not an issue at the hearing, the Decision-maker should not permit irrelevant questions that probe for Investigator bias.

The Decision-maker will allow witnesses who have relevant and not impermissible information to appear at a portion of the hearing to respond to specific questions from the Decision-maker and the Parties, and the witnesses will then be excused.

(7) Refusal to Submit to Questioning and Inferences

Any party or student witness may choose not to offer evidence or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. Employee witnesses are required to participate in the hearing; if they are reasonably available. The Decision-maker can only, rely on the available relevant and not impermissible evidence in making the ultimate determination of responsibility. The Decision-maker may not draw any inference **solely** from a party's or witness's absence from the hearing or refusal to answer any or all questions.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

(8) Hearing Recordings

The College records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recordings, of any kind, are permitted during the hearing.

The Decision-maker, the Parties, their Advisors, Appeal Decision-makers, and other appropriate Alverno College officials will be permitted to review a recording or to review a transcript of the recording upon request to the Title IX Coordinator. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

F. Deliberation and Determination

After closing statements from the Parties, the Decision-maker will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the standard of proof. If at the discretion of the Title IX Coordinator, a panel is used; a simple majority vote is required to determine the finding. Deliberations are not recorded.

When there is a finding of responsibility for one or more of the allegations, the Decision-maker may then; consider any previously submitted impact or mitigation statement(s) provided by the Parties in determining appropriate sanction(s). The Title IX Coordinator will ensure that any submitted statements are exchanged between the Parties if they are to be viewed by the Decision-maker. Impact/mitigation statements do not influence the finding, they only potentially influence the sanctions.

The Decision-maker will then prepare and provide the Title IX Coordinator with a written outcome letter detailing all findings and final determinations, the rationale(s) explaining the decision(s), the relevant and not impermissible evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and rationales explaining the sanction(s).

This statement is usually five to fifteen (5-15) pages in length and is typically submitted to the Title IX Coordinator within ten (10) business days from the conclusion of the hearing unless the Title IX Coordinator grants an extension. The Title IX Coordinator will notify the Parties of any extension.

23. Sanctions

Factors the Decision-maker may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to sex discrimination, sex-based harassment, or retaliation

- The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination, sex-based harassment, or retaliation
- The need to remedy the effects of sex discrimination, sex-based harassment, or retaliation on the Complainant and the community
- The impact on the Parties
- The Respondent's acceptance of responsibility
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

A. Student Sanctions²³

The following are the common sanctions that may be imposed upon students singly or in combination:

- *Reprimand (Warning)*: A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Restrictions*: A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or holding leadership roles in student organizations.
- *Probation*: An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from extra-curricular activities, exclusion from designated areas of campus, no-contact orders, or other measures deemed appropriate.
- *Suspension*: Separation from the institution, or one or more of its facilities, for a defined period of time, typically not to exceed two (2) years, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the student is eligible to return if the institution determines it is appropriate to re-enroll/readmit the student. The student is typically required to vacate institutional property within 48 hours of notification of the action, though this deadline may be extended at the discretion of the Title IX Coordinator or other appropriate official. During an institution-wide suspension, the student is banned from institutional property, functions, events, and activities unless they receive prior written approval from an appropriate institutional official. This sanction may be enforced with a trespass action,

²³ Alverno College policies on transcript notation apply to these proceedings.

as necessary. This sanction may be noted as a Disciplinary Suspension on the student's official academic transcript, per institutional policy or state law.

- *Expulsion*: Permanent separation from the institution. The student is banned from institutional property, and the student's presence at any institution-sponsored activity or event is prohibited. This action may be enforced with a trespass action, as necessary. This sanction may be noted as Disciplinary Expulsion on the student's official academic transcript, per institutional policy or state law.
- *Withholding Diploma*: The College may withhold a student's diploma for a specified period of time or deny a student participation in commencement activities as a sanction if the student is found responsible for violating Policy.
- *Revocation of Degree*: While very rarely exercised, the College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, or other violation of College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Other Actions*: In addition to, or in place of, the above sanctions, the College may assign any other sanctions as deemed appropriate.

B. Student Group and Organization Sanctions²⁴

The following are the common sanctions that may be imposed upon student groups or organizations singly or in combination:

- *Reprimand (Warning)*: A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Loss of Privileges*: Restricted from accessing specific College privileges for a specified period of time.
- *Probation*: An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the group or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, or other measures deemed appropriate.
- *Suspension*: Termination of student group or organization recognition and/or institutional support for a defined period of time not to exceed two (2) years and/or until specific criteria are met. During the suspension period, a student group or organization may not conduct any formal or informal business or participate in College-related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the College.

²⁴ Subject to College's Organizational Code of Conduct. Organizational sanctions are included here despite the fact that organizations cannot be charged as Respondents under Title IX. However, nothing would prevent a recipient from holding a student organization accountable for Policy violations using the Resolution Processes herein, as long as it was clearly noted that Title IX was not applicable. Often, individuals will be charged for their role in organizational misconduct under Title IX, and the organization would be charged with collateral misconduct to the individual charges, resolved in the same process as those charges.

- *Expulsion*: Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

C. Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in sex discrimination, sex-based harassment, or retaliation include:

- *Verbal or Written Reprimand (Warning)*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Shift or schedule adjustments*
- *Reassignment*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Assignment to a New Supervisor*
- *Restriction of Stipends, Research, or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

24. Notice of Outcome

Within fifteen (15) business days of the conclusion of the Resolution Process, the Title IX Coordinator provides the Parties with a written outcome notification. The Notice of Outcome will include the Decision-maker's written specifics of the Hearing Finding for each alleged Policy violation, all applicable sanctions that the College is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker, supporting the findings to the extent the College is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The Title IX Coordinator will provide the Parties with the Notice of Outcome simultaneously, or without significant time delay between notifications. The written Notice of Outcome may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official College records, or emailed to the Parties' College-issued or designated email

account. Once mailed, emailed, or received in person, the outcome notification is presumptively delivered.

