



Title IX
Gender-Based Misconduct
and Sexual Violence
Policy and Procedures

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Mission Statement

In keeping with its mission to promote the personal and professional development of all members of the Alverno community and to provide a safe and welcoming campus, Alverno College fosters a climate of mutual concern, respect and caring. Alverno is committed to promoting a rich learning environment that is free of violence, discrimination, harassment and other barriers to students learning, healthy growth and development. All members of the Alverno community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

Nondiscrimination Statement

Alverno College intentionally creates a welcoming and inclusive learning community in which all members recognize and respect the rights and human dignity of every other member. The College values diversity and seeks talented students, faculty and staff from a variety of backgrounds. In keeping with its long-standing Catholic Franciscan foundations, Alverno College does not discriminate against any student, employee or applicant on the basis of any individual's age, citizenship, color, disability, gender, gender identity or expression, genetic information, marital status, military status, national origin or ancestry, pregnancy or parenting status, political belief or affiliation, race, religion or creed (except in campus ministry staff positions), sex, sexual orientation, or veteran's status in the administration of its educational programs and activities or in its employment practices. Furthermore, the College prohibits the harassment of students and employees, as harassment is a form of discrimination.

In the area of undergraduate enrollment, Alverno College's weekday undergraduate programs will remain exclusive in respect to gender identity, but not as to any of the other aforementioned characteristics.

Alverno College, an institution dedicated to the education of women, pays particular attention to issues of harassment, discrimination or violence on the basis of sex, gender, pregnancy or parenting status. Conduct, whether intentional or unintentional, that results in discrimination, harassment, or violence toward a student or employee is illegal and unacceptable, undermining the mission of the college. Such conduct, whether on or off campus, is expressly prohibited by the college and is considered a serious violation of human rights.

In alignment with federal Title IX regulations, Alverno College has procedures to receive, investigate, respond to and resolve complaints of discrimination, including harassment based

on gender. Title IX violations include discrimination on the basis of sex or gender, gender identity, gender expression, and sexual orientation, and include sexual harassment, sexual exploitation, nonconsensual sexual acts, and sexual misconduct. This policy applies to conduct between men and women or between members of the same sex. In this policy, “discrimination,” refers generically and inclusively to all forms of discrimination based on sex or gender, including sexual harassment, sexual exploitation, sexual assault and sexual violence. Sexual misconduct includes but is not limited to conduct prohibited at Wisconsin Statutes 940.225.

This document outlines the investigation procedures by Alverno College in response to allegations of gender-based misconduct and sexual harassment involving one or more Alverno College students. Students who are on leave (disciplinary or otherwise), on a study abroad, or internship will be considered an Alverno College student, unless a student has terminated their relationship with the college.

Purpose of Procedure

The purpose of this procedure is to provide clear guidance to reporting parties (Complainants), Respondent(s), investigators, process advocates, adjudicators, hearing panel administrators, appellate members, supportive persons, witnesses and others who may be involved in the process of reporting, investigating, advising, or adjudicating all complaints of sexual harassment or sexual misconduct.

Scope of Procedure

In alignment with federal Title IX regulations, Alverno College shall use this policy and procedures to receive, investigate, respond to and resolve complaints of discrimination, including harassment based on gender. Title IX violations include discrimination on the basis of sex or gender, gender identity, gender expression, and sexual orientation, and include sexual harassment, sexual exploitation, nonconsensual sexual acts, and sexual misconduct. This policy applies to conduct between men and women, between members of the same sex, and between members of the college community who identify by any other gender status. In this policy, “discrimination,” refers generically and inclusively to all forms of discrimination based on sex or gender, including sexual harassment, sexual exploitation, sexual assault and sexual violence. This policy applies to incidents involving two or more members of the Alverno College Community occurring within an educational program or activity occurring in the United States. Sexual misconduct includes but is not limited to conduct prohibited under Wisconsin Statutes 940.225.

Athletics

Alverno College will not on the basis of sex or gender identity, refuse participation in organized athletic teams, sports, events, or intermural activities. The college will ensure that all decisions and implementation towards equipment and supplies, game and practice schedules, travel

related expenses, coaching and academic opportunities, locker room and playing facilities, athletic training, housing and dining facilities, scholarships, and publicity are free from sex or gender identity biases.

Any concerns or questions regarding Athletics compliance with Title IX of the Education Amendments should be directed towards the Title IX Coordinator for Athletics. This position is outside of the Athletics Department in keeping with NCAA Guidelines for oversight. See the list below for contact information.

Definitions

The following terms and definitions are not meant to be a full list of definitions for this policy. The terms defined here are meant to aid in the understanding of concepts contained within the policy.

Amnesty – At times, alcohol is involved in gender discrimination cases. In an effort to encourage Complainants and witnesses of harassment and discrimination to report incidents and to focus on the safety of the student, an assurance of amnesty from an alcohol policy violation is provided for the student reporting gender-based discrimination.

Appellate Administrator / Adjudicator – Person appointed to consider an appeal of the Formal Hearing Finding or Sanctions. Responsible for making the Appellate decision.

Complainant – is the person who is making the claim that an instance of sexual misconduct has been committed against themselves.

Consent - Positive cooperation involving an act of free will AND the absence of coercion, intimidation, force or the threat of force. A person cannot give consent if unable to understand what is taking place. Each person engaged in the sexual experience must provide active consent in order for mutual consent to be present. If limits are made clear and consent is not given, pressuring an individual into changing his or her mind is not consent. A person may not consent if unconscious, frightened, physically or psychologically pressured or forced, intimidated, impaired because of a psychological condition, and/or intoxicated by the use of drugs or alcohol. Use of alcohol or other drugs will never function as a defense for behavior that violates this policy.

Coercion - Unreasonable pressure for sexual activity. There is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, 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.