25. Withdrawal or Resignation Before Complaint Resolution

A. Students

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from the College, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to pause the Resolution Process indefinitely or dismiss the Complaint. If the Complaint is dismissed, Alverno will still provide reasonable supportive or remedial measures as deemed necessary to address safety or remedy any ongoing effects of the alleged sex discrimination, sex-based harassment, or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, the College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sex discrimination, sex-based harassment, or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to the College in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Complaint. The Registrar, Office of Admissions, and HR may be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to College unless and until all sanctions, if any, have been satisfied.

B. Employees

Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent leaves their employment with the College with unresolved allegations pending, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the College may still provide reasonable supportive or remedial measures as deemed necessary to address safety or remedy any ongoing effects of the alleged sex discrimination, sex-based harassment, or retaliation.

When an employee resigns and the Complaint is dismissed, the employee may not return to the College in any capacity. The Registrar, Office of Admissions, and HR will be notified, accordingly, and a note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the College. The records retained by the Title IX Coordinator will also reflect that status.

26. Appeals

This section covers all appeals of Support Measures, Hearing Determinations, and Sanctions.

The Title IX Coordinator will designate an Appeal Decision-maker — either a three-member panel, or an individual chosen from the Pool, or other trained internal or external individuals, to hear the appeal. No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the Complaint, including in any supportive measure challenge or dismissal appeal that may have been decided earlier in the process. If a panel is used, a voting chair will be designated by the Title IX Coordinator.

A. Appeal Grounds

Appeals are limited to the following grounds only:

- 1) A procedural irregularity that would change the outcome.
- 2) New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made.
- 3) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific Complainant or Respondent that would change the outcome.
- 4) The Final Determination is substantially contrary to the weight of the evidence in the record (applicable to sanctions of suspension, expulsion, or termination, only).
- 5) The sanctions fall outside the range of sanctions designated for this offense, considering the cumulative conduct/disciplinary record of the Respondent (applicable to sanctions of suspension, expulsion, or termination, only).

B. Request for Appeal

Any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this Policy, then the Appeal Decision-maker will notify all Parties and their Advisors, the Title IX Coordinator and, when appropriate, the Investigator(s) and the original Decision-maker.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the

portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

C. Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence standard of proof.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding or sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

D. Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Title IX Coordinator (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter ("Appeal Outcome") will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or

reconsideration, all sanction(s) that may result which the College is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent the College is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official institutional records, or emailed to the Parties' College-issued email or otherwise approved account. Once mailed, emailed, or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the five (5) available appeal grounds.

E. Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures (detailed above) for a "show cause" meeting on the justification for doing so must be permitted within two (2) business days of implementation.

27. Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or the College community that are intended to stop the sex discrimination, sex-based harassment, and/or retaliation, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training

- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found.

When no Policy violation is found, the Title IX Coordinator will address any remedies the College owes the Respondent to ensure no effective denial of educational access.

The College will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the College's ability to provide these services.

28. Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker(s), including the Appeal Panel or Decision-maker or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College.

Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

29. Recordkeeping

For a period of at least seven (7) years following the conclusion of the Resolution Process, the Title IX Coordinator will maintain records of:

- 1) Each sex discrimination, sex-based harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.
- 2) Any disciplinary sanctions imposed on the Respondent.
- 3) Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the College's education program or activity.
- 4) Any appeal and the result therefrom.
- 5) Any Informal Resolution and the result therefrom.
- 6) All materials used to provide training to the Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitators, and any person who is responsible for implementing the College's Resolution Process, or who has the authority to modify or terminate supportive measures. Alverno will make these training materials available for review upon request.

- 7) All materials used to train all employees consistent with the requirements in the Title IX Regulations.

The College will also maintain any and all records in accordance with federal and state laws.²⁵

30. Accommodations and Support During the Resolution Process

Disability Accommodations

Alverno is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's Resolution Process.

Anyone needing such accommodations or support should contact the Title IX Coordinator, who will work with Accessibility Support as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

Other Support

Alverno will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Resolution Process
- Other support as deemed reasonable and necessary to facilitate participation in the Resolution Process

31. Revision of these Procedures

These procedures succeed any previous procedures addressing sex discrimination, sex-based or sexual harassment, and retaliation for incidents occurring on or after August 1, 2024. The Title IX Coordinator will regularly review and update these procedures. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If governing laws or regulations change, or court decisions alter, the requirements in a way that impacts this document, this document will be construed to comply with the most recent governing laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background federal and state laws that frame such policies and codes, generally.

These procedures are effective August 1, 2024.

²⁵ The record maintenance and access policy can be found in [Appendix F](#).

APPENDIX A: DEFINITIONS

The following definitions apply to the Policy and Resolution Process:

- **Advisor.** Any person chosen by a party, or appointed by the institution, who may accompany the party to all meetings related to the Resolution Process and advise the party on that process.
- **Alverno Community (or College Community).** All persons who participate in the College's Education Programs or Activities, including board members, administrators, faculty, staff, other employees, students, volunteers, guests, and contractors.
- **Appeal Decision-maker.** The person or panel who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs responsive action(s) accordingly.
- **Complainant.** A student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination, Sex-Based Harassment, Retaliation, or Other Prohibited Conduct under this Policy and who was participating or attempting to participate in the College's education programs or activities at the time of the alleged sex discrimination, sex-based harassment, retaliation, or other prohibited conduct.
- **Complaint.** An oral or written request to the College that can objectively be understood as a request for the College to investigate and make a determination about the alleged prohibited conduct, pursuant to these Policy and Procedures.
- **Confidential Employee.**
 - An employee whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
 - An employee whom the College has designated as confidential under this Policy for the purpose of providing services to persons related to sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct. If the employee also has a duty not associated with providing those services, the employee's confidential status only applies with respect to information received about sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct in connection with providing those services; or
 - An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct. The employee's confidential status only applies with respect to information received while conducting the study.
- **Day.** A business day when the College is open for and in normal operation. All references in the Policy to days refer to business days unless specifically noted as calendar days.

- **Decision-maker.** The person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether Policy has been violated or assigns sanctions.
- **Education Program or Activity.** Includes any of the following:
 - Activity occurring under any of the operations of the College in the United States, including, but not limited to in-person and online educational instruction, admissions, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances and community engagement and outreach programs.
 - Activity that occurs on campus or on other property owned or occupied by the College.
 - Activity that occurs in a building owned or controlled by a student organization that is officially recognized by the College.
 - Activity that is subject to the College’s disciplinary authority.
- **Employee.** A person employed by Alverno College either full- or part-time, including student employees when acting within the scope of their employment and volunteers.
- **Final Determination.** A conclusion by the standard of proof that the alleged conduct did or did not violate Policy.
- **Finding.** A conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).
- **Informal Resolution.** A resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a Final Determination in the Resolution Process.
- **Investigation Report.** The Investigator’s summary of all relevant evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.
- **Investigator.** The person(s) authorized by Alverno College to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report.
- **Knowledge.** When Alverno receives a Notice of conduct that reasonably may constitute sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct in its Education Program or Activity.
- **Mandated Reporter.** A College employee who is obligated by Policy to share Knowledge, Notice, and/or reports of sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct with the Title IX Coordinator.²⁶
- **Notice.** When an employee, student, or third party informs the Title IX Coordinator of the alleged occurrence of sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct.
- **Parties.** The Complainant(s) and Respondent(s), collectively.

²⁶ Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of persons with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility under this Policy.

- **Pregnancy or Related Conditions.** Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.
- **Relevant Evidence.** Evidence that may aid a Decision-maker in determining whether the alleged sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct occurred, or in determining the credibility of the Parties or witnesses.
- **Remedies.** Typically, post-resolution actions are directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to the College's Education Program and Activity.
- **Report.** A notice to the College of an allegation or concern about Sex Discrimination, Sex-Based Harassment, or Retaliation triggering the Title IX Coordinator to provide information, resources, and supportive measures.
- **Resolution Process.** The investigation and resolution of allegations of prohibited conduct under this Policy, including Informal Resolution and Hearing Resolution.
- **Respondent.** A person who is alleged to have engaged in conduct prohibited by this Policy.
- **Sanction.** A consequence imposed on a Respondent who is found to have violated this Policy.
- **Sex.** Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- **Student.** Any person who has gained admission to the College.
- **Title IX Coordinator.** The College official who is designated, by the College, to ensure ultimate oversight of compliance with Title IX and the College's Title IX program. References to the Title IX Coordinator throughout the Policy may also encompass a designee of the Title IX Coordinator for specific tasks.
- **Title IX Team.** The Title IX Coordinator, any deputy coordinators, and any member of the [Resolution Process Pool](#).

APPENDIX B: STATEMENT OF THE PARTIES' RIGHTS

Under this Policy and procedures, the Parties have the right to:

- An equitable investigation and resolution of all credible allegations of prohibited sex discrimination, sex-based harassment, retaliation, and Other Prohibited Conduct, when reported in good faith to Alverno College officials.
- Timely written notice of all alleged violations, including the identity of the Parties involved (if known), the specific misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated Policies and procedures, and possible sanctions.
- Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants) by updating the Notice of Investigation and Allegation(s) (NOIA) as needed to clarify potentially implicated Policy violations.
- Be informed in advance of any public release of information by Alverno College, regarding the allegation(s) or underlying incident(s), whenever reasonably possible.
- Have all personally identifiable information protected from the College's release to the public without consent, except to the extent permitted by law.
- Be treated with respect by Alverno College officials.
- Have College Policy and these procedures followed without unreasonable material deviation.
- Voluntarily agree to resolve allegations under this Policy through Informal Resolution without College pressure, if Informal Resolution is approved by the Title IX Coordinator.
- Not be discouraged by College officials from reporting sex discrimination, sex-based harassment, retaliation, and Other Prohibited Conduct to both on-campus and off-campus authorities.
- Be informed of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by the College in notifying such authorities, if the party chooses. This also includes the right to not be pressured to report.
- Have allegations of violations of this Policy responded to promptly and with sensitivity by Alverno's Campus Safety Department, or other College officials.
- Be informed of available supportive measures, such as counseling, advocacy, health care, student financial aid, visa and immigration assistance, and other services, both on-campus and in the community.
- A College-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- Be informed of available assistance in changing academic, living, and employment situations after an alleged incident of sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur for this option to be available. Such actions may include, but are not limited to:
 - Relocating a residential student's housing to a different on-campus location
 - Assistance from College staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation assistance
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and provide a pro-rated refund

- Rescheduling or adjusting an exam, paper, and/or assignment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options
- Have the College maintain supportive measures for as long as necessary, ensuring they remain confidential, provided confidentiality does not impair the College's ability to provide the supportive measures.
 - Receive sufficiently advanced written notice of any College meetings or interviews involving another party, when possible.
 - Identify and have the Investigator(s) or Decision-maker question relevant available witnesses, including expert witnesses.
 - Provide the Investigator(s)/Decision-maker with a list of questions that, if deemed relevant and permissible by the Investigator(s)/Decision-maker, may be asked of any party or witness.
 - Have Complainant's inadmissible sexual interests/prior sexual history or any Party's irrelevant character evidence excluded by the Decision-maker.
 - Access the relevant evidence obtained and respond to that evidence.
 - A fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
 - Receive a copy of all relevant and permissible evidence obtained during the investigation, subject to privacy limitations imposed by federal and state law and be given ten (10) business days to review and comment on the evidence.
 - The right to receive a copy of the Final Investigation Report, including all factual, Policy, and credibility analyses performed, and to have at least seven (7) business days to review the report prior to the determination.
 - Be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
 - Regular status updates on the investigation and Resolution Process.
 - Have reports of alleged Policy violations addressed by Resolution Process Pool members who have received relevant annual training as required by law.
 - A Decision-making panel that is not single sex in its composition, if a panel is used.
 - Preservation of confidentiality/privacy, to the extent possible and permitted by law.
 - Meetings, interviews, and hearings that are closed to the public.
 - Petition that any College representative in the process be recused on the basis of demonstrable disqualifying bias or conflict of interest.
 - Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
 - Apply the appropriate standard of proof, and preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all relevant and permissible evidence.
 - Be present, including presence via remote technology, during all testimony given and evidence presented during any live hearing.
 - Have an impact or mitigation statement considered by the Decision-maker following a determination of responsibility for any allegation, but prior to sanctioning.