Consensual Relationships - The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. Our intent is not to discourage friendly associations but rather discourage the abuse of authority in relationships. There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). Consensual intimate relationships may produce a conflict of interest, such as when one of the parties is responsible for evaluating an academic file or making employment decisions. The relationship may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Charges of sexual harassment may develop even though both parties have consented to the relationship. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, designated leader-student) are not appropriate. Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship. Failure to report such relationships to a supervisor as required can result in disciplinary action for an employee.

Discrimination - Is any action or communication, verbal or physical or written, that causes with or without intent, a person to be excluded from participation in or be denied the benefits of any educational program or activity through Alverno College on the basis of sex or gender identity. Discrimination includes harassment, unfair treatment, attitudes, or behaviors towards the individual based upon their sex or gender identity. Gender Identity is also covered under Title VII in regards to employment involved discrimination. Also included are any form of discrimination based on a student's pregnancy, childbirth, false pregnancy, termination or recovery.

Educational program or activity – Any location, event, or circumstance where Alverno College has substantial control over the Complainant, Respondent(s), and the context in which the sexual harassment occurred, and also includes any building owned or controlled a student organization that is officially recognized by Alverno College, no matter should that control be temporary or permanent. This includes programs and activities that occur on campus or off campus.

Force - The use of physical violence and/or physically imposing on someone to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me; I'll do what

you want”). There is no requirement that an individual resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced. Sexual activity with someone who one should know to be –or based on the circumstances should reasonably have known to be –mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.

Formal Complaint – A document signed and filed by a Complainant or Title IX Coordinator alleging a violation of Title IX against a Respondent(s) and requesting that the school investigate the allegation of the violation.

Hearing Administrator/Adjudicator – The person responsible for hearing evidence during the Formal Hearing. Responsible for deciding the Hearing Findings and sanctions.

Incapacitation - A state in which someone cannot make rational reasonable decisions because they lack the capacity to give knowing consent (e.g. to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including but not limited to Rohypnol, Ketomine, GHB, Burundaga, etc. is prohibited and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>. It is critical to remember that:

- Consent is based on choice.
- Consent is active, not passive. Silence and passivity do not equal consent.
- Consent is more difficult to establish when there is unequal power.
- Consent to one type of sexual contact does not imply consent to another.
- Consent requires conditions free of coercion and undue influence. Relenting because of fear is not consent.
- Consent means two people (or more) deciding together to do the same thing, at the same time, in the same way, with each other.
- Absence of a no does not mean yes.

Informal Resolution – An optional restorative justice meeting where both parties with informed, written consent, voluntarily attempt to informally resolve the material basis of the Title IX Formal Complaint.

Informal Resolution Administrator/Adjudicator - The person responsible for hearing evidence during the Informal Resolution Process. Specially trained in mediation and Restorative Justice techniques and practices. Responsible for creating, and gaining agreement to the Informal Resolution Findings, Supportive Measures and/or Sanctions.

Mandatory Reporters - All employees (with the exception of confidential resources) of Alverno College are considered Mandatory Reporters also known as Responsible Employees. This means, regardless of position or status all faculty and staff are required to report any violations of this policy, (regardless of merit) whether witnessed or reported to them by another person. They are not entitled to promise confidentiality to anyone who discloses a violation to them. Student workers are considered mandatory reporters when acting in the capacity of their employment with Alverno College. However, students who are Residence Life Community Assistants, work in the Student Affairs office or the Campus Safety office are expected to be mandatory reporters at all times due to their visible presence on campus as the “go-to” individuals when assistance is needed.

Non-consensual Sexual Contact - Any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman without consent and/or by force. See the State of Wisconsin Statutes referenced below.

Non-consensual Sexual Intercourse - Any sexual intercourse, however slight, with any object, by a man or woman upon a man or a woman without consent and/or by force. See the State of Wisconsin Statutes referenced below.

Notice – Occurs when a Mandatory Reporter receives notice of a potential violation of this policy.

Recipient - Alverno College is the recipient of all Title IX complaints. All Employees (with the exception of those in the in Confidential Reporting

Reporting Party – In some instances, a third party may report the incident to the college; this person would be considered a witness. In the instance where the reporting party is a non-Alverno College member, the viability limiting contact (No-Contact/No-Trespass Orders) will be discussed as appropriate.

Respondent(s) – is the person who is responding to the allegation(s) of sexual misconduct made by the reporting party.

Retaliation – Any adverse action that a person takes against another person because they filed a complaint about harassment or discrimination. This adverse action can deter that person from coming forward to report concerns.

Sexual Assault - Any sexual contact without consent is against the law in Wisconsin. Wisconsin State Statute 940.225 creates four degrees of sexual assault. The Degrees are based upon the amount of force used by the assailant and the amount of harm done to the Complainant, rather than on the resistance offered by the Complainant. First, Second and Third degree sexual assaults are felonies; Fourth degree sexual assault, lewd and lascivious behavior & sexual gratification are misdemeanors. Sexual assault is known to be a crime of indifference to the feelings of others, dominance, hostility and sometimes physical brutality. It is not primarily a

sexually motivated crime but rather a crime of assault using sex as a weapon. Sexual assault can occur between persons in dating or sexual relationships, including marriage. It can also occur between persons of the same gender.

Sexual Exploitation - Occurs when an individual takes non-consensual or abusive sexual advantage of a person for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples include but are not limited to: invasion of sexual privacy; prostituting another student; non-consensual video or audio-taping of sexual activity; going beyond the boundaries of consent (such as letting friends hide in the closet to watch the consensual sex); engaging in voyeurism; knowingly transmitting an STI or HIV to another student; inducing incapacitation for the purposes of engaging in sexual activity with the incapacitated person; exposing one's genitals in non-consensual circumstances; and, inducing another to expose his/her genitals. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Sexual Harassment – Falls under one of three definitions:

- Unwelcome, gender-based verbal, written, or physical conduct that is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives someone of the ability to participate in or benefit from Alverno College's educational program and/or activities.
- Quid Pro Quo is based on power differentials, the creation of a hostile environment, retaliation, unreasonably interfering with the employee's or student's performance or creating an environment which is intimidating, hostile or offensive to the employee/student. Examples include but are not limited to: slurs, threats, derogatory or suggestive comments; unwelcome jokes; exposure to sexually-oriented literature or pictures; attempts to coerce an unwilling person into a sexual relationship; unwelcome teasing, touching or sexual attention including email, phone calls or other online communication; making sexually oriented comments about the body or perceived sexual orientation; requests for sexual favors; punishing a refusal to comply with a sexually based request; conditioning a benefit on submission to sexual advances; sexual violence between strangers, acquaintances or intimate partners; stalking; and, gender-based bullying.
- Sexual violence including rape, sexual assault, sexual battery and sexual coercion are forms of sexual harassment covered under Title IX, the Jeanne Clery Act, and the Violence Against Women Act (VAWA).

Sexual misconduct – Any harassment or discrimination based on gender or sex in educational programs or activities at Alverno College or any educational institution receiving Title IV funding or subject to regulation under Title VII. Examples include sexual harassment, sexual assault, forcible fondling, stalking, and dating violence.

Stalking - Activity consisting of the repeated following and harassing of another person. It is a form of criminal activity that consists of a series of actions that individually may constitute legal behavior. For example, sending flowers, sending notes or text messages, or waiting for the

person outside of work or their home. When these actions are made and instill fear or injury, they constitute a pattern of behavior that is inappropriate and, in some cases, may be illegal.

Supportive Measures – Individualized services provided to the parties of a complaint. The measures may not be punitive, disciplinary, or unreasonably burdensome to the opposing party. Must be designed to ensure equal educational access, protect safety, or deter further violations.

Title IX Personnel and Supporting Staff

Title IX Coordinator - Oversees the Title IX process and compliance efforts for the college.

Deputy Title IX Coordinator - Oversees the Title IX process and compliance efforts for assigned campus consistency.

Title IX Investigator - Responsible for handling Title IX investigations and completing the investigation report.

Campus Safety Officer - An officer from the Campus Safety Department who takes a report for allegations of sexual misconduct.

Advocate/Advisor - Volunteer faculty or staff at Alverno College who have been trained to be a resource to the Complainant and Respondent(s) parties during the process. Responsible for cross-examination during the formal hearing. Parties may choose to utilize the services of an attorney or other person of their choosing to serve as their Advocate. The chosen Advocate may not be a party to the complaint either as the Complainant, Respondent(s), or witness.

Informal Resolution/Hearing/Appeals Adjudicator - Volunteer staff or faculty who are trained to hear allegations of sexual misconduct and participate in an Informal Resolution meeting, Formal Hearing, or Appellate Hearing regarding allegations of misconduct. These individuals are assigned, coordinated, and overseen in their roles by the Title IX Coordinator.

Translator – Individuals trained in translation between English and another language, to include sign language or any common spoken language available upon request.

Support Person – Persons designated to provide confidential support to a party in navigating and accessing resources during this process.

Role of the Title IX Coordinator and Deputy Coordinators

The Title IX Coordinator role is currently vacant, the Deputy Title IX Coordinator for Students is Rachel Haos, Assistant Dean for Student Affairs, the Deputy Title IX Coordinator for Employees is Magda Hoffman, Director of Human Resources, and the Deputy Title IX Coordinator for Athletics is Jason Pilarski, Acting Director for Campus Safety. For any issues related to gender-based

harassment and discrimination, students and employees are encouraged to contact the Title IX Coordinator or the appropriate Deputy Title IX Coordinator. The Title IX Coordinator and the Deputy Title IX Coordinators have the responsibility to:

- Oversee complaints of discrimination on the basis of gender, including discrimination based on a student's pregnancy, childbirth, false pregnancy, termination or recovery;
- Ensure thorough investigations into complaints of sexual discrimination or harassment;
- Assure equitable remedies;
- Provide campus-wide training regarding sexual harassment, violence and discrimination, including the related Title IX policy and procedures; and,
- Issue timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the College community.
- Make every effort to 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 danger.

When an allegation of gender discrimination is brought to an appropriate administrator's attention and an individual is found to have violated this policy, serious and prompt sanctions will be used to reasonably ensure that such actions are never repeated. Employees found to have violated this policy will be disciplined up to or including termination of their employment. Students found to have violated the policy will be disciplined up to or including dismissal from the college. A full list of potential sanctions for both students and employees is contained within this document. The college will not tolerate any reprisal or threat against any individual who alleges sexual discrimination or who provides witness statements or evidence during the process of investigation, adjudication, or appeal. Beyond the campus policy and procedures for investigation and adjudication, Alverno will also respond to Complainants of sexual violence by providing access to support services and resources. A full list of services and resources both on campus and off is available in this policy.

Training Requirements

The Title IX Coordinator will be responsible to ensure that training of all members of the Title IX team are trained appropriately and transparently.

Annual Training Requirement

Each member of the Title IX team will be trained annually for the role that they serve in the grievance process. Training will be provided by a recognized expert in the field, or a nationally recognized organization in the field of Title IX Investigations and/or Adjudications.

Posting of Training Requirement

The Title IX Coordinator will ensure that the training of each member of the Title IX team is published on the Alverno College website page for Title IX. The publication will include a list of

all training sessions attended by each member of the team. The list will include the date of the training, who provided the training, and the mode or method of delivery (i.e. in person, virtual, or webinar). Any available materials from the training will be posted for transparency and review. These materials may include handouts and power points if available.