- Be promptly informed of the Resolution Process finding(s) and sanction(s) (if any) and be given a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written outcome letter delivered to the Parties simultaneously (without undue delay).
- Be informed in writing of when a College decision is considered final and any changes to the Final Determination or sanction(s) that occur post-outcome letter delivery.
- Be informed of the opportunity to appeal the Resolution Process finding(s) and sanction(s), and the procedures for doing so in accordance with the College's grounds for appeal.
- A fundamentally fair resolution as defined in these procedures.



TITLE **IX**

APPENDIX C: PRIVACY, PRIVILEGE, AND CONFIDENTIALITY

For the purpose of this Policy, the terms *privacy*, *confidentiality*, and *privilege* have distinct meanings.

- **Privacy.** Means that information related to a complaint will be shared with a limited number of College employees or third parties, who “need to know” in order to assist in providing supportive measures or evaluating, investigating, or resolving the Complaint. All employees who are involved in the College’s response to Notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law.
- **Confidentiality.** Exists in the context of laws or professional ethics (including Title IX) that protect certain relationships, including clinical care, mental health providers, and counselors. Confidentiality also applies to those designated by the College as Confidential Employees for purposes of reports under this Policy, regardless of legal or ethical protections. When a Complainant shares information with a Confidential Employee, the Confidential Employee does not need to disclose that information to the Title IX Coordinator. The Confidential Resource will, however, provide the Complainant with the Title IX Coordinator’s contact information, assist the Complainant in reporting, if desired, and provide them with information on how the Title IX Coordinator and Title IX Team can assist them. With respect to Confidential Employees, information may be disclosed when: (1) the reporting person gives written consent for its disclosure; (2) there is a concern that the person will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or persons with disabilities. Non-identifiable information may be shared by Confidential Employees for statistical tracking purposes as required by the Clery Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.
- **Privilege.** Exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. Privilege is maintained by a provider unless a court orders release or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege. The College treats employees who have the ability to have privileged communications as Confidential Employees.

The College reserves the right to determine which College officials have a legitimate educational interest in being informed about student-related incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the Complaint. Information will be shared as necessary with Investigators, Decision-makers, Appeal Decision-makers, witnesses, the Parties, and the Parties’ Advisors. The circle of people with this knowledge will be kept as tight as possible to preserve the Parties’ rights and privacy, and release is governed by the institution’s unauthorized disclosure policy.

The College may contact students’ parents/guardians to inform them of situations in which there is a significant and articulable health or safety risk but will usually consult with the student prior to doing so.

APPENDIX D: UNETHICAL RELATIONSHIPS POLICY

Expectations Regarding Unethical Relationships

There are inherent risks in any romantic or sexual relationship between persons in unequal positions, such as faculty member-student or supervisor-employee. In reality, these relationships may be less consensual than perceived by the person whose position confers power or authority. Similarly, each of the Parties may view the relationship differently, particularly in retrospect. Circumstances may change, and once welcome conduct may become unwelcome at some point in the relationship.

Even when the Parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the College's goals and policies. However, for the personal protection of members of this community, relationships in which power differentials are inherent (e.g., faculty-student, staff-student) are generally discouraged. They may also violate standards of professionalism or professional ethics.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must promptly inform their supervisor and the Title IX Coordinator. The existence of this type of relationship will likely result in removing the supervisory or evaluative responsibilities of the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When an applicable relationship existed before the adoption of this Policy or before employment, the duty to notify the appropriate supervisor still pertains.

This type of relationship includes Community Advisors (CAs) and students for whom the CA has direct responsibility. While no relationships are specifically prohibited by this Policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee. The Title IX Coordinator will determine whether to refer violations of this provision to Human Resources for resolution or to pursue resolution under this Policy, based on the circumstances of the allegation.

APPENDIX E: VIOLENCE RISK ASSESSMENT (VRA)

Threat assessment is the process of assessing the actionability of violence by a person against another person or group following the issuance of a direct or conditional threat. A **Violence Risk Assessment (VRA)** is a broader term used to describe the assessment of any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

Implementing a VRA requires specific training. It is typically conducted by psychologists, clinical counselors, social workers, case managers, public safety officers, student conduct professionals, or other Student Support Team (sometimes known as CARE or Behavioral Intervention team (BIT)) members.

A VRA occurs in collaboration with the Student Support team and must be understood as an ongoing process, rather than as a single evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations. It is supported by research from law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use(s) an evidence-based process consisting of:

- 1) An appraisal of **risk factors** that escalate the potential for violence.
- 2) A determination of stabilizing influences, or **protective factors**, that reduce the risk of violence.
- 3) A contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of the threat; fixation and focus on target; grievance collection; and action and time imperative for violence.
- 4) The application of **intervention and management** approaches to reduce the risk of violence.

To assess a person's level of violence risk, the Title IX Coordinator will initiate the VRA process through the Student Support team. The Student Support team will assign a trained person(s) to perform the assessment, according to the specific nature of the complaint.

The assessor(s) will follow the process for conducting a VRA as outlined in the Student Support team manual and will rely on a consistent, research-based, reliable system that allows for the evaluation of the risk levels.

Some examples of formalized approaches to the VRA process include The NABITA Risk Rubric,²⁷ The Structured Interview for Violence Risk Assessment (SIVRA-35),²⁸ Violence Risk Assessment of the Written Word (VRAWW),²⁹ Workplace Assessment of Violence Risk (WAVR-21),³⁰ Historical Clinical Risk Management (HCR-20),³¹ and MOSAIC.³²

²⁷ <https://www.nabita.org/training/nabita-risk-rubric/>

²⁸ <https://www.nabita.org/training/sivra-35/>

²⁹ <https://www.nabita.org/training/vraww/>

³⁰ www.wavr21.com

³¹ <http://hcr-20.com>

³² www.mosaicmethod.com

The VRA is conducted independently from the Resolution Process, informed by it, but free from outcome pressure. The person(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The Student Support team member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, or imminent and serious threat to the health or safety of a person or the community.