Reporting Options

Sexual discrimination prevention efforts are critical in creating a community in which individuals can learn and live successfully. Individuals are encouraged to report violations of this policy to the College so that support services can be made available. Talking with someone about what happened can help reduce the sense of isolation and start the path to healing. All complaints are taken seriously. Any personally identifiable information will only be shared as necessary with as few people as possible, and all efforts will be made to protect the Complainant's privacy. With the exception of medical treatment for incidents involving sexual violence, the following options are listed in no particular order and include both off campus and on campus options in order to ensure a multiplicity of choices for the Complainant.

- Seek Medical Attention as soon as possible. -The Sexual Assault Treatment Center at Aurora Sinai Medical Center is located at 945 N 12th St Milwaukee, WI 53233. All contact is confidential. They can be accessed in person or by phone (414-219-2000) 24 hours a day.
- File a criminal complaint - Milwaukee Police Department Sensitive Crimes Division is located at 749 West State Street, Room 601, Milwaukee, WI 53233. Their phone number is (414-935-7405)
- Seek campus support – A Complainant is encouraged to speak to College officials to report incidents of sexual harassment, violence, and discrimination (e.g. academic deans, administrators with supervisory responsibilities, Campus Safety, Human Resources). College officials who are perceived to have the authority to take corrective action or to address gender-based misconduct on behalf of the College are considered Responsible Employees. Most college officials are considered Responsible Employees and will need to contact the Title IX Coordinator about the concern.
- Seek confidential support – To be assured the report will remain confidential, consult with one of Alverno's Counselors, Coordinator of Health Services or the Campus Minister. Each will offer confidential resources and options. These individuals are not required to tell anyone else private, personally identifiable information unless there is reason to fear for the safety of the Complainant or other community members.
- File an online, confidential, anonymous report - Alverno College accepts and investigates all allegations of improper activity by Alverno employees and students. Potential wrong doing may be reported on the Confidential/Anonymous form (found on the first page of IOL). In order for us to properly investigate concerns, individuals will be asked to provide as many details as possible about the potential improper activity such as allegations of fraud, theft, gross misconduct or misuse of college property and facilities.

- *File a complaint with the college* - Students who believe they have been subjected to harassment, violence, and/or discrimination are invited to contact the Title IX Coordinator. The Title IX Coordinator will ensure facilitation of the adjudication process outlined below. A Complainant has the right to expect that incidents of gender based harassment, violence, and discrimination will be taken seriously when reported, and those incidents will be investigated and properly resolved. Reporting means that only people who need to know will be told and information will only be shared as necessary with investigators, witnesses, advocates, adjudicators, and the accused individual. The Title IX Coordinator has the responsibility to provide training, assure equitable remedies and oversee the unbiased process of investigating. Once the Coordinator has notice of possible gender based harassment, violence or discrimination, they will take immediate and appropriate steps to investigate what occurred and take prompt and effective action.

Formal Complaint

At the time of a formal complaint being filed, a Complainant must be participation in or attempting to participate in an educational program or activity of Alverno College. The formal complaint must be filed with the Title IX coordinator in person, by postal service, by electronic mail, by use of the published contact information for the Title IX Coordinator, or by filing an online report.

A complete and properly filed formal complaint shall contain the Complainant's physical or digital signature, or otherwise indicative that the Complainant is the person filing the formal complaint.

In special circumstances the Title IX coordinator may sign the formal complaint instead of the Complainant. This does not make the Title IX the Complainant nor a party for consideration during the Title IX process.

A Formal Complaint must include the basis of the complaint. This must include the names of the Complainant and the Respondent(s) and their relationship to Alverno College. The incident must have occurred within the confines of the United States.

For the purposes of this policy, within the confines of the United States shall be defined as the 50 states and all US Territories. This will not include military bases or sites outside of the 50 states or US Territories, nor shall it include Embassies or Consulates in foreign lands.

Mandatory Dismissal of a Formal Complaint

If a Formal Complaint does not meet the requirements of a Title IX Grievance Process, the Title IX Coordinator shall dismiss the complaint.

To determine if the Formal Complaint meets the requirements a three-part test must be used. The components are as follows:

- 1) The reported incident must meet the definition of Sexual Harassment as defined in the regulations as:
 - a. Quid Pro Quo harassment; or
 - b. A violation as defined in the Jeanne Clery Act or VAWA; or
 - c. Harassment that is severe, pervasive, and objectively offensive conduct.
- 2) The reported incident must have occurred during the course of or connected to an educational program or activity of Alverno College whether on campus or off campus.
- 3) The conduct must have occurred within the United States as defined above.

A Formal Complaint may also be dismissed if the Respondent is no longer enrolled or employed by Alverno College, or if circumstances prevent the investigator from gathering sufficient evidence for a Formal Hearing Administrator to reasonably be able to reach a determination of findings. In the later situation a written report of attempts to gather said information and circumstances that prevented the gathering of the evidence will be filed by the investigator with the Title IX Coordinator.

Upon the Dismissal of Complaint, the Title IX Coordinator will within five business days notify the Complainant and Respondent in writing of the dismissal to include the reasoning for dismissal of the complaint.

Consolidation of Complaints

Should multiple Formal Complaints arise from a single set of facts, Alverno College at the discretion of the Title IX Coordinator, may merge or consolidate the Formal Complaints into a single grievance process.

HIPAA Protections

Alverno College may not use any medical, mental health or similar records as a part of the grievance process without the written consent of the party to whom the records pertain.

Rape Shield

Questions or evidence pertaining to the sexual history or sexual preferences of the Complainant are deemed irrelevant to the investigation or outcomes of a grievance process unless they are necessary to prove that someone other than the Respondent committed the alleged misconduct or to prove consent.

Role of the Complainant after filing of a Formal Complaint.

At all times during the Title IX Grievance Process, the Complainant shall maintain the right to have a say in the continuation of the process. Unless the alleged conduct poses a continuing and severe threat to the college community, the Complainant shall at their request have the

right to cease the process through a written request. The request must include a statement requesting the process be ended; whether the Complainant is requesting the Formal Complaint be dismissed or an inform resolution is requested (must be accompanied by the Informal Resolution Request form); and must be signed and dated by the Complainant.

Upon receipt of the request the Title IX Coordinator will immediately suspend the grievance process and schedule a meeting with the Complaint. At this meeting the Title IX Coordinator will confirm the Complainants wishes and provide the Complainant with guidelines should the Complainant wish to re-file the Formal Complaint in the future.

The Complainant may file this request at any time, up to the time of the Formal Hearing Administrator's findings being presented.

Title VII Statement

When a complaint does not meet the requirements of a Title IX complaint, or the Complainant requests the end to a Title IX grievance process involving one or more employees of the college; the complaint will be forwarded to the Human Resources Department to determine if a Title VII process is required.

For more information on Title VII and the process within Title VII please refer to the Title VII policy.

Requirement of Formal Notice to Respondent(s)

Upon receipt of a signed Formal Complaint, the Title IX Coordinator shall within five business days send a Formal Notice to the accused Respondent(s). The notice shall contain sufficient information as known at the time to allow the Respondent(s) to prepare a response prior to any interview. The information shall contain sufficient detail to allow a reasonable person to know understand the nature of the alleged incident and to provide for the ability to prepare a defense.

The Notice requirement extends beyond the initial Notice of Complaint. Notice will also be provided anytime evidence or testimony provided or discovered during the course of the investigation leads to potential new charges or that Respondent(s) should be aware of in order to mount an effective defense and to make informed decisions.

Retaliation

Alverno College supports the right of all members of the college community to express themselves. While all parties involved in the Title IX grievance process have the right to speak about the matter with their friends and families. Parties are prohibited from actions or comments meant to disparage, embarrass, or interfere with the ability of the other party from safely or fully participating in an educational program or activity. Such comments or actions

maybe grounds for civil actions by the affected party to include libel or slander suits. Any instance of such actions during the Title IX grievance process should be reported promptly to the Title IX Coordinator. Confirmed cases of retaliation will result in Supportive Measures being issued.

Right to Notice of Process

It is the right of both the Complainant and the Respondent(s) to be informed about the full process and of their rights during the process. Both parties will be provided a copy of this full policy via electronic or printed media at their choice upon the filing of the Formal Complaint and the Formal Notice.

The Notice of Process will contain a current list of trained Advocates that the parties may choose from to assist in navigating the process. This list shall not be considered a restriction on choice of Advocate and either party may choose an advocate not listed on the provided list to include the right to choose an attorney of the party's choice at their cost. The college does not provide attorneys nor attorney recommendations for this or any conduct process to a Complainant or Respondent(s).

Student Rights in the Title IX Grievance Process

Students who become involved in the Title IX Process are entitled to the following procedural protections. The student:

- Will be heard, treated without bias, and with respect.
- Will be considered not responsible unless and until found responsible during the process.
- May request a different Investigator or Adjudicator if there is a perceived conflict of interest.
- May invite any advisor or advocate that they so choose, to assist with the process (i.e. parent, spouse, guardian, friend, faculty/staff member, or even attorney at the parties expense). This person can advise the student, accompany the student to the meetings, and assist the student in preparation of any appeal (if applicable). Alverno College will maintain a list of trained Advocates available from the college staff and faculty. Attorneys may not engage in our conduct process outside of the Title IX process.
- If the student desires an advisor or advocate for the process, but does not choose someone to serve in that role, someone will be assigned for the student from the Advocate list.
- The student may request a different Advocate should there be a perceived conflict of interest or the Advocate fails to provide the assistance expected of the Advocate.
- To receive a copy of the Draft Investigation Report no less than 10 business days prior to the completion of the Final Investigation Report, to ensure all relevant witnesses have been interviewed and information gathered.

- To be allowed to respond to any information or evidence contained in the Draft Investigation and have it considered and responded to by the Investigator in the Final Investigation Report.
- To be provided with a copy of all evidence, statements, and the Final Investigation Report at least 10 days prior to the commencement of a Formal Hearing.

Supportive Measures

Supportive measures (Request for Title IX Supportive Measures Form) include accommodations and adjustments to course assignments, class attendance, on campus work responsibilities, and/or alterations to current living situation (alternatives may be offered), to either the Complainant or Respondent(s). Specific accommodations and adjustments may necessitate the input of specific faculty, work supervisor, or the Resident Life Professional Staff to identify acceptable adjustments or options. Supportive measures may also include a No Contact Order issued to both parties during the process. Supportive measures may not infringe on the rights of either party other than where such actions are unlawful, including slander, liable, or other violations of the Student Handbook.

Investigative Process

Alverno College takes seriously the responsibility of affording all parties involved in a complaint a fair and unbiased framework for encouraging resolution. Falsification, distortion, or misrepresentation of information during the course of a complaint resolution process may be grounds for disciplinary action. The investigation will include the following:

- The Title IX Coordinator will meet with the person filing the complaint (Complainant) to ascertain the details of the situation and determines if it is a Title IX issue.
- If the initial report or complaint is made to a Title IX Investigator; the statement of report shall be forwarded to the Title IX Coordinator for consideration.
- The Title IX Coordinator will then appoint the Investigator for the process.
- The Coordinator will inform the Respondent(s) of the complaint in writing or in person as soon as possible. The information will include the person making the complaint and the circumstances which precipitated the filing of the complaint.
- The Title IX Coordinator determines if supportive measures (temporary sanctions for one or both parties for the duration of the investigation) need to be established in consultation with both parties.
- The Title IX Coordinator offers both parties (the Complainant and Respondent(s)) a college advocate and/or support person(s) to guide them through the complaint process. Either party may refuse the assistance of an advocate. Either party may choose an Advocate and/or Support Person(s) on their own. Either party may choose to utilize an attorney as their advocate.
- The facts of the complaint are investigated, as presented by the person making the complaint, the Respondent(s), and any witnesses named by either parties or discovered during the course of the investigation. All Interviews will be audio recorded on a college owned device to ensure accuracy of the statements given.