In some circumstances, the Title IX Coordinator may determine that a VRA should be conducted by the Student Support team as part of the initial evaluation of a Complaint under this Policy. A VRA can aid in critical or required determinations, including:

- 1) Whether to remove the Respondent on an emergency basis because of an immediate threat to a person or the community's health/safety (Emergency Removal)
- 2) Whether the Title IX Coordinator should pursue/initiate a Complaint absent a willing/able Complainant
- 3) Whether the scope of an investigation should include an incident, or pattern of misconduct, or climate of discrimination or harassment
- 4) To help identify potential predatory conduct
- 5) To help assess/identify grooming behaviors
- 6) Whether it is reasonable to try to resolve a Complaint through Informal Resolution, and if so, what approach may be most successful
- 7) Whether to impose transcript notation or communicate with a transfer institution about a Respondent
- 8) Assessment of appropriate sanctions/remedies (to be applied post-determination)
- 9) Whether a Clery Act Timely Warning/Trespass order/Persona Non Grata is needed

A compelling risk to health or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Institutions may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

APPENDIX F: TITLE IX RECORD MAINTENANCE AND ACCESS POLICY

Policy Scope

This Policy covers records maintained in any medium that are created pursuant to the College's Policy or the regular business of the College's Title IX team. All such records are considered private or confidential by the Title IX team, in accordance with FERPA and the directive from the Department of Education to maintain the confidentiality of records related to discrimination, harassment, and retaliation. These records may be shared internally with those who have a legitimate educational interest and will be shared with the Parties to a Complaint under applicable federal or state law. The Title IX Team controls the dissemination and sharing of any records under its control.

Types of Records Covered Under this Policy

Records pertaining to the Policy include, but are not limited to:

- The Complaint
- NOIAs
- Documentation of notice to the institution, including incident reports
- Anonymous reports later linked to a specific incident involving known Parties
- Any documentation supporting the initial evaluation
- Investigation-related evidence (e.g., physical and documentary evidence collected and interview transcripts)
- Dismissal-related documentation and appeals
- Documentation related to Emergency Removals, leaves, and interim actions and challenges
- Documentation related to the Resolution Process
- The Final Investigation Report and file
- Remedy-related documentation
- Supportive measures-related documentation
- Appeal-related documentation
- Informal Resolution records
- Outcome Notices
- Any other records typically maintained by the College as part of the Complaint file

Drafts and Working Files: Preliminary drafts and “working files” are not considered records that the College must maintain, and these are typically destroyed during the course of an investigation or at the conclusion of the Resolution Process. They are preliminary versions of records and other documents that do not state a final position on the subject matter reviewed or are not considered to be in final form by their author or the Title IX Coordinator. An example of a “working file” would be the Investigator's notes made during an interview on topics that they want to revisit in subsequent interviews. Sole possession records maintained as such in accordance with FERPA are also included in this category. All drafts of investigation reports shared with the Parties are maintained.

Attorney Work-Product: Communications from the Title IX Coordinator or their designees with the College's legal counsel may be work product protected by attorney-client privilege. These privileged communications are not considered records to be maintained by the Title IX Team or

accessible under this Policy unless the Title IX Coordinator, in consultation with legal counsel as necessary, determines that these communications should be included as accessible records.

Record Storage

Records may be created and maintained in different media formats; this Policy applies to all records, irrespective of format. All records created pursuant to the Policy, as defined above, must be stored in digital format and maintained by the Title IX Team. The complete file must be transferred to the Title IX Team, typically within fourteen (14) business days of the complaint resolution (including any appeal), if the file is not already maintained by the Title IX Team. Security protocols must be in place to preserve the integrity and privacy of any parts of any record that are maintained in the Title IX Team during the pendency of an investigation.

The Title IX Team will store all records created pursuant to the Policy, regardless of the identities of the Parties. Any extra (non-essential) copies of the records (both digital and paper) must be destroyed.

A copy of records showing compliance with any applicable Clery Act/Violence Against Women Act (VAWA) requirements will be maintained along with the Complaint file by the Title IX Team.

Title IX Training Materials

The College will also maintain copies of the slides or other materials from all Title IX training for the Resolution Process Pool members, the Title IX Team, and employees. Trainings are available for review upon request to the Title IX Coordinator.

Record Retention

All records created and maintained pursuant to the Policy will be retained by the Title IX Team for a minimum of seven (7) years in database, digital, or paper form. Except for records pertaining to Title IX and the Clery Act/VAWA, the Title IX Coordinator may authorize destruction or expungement acting under their own discretion, or in accordance with a duly executed and binding claim settlement or by court or government order.

Record Access

Access to records created pursuant to the Policy or housed with the Title IX Team is strictly limited to the Title IX Coordinator and any person they authorize in writing, at their discretion, or via permission levels within the database. Those who are granted broad access to the Title IX records are expected to access only those pertinent to their scope, work, or specific assignment. Anyone who accesses such records without proper authorization may be subject to an investigation and possible discipline/sanction. The discipline/sanction for unauthorized access of records covered by this Policy will be at the discretion of the appropriate disciplinary authority, consistent with other relevant College policies and procedures.

Student Parties may request access to their complaint file. The College will provide access or a copy within 45 days of the request. Appropriate redactions of personally identifiable information may be made before inspection, or any copy is shared.

During the investigation, materials may be shared with the Parties using secure file transmission software. The Title IX Team will watermark any such file with the watermark identifying the role of the person in the process (e.g., Complainant, Respondent, Decision-maker; Complainant's Advisor) before sharing.

Alverno will maintain an access log of each case file, showing when and by whom it was accessed and for what purpose.

Record Security

The Title IX Coordinator is expected to maintain appropriate security practices for all records, including password protection, lock and key, and other barriers to access as appropriate. Record security should include protection from floods, fire, and other potential emergencies. Clothing, forensic, and other physical evidence should be securely stored in the Campus Safety Department's secure storage room or another appropriate secure location. All physical evidence will be maintained in a facility that is reasonably protected from flood and fire. A catalog of all physical evidence will be retained with the Complaint file.