- The Investigator will submit a Draft Investigation Report to the Title IX Coordinator, Complainant, and Respondent(s) at least 10 business days prior to completion of the Final Investigation Report being submitted to the Title IX Coordinator. Both parties will have an opportunity then to review and comment on the Draft Investigation Report and any evidence discovered and/or referenced in the report. The Draft Investigation Report shall include a full transcript of any interview that occurred during the course of the investigation.
- The summary of the investigation, copies of any evidence collected, to include interview transcripts, along with any finding of responsibility for a policy violation is submitted to the Title IX Coordinator as the Final Investigation Report. Ultimately, the determination of responsibility will be made by an Adjudicator based on the preponderance of the evidence (e.g., it is more likely than not that the accused violated the policy).
- If the Investigator's Final Report finds that one or more policies have been violated, the Title IX Coordinator then appoints adjudicators for the Informal Resolution meeting, should that be sought, for the Formal Hearing, and Appellate Hearing processes.

The investigation will entail interviews of the reporting party if different from the Complainant, the Complainant, the Respondent(s) and any relevant witnesses and the collection of any available evidence. The investigation process will be conducted without bias or conflict of interest and is meant to be equitable, and to be completed within 30 calendar days after the assignment of the Investigator. Both parties will have the opportunity to provide additional information, and identify witnesses they want interviewed. At least 10 days prior to the completion of the Final Investigative Report, the Investigator will provide a Draft Investigation Report to the Title IX Coordinator/Deputy Coordinator, Complainant, and Respondent(s). These parties will then have an opportunity to review all interview transcripts, and evidence contained in the draft report and to submit comments. The Investigator will consider any and all comments received and be allowed a period of 10 business days to follow up on any comments before submitting the Final Investigation Report. The Investigator will include comments from the review period and the result of follow up investigation into a section of the Final Investigation Report.

Amnesty will be granted for any and all additional violations of Student Handbook, such as underage drinking, when associated with an incident of gender-based misconduct or sexual harassment.

Upon completion of the investigation, review and follow up periods, the Final Investigation Report will be sent to the Title IX Coordinator and Deputy Coordinator. If the Complainant still wishes to move forward with the adjudication process the Coordinator will select a Formal Hearing Administrator and set the schedule for the Formal Hearing to occur.

While the Complainant may have initially opted for a full investigation and adjudication process, they may change their mind on any of these options at any time up until the time that the Formal Hearing Administrator issues their findings and recommendations for sanctions, should any apply.

In situations where the reported incident is such that a threat to the college community exists, measures may be taken to mitigate the threat or investigate the incidents. In this case, the reporting party will not be asked to participate in a campus investigation once they have opted to no longer pursue the complaint and judicial process.

If Respondent(s) takes Leave, Fails to Cooperate

In the event the Respondent(s) decides to take an informal or formal leave from the College prior to, during, or preceding the hearings, the following will be put into effect.

- Investigation will continue with the opportunity granted for the Respondent(s) to participate.
- Transcript notation will prevent the student from re-enrolling without authorization from the Assistant Dean of Students for Student Conduct.
- Transcript notation will prohibit official transcripts being sent to other institutions of higher education.

Title IX Investigator Response

A trained Title IX Investigator will be assigned to the case if the Complainant signs and files a Formal Complaint. The Title IX Investigator has specialized training in Title IX Investigations, Trauma Informed Response, and investigative techniques. There may be times during the interview when a support Title IX investigator will be present to assist.

The Title IX investigator will:

- Provide a copy of the full Alverno College Title IX Policy. – These will be read and explained to each party at the initial interview.
- Provide a resources brochure – Read and explained to the Complainant.
- Have the Complainant and/or Respondent(s) sign and be given a copy of the Supportive Measures form (see Appendix I) - which describes various Supportive Measures that can be taken.
- Offer a trained Alverno College Advocate to both parties
- Take immediate and appropriate steps to stop any harassment or sexual violence, prevent recurrence, and remedy discriminatory effects on the reporting party and others as appropriate.

Advocates

Alverno College will provide access to an Alverno College faculty or staff member trained as a Advocate for both the Complainant and the Respondent(s) parties. The Advocate will be available to accompany each student during the investigative and judicial meetings/hearings. Neither party is obligated to work with the Advocate provided by the college. Either party can elect to have an individual of their choosing serve as their Advocate and/or Support Person(s) (e.g. family member or a friend). The Advocate may assist the Complainant or the Respondent(s) in preparing for the hearing and in navigating the student conduct process. Advocates have no legal training or knowledge and are not attorneys; they do not advocate or speak on behalf of the parties. An

Advocate will be made available to the Complainant and the Respondent(s) within three business days after an initial request is initiated.

Adjudicators

In consideration of the nature of the process and the need for proper, sensitive, and non-biased requirements of hearing and decision making in gender-based misconduct and sexual harassment; all cases are heard by a specially trained group of hearing officers called Adjudicators. At Alverno College, Adjudicators are members of the faculty and staff, who are trained and convened by the Title IX Coordinator. Adjudicators are trained in a number of relevant topics, including but not limited to Title IX, this full sexual misconduct policy and procedures, the Student Handbook, the Alverno and You (employee handbook), and trauma-informed response. An Adjudicator may be of any gender self-definition.

The Complainant and Respondent(s) will each have the opportunity to approve or request replacement of the proposed Adjudicators in each step of the resolution process due to perceived bias. Approval or the Request for Replacement of an Adjudicator must be done using the Adjudicator Notice Reply form. The Title IX Coordinator will discuss with the parties their reasons for opposition to an Adjudicator from the resolution process if bias concerns are raised.

Alverno College is committed to ensuring that its resolution processes (e.g. investigation, adjudication, appeal, etc.) are free from actual or perceived bias or conflicts of interest that would materially impact the outcome.

Guests and Support Persons at Hearings

A student is permitted to have one individual serve in the capacity of Advocate, internal or external to the college, and three Support Persons of their choosing to be present during a hearing.

Informal Resolution

At any time during the resolution process, the Complainant or Respondent(s) may request an Informal Resolution. The request for an Informal Resolution must be filed in writing to the Title IX Coordinator using the Informal Resolution Request form. Upon receipt of the Informal Resolution Request form, the Title IX Coordinator will within three business days, appoint an Informal Resolution Adjudicator. The Informal Resolution Adjudicator will be an Alverno College trained Adjudicator who is trained in Restorative Justice and Mediation techniques. An Informal Resolution is not a mediation, rather it is an opportunity for both parties to come to an agreement on the outcome of the resolution process outside of the Formal Hearing. In order to maintain no contact between the Complainant and the Respondent(s) the parties will meet separately with the Adjudicator for the Informal Resolution process.

Informal Resolution may be requested up until the time at which the Formal Hearing Administrator has properly notified all concerned parties of the decision in the Findings of the Hearing and the Sanctions to be applied should sanctions be required by the Findings. The same sanction options available to the Hearing Administrator may be considered as a part of an Informal Resolution.

Formal Hearing Process

If the Complainant wishes to proceed with the formal judicial process, the Title IX Coordinator will appoint an Adjudicator for the Formal Hearing.

Once the investigation is complete and the Final Investigative Report is delivered, the Title IX Coordinator will schedule a Formal Hearing.

Pre-Hearing Meeting

The Title IX Coordinator will meet separately with the Complainant and the Respondent(s) to discuss their rights in the Formal Hearing and what will take place. This meeting is called a pre-hearing meeting and will take place no less than ten business days prior to the date of the scheduled Formal Hearing. Both parties will be provided with a copy of all evidence, including transcripts of all interviews conducted during the investigation. The parties will be notified that they are permitted to provide additional statements in preparation for the hearing. The statements included but are not limited to: an Impact statement for the Complainant, a character statement for the Respondent(s), and up to three (3) letters of support for the Respondent(s).

The Complainant and Respondent(s) are given information at their meeting with the Title IX Coordinator. Topics covered include the following:

- Pre-hearing meetings are conducted separately to retain no-contact between the two parties.
- Overview of the role of the Title IX Coordinator, Rights for each party are reviewed again, the role of the Advocate, parents, and legal counsel is discussed with each party. The student is asked if they want to use an Advocate provided by the college. The Advocate role is explained to the parties.
- FERPA Forms are completed based on who the party wants involved in the hearing process, the charges are reviewed again, the date of the hearing finalized, and each party is given a list of potential Adjudicators and indicates any objections and the basis for any objections.
- The potential sanctions based on the Title IX sanctioning guidelines are reviewed, resources about writing a Complainant-impact statement or a character statement are shared, and a deadline is given for the date of the character statement or impact statement. A deadline for letters of support is given to the Respondent(s).
- The Complainant and Respondent(s) are given a copy of the full investigative report in redacted form, and the parties can comment or ask questions. Next steps are discussed and task-items are stated as a final summation of the meeting.
- Parties are also reminded about available resources. Depending on the needs of the party, resources will be tailored to the party's specific requests, within reason.

- The Complainant and Respondent(s) are given letters asking to be excused from class. The student participant is told that it is not a guaranteed excuse from class because the faculty member makes the final decision.

Impact Statement / Character Statement / Letters of Support

The Complainant and the Respondent(s) may submit statements and letters of support to the Formal Hearing Adjudicator. Timelines for these submissions can be found in Appendix V. The Complainant may submit an impact statement not to exceed three (3) typed pages of 1500 words if single-spaced or 750 words if double-spaced.

The Complainant may submit an impact statement that addresses how the incident caused emotional, physical, spiritual, etc. consequences which affected their progress in their studies, in relationships, etc. The purpose of this statement is to learn more about the person, how this incident has affected their lives and educational pursuits, and what their Alverno College education means to them. This statement is not intended to discuss the merits of the case.

The Respondent(s) may submit a character statement which addresses who the Respondent(s) is as a person, their interests and educational pursuits. The purpose of the statement is to learn how this has affected them as a person, what they learned about themselves, and what their Alverno College education means to them. This statement is not designed to discuss the merits of the case, but can discuss how it has affected them emotionally, physically, spiritually, etc.

The Respondent(s) may also submit up to three (3) letters of support. The letter(s) of support must come from writers who have known the Respondent(s) for at least two (2) years as a friend, co-worker, family member, clergy, spiritual advisor, coach, or mentor. The letter(s) of support is intended to shed light on the Respondent(s)'s moral fiber. It should not be a commentary on the case. The letter(s) should be typed, signed and submitted directly to the Title IX Coordinator. Each letter cannot exceed one (1) page single-spaced 500 word count or one (1) page double-spaced 250 word count.

Impact statement(s), Character statement(s), and Letters of Support must be filed at least three business days before the Formal Hearing date.

Requirement to be Cross Examined

All parties including, the Complainant, the Respondent, the Investigator, and all witnesses, must be made available to be questioned by the Formal Hearing Administrator, as well as during Direct and Cross Examination by the Advocates for the Complainant and the Respondent. Should any party not want to be questioned in this manner, they may up until the beginning of their questioning request not to participate in the questioning during the Hearing.

Any party requesting to not be questioned during the hearing shall have all previous statements made by that party stricken from consideration as a part of the Formal Hearing process. This shall include but not be limited to: interviews made during the investigation, any postings from social media, written statements provided to the college in any form, and statements made during an Informal Resolution process.

Any evidence collected or discovered as a direct result of these statements also shall not be considered as a part of the Formal Hearing process unless it is able to be shown that the evidence would have been discovered by another means during the natural course of the grievance process.