APPENDIX G: TRAINING FOR MEMBERS OF THE RESOLUTION PROCESS POOL

All Investigators, Decision-makers, and other persons who are responsible for implementing Alverno's Title IX policies and procedures will receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX, and annually thereafter. Materials will not rely on sex stereotypes. Training topics include, but are not limited to:

- The role of the Title IX Coordinator
 - The scope of the College's Policy
 - The College's Resolution Process
 - How to conduct a sex discrimination resolution process consistently, including issues of disparate treatment, disparate impact, sex-based harassment, quid pro quo, hostile environment harassment, and retaliation
 - How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
 - Implicit bias and confirmation bias
 - Treating Parties equitably
 - Reporting, confidentiality, and privacy requirements
 - Applicable laws, regulations, and federal regulatory guidance
 - How to implement appropriate and situation-specific remedies
 - How to investigate in a thorough, reliable, timely, and impartial manner
 - Trauma-informed practices pertaining to investigations and resolution processes
 - How to uphold fairness, equity, and due process
 - How to weigh evidence
 - How to conduct questioning
 - How to assess credibility
 - Impartiality and objectivity
 - How to render findings and generate clear, concise, evidence-based rationales
 - The definitions of all prohibited conduct
 - How to conduct an investigation and grievance process, including administrative resolutions, hearings, appeals, and Informal Resolution Processes
 - How to serve impartially by avoiding prejudice of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants
 - Any technology to be used at a live hearing
 - The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the Title IX Regulations
 - Issues of relevance and creating an Investigation Report that fairly summarizes relevant and not impermissible evidence
 - How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
 - Recordkeeping
-
- Training for Informal Resolution facilitators on the rules and practices associated with College's Informal Resolution process
 - Supportive Measures
 - Clery Act/VAWA requirements applicable to Title IX

- College's obligations under Title IX
- How to apply definitions used by the College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with Policy
- Reasonable modifications and specific actions to prevent discrimination and ensure equal access for pregnancy or related conditions
- Any other training deemed necessary to comply with Title IX



APPENDIX H: 2024 TITLE IX OFFENSE REGULATORY DEFINITIONS

1) Sexual Assault

Any sexual act, including Rape, Sodomy, Sexual Assault with an Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.³³

a. Rape:

- Penetration,
- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental or physical incapacity

b. Sodomy

- Oral or anal penetration
- Of the Complainant by the Respondent
- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental or physical incapacity

c. Sexual Assault with an Object

- Respondent's use of an object or instrument
- to unlawfully penetrate, however slightly, the genital or anal opening
- of the body of the Complainant,
- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental or physical incapacity

d. Fondling:

- The touching of the private body parts (breasts, buttocks, groin) of the Complainant by the Respondent
- or causing the Complainant to touch the Respondent's private body parts
- intentionally for a sexual purpose
- without the consent of the Complainant, including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental incapacity or physical incapacity.

e. Incest:

- Nonforcible sexual intercourse between persons who are related to each other

³³ This definition of sexual assault does not constitute a chargeable offense under the Policy. It is a description encompassing the six chargeable offenses listed below it.

- within the degrees wherein marriage is prohibited by Arizona or Wisconsin law.

f. Statutory Rape:

- Nonforcible sexual intercourse with a person
- who is under the statutory age of consent of the state of Arizona or the state of Wisconsin.

2) Dating Violence:

- Violence³⁴ committed by a Respondent,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant; **and**
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - length of the relationship
 - type of relationship
 - frequency of the interaction between the Parties involved in the relationship.

3) Domestic Violence:

- Felony or misdemeanor crimes committed by a person who:
 - is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of state of Arizona or the state of Wisconsin or a person similarly situated to a spouse of the Complainant;
 - is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
 - shares a child in common with the Complainant; **or**
 - commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of state of Arizona or the state of Wisconsin.

4) Stalking:

- engaging in a course of conduct³⁵ on the basis of sex, that is,
- directed at a specific person that would cause a reasonable person³⁶ to:
 - fear for the person's safety, or
 - the safety of others; or
 - suffer substantial emotional distress.³⁷

³⁴ For purposes of this Policy, violence is defined as intentionally or recklessly causing the Complainant physical, emotional, or psychological harm. Legitimate use of violence for self-defense is not chargeable under this Policy because the purpose is safety, not harm. Consensual use of violence, such as in kink relationships, would also not meet this definition, in most circumstances.

³⁵ For purposes of this definition, "A 'course of conduct' requires that there be more than one incident and the conduct must be directed at a specific person. Stalking can occur in person or using technology, and the duration, frequency, and intensity of the conduct should be considered. Stalking tactics can include, but are not limited to, watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks. (Federal Register, Vol 89, No. 83, 04/29/2024, p. 33523). Merely annoying conduct, even if repeated, is a nuisance, but is not typically chargeable as stalking.

³⁶ Reasonable person is an objective standard meaning a person in the Complainant's shoes (having similar characteristics/demographics to the Complainant).

³⁷ In the context of stalking, a Complainant is not required to obtain medical or other professional treatment, and counseling is not required to show substantial emotional distress.

APPENDIX I: PREGNANCY AND RELATED CONDITIONS AND PARENTING STUDENT POLICY

1. Non-Discrimination Statement

Alverno does not discriminate in its education program or activity against any applicant for admission, student, applicant for employment, or employee on the basis of current, potential, or past pregnancy or related conditions as mandated by Title IX of the Education Amendments of 1972 (Title IX). The Alverno prohibits members of the College community from adopting or implementing any policy, practice, or procedure which treats an applicant for admission, student, applicant for employment, or employee differently on the basis of current, potential, or past parental, family, or marital status.³⁸ This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.

2. Definitions

- **Familial Status.** The configuration of one's family or one's role in a family.
- **Marital Status.** The state of being married or unmarried.
- **Parental Status.** The status of a person who, with respect to another person who is under the age of 18,³⁹ is a biological, adoptive, foster, or stepparent; a legal custodian or guardian; in loco parentis with respect to such a person; or actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- **Pregnancy and Related Conditions.** The full spectrum of processes and events connected with pregnancy, including pregnancy, childbirth, termination of pregnancy, or lactation; related medical conditions; and recovery therefrom.⁴⁰
- **Reasonable Modifications.** Individualized modifications to the College's policies, practices, or procedures that do not fundamentally alter the College's education program or activity.

³⁸ "Title IX does not prohibit discrimination based on marital status *per se*, as discrimination based on marital status does not necessarily require consideration of a person's sex. Title IX does, however, prohibit applying rules concerning marital status that treat individuals differently on the basis of sex (e.g., treating married women more or less favorably than married men, treating an unmarried mother worse than a married mother based on sex stereotypes, treating a man who is married to a man worse than a woman who is married to a man)." Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 F.R. 33474, April 29, 2024, codified at 34 C.F.R. 106.

³⁹ Or a person who is 18 or older but who is incapable of self-care because of a mental or physical disability.

⁴⁰ "The Department interprets 'termination of pregnancy' to mean the end of pregnancy in any manner, including, miscarriage, stillbirth, or abortion." Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 F.R. 33474, April 29, 2024, codified at 34 C.F.R. 106.

3. Information Sharing Requirements

Any Alverno College employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Title IX Coordinator's contact information and communicate that the Coordinator can help take specific actions to prevent discrimination and ensure equal access to the College's education program and activity. If the employee has a reasonable belief that the Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the student with the Title IX Coordinator's contact information.

The employee shall provide this notice by providing a Title IX business card to the student and document this via a follow up email to the student using the email template in the Blaze Early Alert program.

Upon notification of a student's pregnancy or related condition, the Title IX Coordinator will contact the student and inform the student of the College's obligations to:

- Prohibit sex discrimination.
- Provide reasonable modifications.
- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Maintain a Resolution Process for alleged discrimination.
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

The Title IX Coordinator will also notify the student of the process to file a complaint for alleged discrimination, harassment, or retaliation, as applicable.

4. Reasonable Modifications for Students

Students who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications to prevent sex discrimination and ensure equal access to the College's education program and activity. Any student seeking Reasonable Modifications must contact the College's Accessibility Coordinator or the Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on their individual needs. Students are encouraged to request Reasonable Modifications as promptly as possible, although retroactive modifications may be available in some circumstances. Reasonable Modifications are voluntary, and a student can accept or decline the offered Reasonable Modifications. Not all Reasonable Modifications are appropriate for all contexts.

Reasonable Modifications may include:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
- Intermittent absences to attend medical appointments
- Access to online or homebound education
- Changes in schedule or course sequence
- Time extensions for coursework and rescheduling of tests and examinations
- Allowing a student to sit or stand, or carry or keep water nearby

- Counseling
- Changes in physical space or supplies (for example, access to a larger desk or a footrest)
- Elevator access
- A larger uniform or other required clothing or equipment
- Other changes to policies, practices, or procedures determined by the Title IX Coordinator

In situations such as clinical rotations, performances, labs, and group work, the institution will work with the student to devise an alternative path to completion, if possible. In progressive curricular or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. Students are encouraged to work with their faculty members and the College's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator or Accessibility Coordinator will assist with plan development and implementation as needed.

Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer to determine other specific actions to take to ensure equal access.

Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the Reasonable Modification.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like any other student with a temporary disability. The Title IX Coordinator will consult with Accessibility Coordinator to ensure the student receives reasonable accommodations for their disability as required by law.

Any complaints or potential violations of the accommodations or this policy should be reported to the Title IX Coordinator as soon as reasonably possible.

5. Certification to Participate

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physically able to participate in the program or activity, unless:

1. The certified level of physical ability or health is necessary for participation;
2. The institution requires such certification of all students participating; and
3. The information obtained is not used as a basis for pregnancy-related discrimination.

6. Lactation Space Access⁴¹

The College provides students and employees with access to lactation spaces that are functional, appropriate, and safe. Such spaces are regularly cleaned, shielded from view, and free from the intrusion of others.

Lactation spaces are located in the following locations:

Publicly accessible locations:

Christopher Hall room 115 and Founders Hall room 114.

There is also a lactation room located in the Early Learning Center located in the secure Elizabeth Hall building.

Lactation spaces are kept unlocked to provide unhindered access when needed and not in use. A thumb lock is provided on the inside of the door handle to allow for secure privacy during the use of the room.

7. Leaves of Absence

A. Students

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their healthcare provider because of pregnancy, birth, termination, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity. Students who elect to take leave under this policy may register under an “on leave/inactive” status to continue their eligibility for certain benefits.

To the extent possible, Alverno will take reasonable steps to ensure that students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same or an equivalent course catalog that was in place when the leave began.

Continuation of students’ scholarships, fellowships, or similar College-sponsored funding during the leave term will depend on student registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar College-supported funding by exercising their rights under this policy.

The Title IX Team can and will advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.

⁴¹ There may be federal, state, or local laws or regulations that contain more specific requirements regarding lactation spaces for employees.

In order to initiate a leave of absence, the student must contact the Title IX Coordinator at least 30 calendar days prior to the initiation of leave, or as soon as reasonably practicable. The Coordinator will assist the student in completing any necessary paperwork.

B. Employees

Information on employment leave can be found here.

[https://intranet.alverno.edu/files/galleries/FT Staff and Fac Benefit-Eligible-10 16 2021.pdf](https://intranet.alverno.edu/files/galleries/FT_Staff_and_Fac_Benefit-Eligible-10_16_2021.pdf)

If an employee, including a student-employee, is not eligible for leave under the aforementioned leave policy because they either (1) do not have enough leave time available under that policy, or (2) have not been employed long enough to qualify for leave under that policy, they are eligible to qualify for pregnancy or related condition leave under Title IX. Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time.

Employees who take leave under Title IX must be reinstated to the status held when leave began or a comparable position without a negative effect on any employment privilege or right.

8. Student Parents

Students with child caretaking/parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of a child or placement of a foster child may request an academic modification period during the first 12 weeks from birth or from the time the child entered the home. Extensions may be granted when additional time is required by medical necessity or extraordinary caretaking/parenting responsibilities.

During the modification period, the student's academic requirements will be adjusted and deadlines postponed as appropriate, in collaboration among the Accessibility Coordinator, the student's academic advisor, and the appropriate academic department(s).

Students seeking a period of modified academic responsibilities may consult with their academic advisor or with the Accessibility Coordinator to determine appropriate academic adjustment requests. The Accessibility Coordinator will communicate all requests under this policy to students' academic advisors and coordinate adjustment-related efforts with the advisors unless the student specifically requests that their advisors be excluded.

Students are encouraged to work with their advisors and faculty members to reschedule course assignments, lab hours, examinations, or other requirements, or to reduce their overall course load, as appropriate, once authorization is received from the Accessibility Coordinator.

If, for any reason, caretaking/parenting students are not able to work with their advisors/faculty members to obtain appropriate modifications, students should alert the Accessibility Coordinator as soon as possible, and the Accessibility Coordinator will help facilitate needed accommodations and modifications.

In timed degree, certification, or credentialing programs, students who seek modifications upon the birth or placement of their child will be allowed an extension of up to 12 weeks to prepare for and take preliminary and qualifying examinations, and an extension of up to 12 weeks toward normative time to degree while in candidacy, to the extent those deadlines are controlled by the Recipient. Longer extensions may be granted in extenuating circumstances.

Students can request modified academic responsibilities under this Policy regardless of whether they elect to take a leave of absence.

While receiving academic modifications, students will remain registered and retain benefits accordingly.

9. College Housing

A pregnant student's College housing status will not be altered based on pregnancy status unless requested by the student. Alverno Resident Halls are not equipped or set up as appropriate housing for child rearing or parenting students.

10. Policy Dissemination and Training

A copy of this policy will be made available to faculty and employees in annually required training and posted on the College website. The College will alert all new students about this policy and the location of this policy as part of orientation. The Title IX Coordinator will make educational materials available to all members of the College community to promote compliance with this policy and familiarity with its procedures.

APPENDIX J: INFORMAL RESOLUTION (IR) FRAMEWORK⁴²

ATIXA has framed an Informal Resolution (IR) process that includes four options:

- 1) **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- 2) **Educational Conversation.** When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations. (The Complainant can be involved in this conversation if they wish.)
- 3) **Accepted Responsibility.** When the Respondent accepts responsibility for violating Policy and accepts the recommended sanction(s), and the Complainant(s) and Recipient are agreeable to the resolution.
- 4) **Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism, such as shuttle negotiation, restorative practices, facilitated dialogue, etc., as described below.

Alternative resolution approaches are likely to be used more often by post-secondary institutions. ATIXA does not endorse these approaches as better or worse than other formal or informal approaches.

ATIXA believes that for an IR approach to be effective in addressing discrimination, harassment, and/or retaliation, it needs to be carefully and thoughtfully designed and executed and be facilitated by well-trained personnel who take the necessary time to prepare and lay a foundation for success. Although no approach is a panacea, the framework below can help to lay that foundation, regardless of which approach(es) are used.

Here are the principles to be considered in supporting various approaches to Informal Resolution:

- IR can be applied in any sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct complaint but may not be appropriate or advisable in all matters involving serious violence.
- Situations involving dangerous patterns or significant ongoing threat to the community should generally not be resolved by IR, unless a Respondent is accepting responsibility.
- The Title IX Coordinator has the authority to determine whether to permit an IR-based resolution, in line with any applicable federal or state requirements.
- Any party can withdraw from the IR process at any time before an agreement is reached.
- An IR Facilitator can also end an IR process early at their discretion.
- IR can be attempted before and in lieu of formal resolution as a diversionary resolution.
- Alternative approaches can inform formal resolution, as in a formal resolution model infused with restorative practices.
- IR-based processes could follow a Final Determination at the Parties' request.
- Alternative resolution approaches to IR must be facilitated by the College or a third party. There may be value in creating clearly agreed-upon ground rules, which the Parties must

⁴² Appendix J is not intended for publication. It is offered as an internal guide for administrators and IR facilitators.

agree to abide by in advance, otherwise the Informal Resolution process may be deemed to have failed.

- Technology-facilitated IR is possible, should the Parties be unable or unwilling to meet in person.
- If IR fails, a Resolution Process can take place thereafter. Evidence elicited within the “safe space” of the IR facilitation could be later admissible in the Resolution Process unless all Parties and the Title IX Coordinator determine it should not be. This will be clearly explained as a term of the decision to engage in the IR process.
- With situations involving violence or sensitive details, the preferred alternative approach typically involves a minimal number of essential Parties. It is not a restorative circle approach with many constituents, in order to ensure privacy.
- Some approaches require acceptance of accountability (this could be more than an acknowledgment of harm). A full admission by the Respondent is not a prerequisite. This willingness needs to be vetted carefully in advance by the Title IX Coordinator before determining that an incident is amenable/appropriate for resolution by IR.
- IR is intended to provide space for information exchange and connection, if desired, by the Parties. This may include supporting a dialogue to allow each party to express their experience of events or a process resulting in an accord or agreement between the Parties (e.g., Complainant, Respondent, College), which is summarized in writing and enforced by the College. This can be a primary goal of the process.
- IR can result in the Parties’ voluntary imposition of safety measures, remedies, and/or agreed-upon terms that the College can enforce. These can be part of the agreement.
- IR can result in the voluntary acceptance of “sanctions,” meaning that a Respondent could agree to withdraw or resign, self-suspend (by taking a leave of absence), or undertake other restrictions/transfers/online course options that would help to ensure the Complainant’s safety/educational or employment access in lieu of formal sanctions that would create a disciplinary record for the Respondent. These should be enforceable by the College as part of the agreement, as may be terms of mutual release, non-disparagement, and/or non-disclosure.
- Although a non-disclosure agreement (NDA) could result from IR, it must be mutually agreed upon by the Parties and not coerced, as verified by the Title IX Coordinator.
- Institutions must develop clear rules for managing/facilitating alternative resolution approaches to ensure they are civil, age-appropriate, culturally competent, reflective of an effort to neutralize power imbalances and maximize the potential for the IR process to result in the Parties’ understanding, restoration, remedy, etc.

IR agreements may only be written to be binding on the Parties. They cannot include requirements or restrictions for persons or groups who are not a party to the Informal Resolution.