Formal Hearing

At the hearing, the Complainant and the Respondent(s) will be assigned a location on campus, in separate areas, to convene and prepare for the hearing. The Formal Hearing will take place with the parties in separate rooms via utilizing audio and visual technology to allow for the parties to participate in real time. Both parties will be able to see and hear the Formal Hearing Administrator (FHA) and each other. A recording will be kept of the proceedings and made available to each party for their audio review, at their written request.

A copy of the audio recording is not available for dissemination or duplication, per college policy.

The general outline of a hearing is as follows:

1. Each party enters their assigned room, escorted by a member of Campus Safety or Student Affairs staff who will remain at this location during the hearing to provide aid should it be needed.
2. Each party and their Advocate are seated at a table in view and range of applicable audio/visual equipment. If a translator is needed, they are seated at the table as well. Water is provided.
3. Each party is allowed to have three Support Persons present in the room with the party, however they will be seated behind the party and their Advocate. Support Persons will remain silent and are not participants in the hearing. Their role is to offer support emotional and moral support to the party during the hearing.
4. At the front of the room, a screen showing the opposing party and the Formal Hearing Administrator.
5. The Formal Hearing Administrator (FHA) will be located in a separate location from both parties and will be seated at a table in view and range of audio/visual equipment.
6. The FHA will convene the hearing by notifying everyone that the recording will begin. The FHA will introduce themselves. The FHA will then give each party and their Advocate the opportunity to introduce themselves.
7. After introductions, the FHA reviews the mission and values of Alverno College. Specifically, the FHA reviews the rights afforded to the Respondent(s) and the basic rules for conduct for both parties.
8. After the rights and responsibilities section, the FHA will introduce the Investigator.
9. The Investigator is brought into the room where the FHA is located, takes a seat at a table to the right of the administrator and is asked to state their name and title for the record. This table will be in view and range of the same audio/visual equipment as the FHA. This table will serve as the "Witness Stand" for the purpose of the Formal Hearing.
10. The Investigator states a summary of the case information as they understand it.

11. The FHA asks questions of the Investigator, then the Complainant's Advocate is allowed to ask questions. After the Complainant's Advocate has asked questions, the Respondent(s)'s Advocate may ask any questions they may have. The Complainant and the Respondent(s) will remain silent and respect proper decorum during the Formal Hearing. Questions both as Direct and Cross Examination of the Investigator and all witnesses will be conducted by the Advocates for each party.

12. The Investigator leaves the Hearing once all questions are completed.

13. Any witnesses who the FHA wishes to call will be brought before the hearing in a manner consistent with that listed above for the Investigator. These witnesses shall include but not be limited to the Adjudicator of the Informal Resolution process should that process not have been successful. The Informal Resolution Adjudicator may be questioned by the FHA, Complainant's Advocate, and the Respondent(s)'s Advocate in turn following the above process.

14. The FHA asks questions of the Complainant. The Respondent(s)'s Advocate is then provided the opportunity to ask questions of the Complainant. Prior to the Complainant responding to the question the FHA will decide if the question is proper and relevant to the case. If the FHA determines the question to be proper and relevant the Complainant will be directed to answer the question. Statements that are attacking or aggressive in nature will not be allowed in the hearing. Hearsay and rumors will also not be allowed in the hearing.

15. The FHA then asks questions of the Respondent(s). The Complainant's Advocate is then provided the opportunity to ask questions of the Respondent(s). Prior to the Respondent(s) responding to the question the FHA will decide if the question is proper and relevant to the case. If the FHA determines the question to be proper and relevant the Respondent(s) will be directed to answer the question. Statements that are attacking or aggressive in nature will not be allowed in the hearing. Hearsay and rumors will also not be allowed in the hearing.

16. After both parties are questioned, the FHA will provide time for closing statements. The Complainant will be afforded the opportunity to share their Impact statement. Then, the Respondent(s) is given the opportunity to share their character statement.

17. The FHA asks both parties if they have any further questions or clarifications to share with the board.

18. During the entire hearing, intermittent breaks are provided as needed at the discretion of the FHA. Parties are adjourned separately to avoid contact with each other.

19. When the Formal Hearing is concluded the parties are excused, and the FHA will deliberate. The parties are informed that a decision will be made within three business days or sooner. The recorder is turned off.

After the Formal Hearing Findings are completed by the FHA, the Title IX Coordinator will share the findings with the Complainant and the Respondent(s), both in writing, via an email sent to both parties simultaneously; and verbally in a post-hearing meeting.

The Findings of the Formal Hearing will include the determination of responsibility with findings of fact, conclusions about whether the burden of proof was met for each allegation, any sanctions imposed on the Respondent, any remedies offered to the Complainant along with the Formal Hearing Administrator's reasoning for their Findings.

Information on how to appeal the Findings will be included with the Findings.

Possible Findings and/or Sanctions for the Title IX Process

- The Respondent(s) could be found not responsible for the alleged violation. Please note, a finding of no responsibility does not mean the incident did not happen, rather there was not enough evidence to meet the preponderance of evidence standard.
- If it has been determined that a Title IX policy violation has occurred, Alverno College's response will depend on the nature and severity of the incident. The range of responses includes, but is not limited to:
 - Individual meeting with the Respondent(s) and the Respondent(s)'s advocate
 - Required educational activity
 - No Contact Order between the Complainant and the Respondent(s)
 - Protective measures may be applied (e.g., No Trespass Order for certain parts of campus, residence hall move, etc.)
 - Disciplinary action may include any of the following:
 - a written warning,
 - probation,
 - removal from campus housing,
 - suspension,
 - termination of employment and/or dismissal from Alverno College.

Right to Appeal

Either party, the Complainant or the Respondent(s), has the right to appeal a Formal Hearing Findings decision or decision to Dismiss a Formal Complaint by writing the Title IX Coordinator within ten business days of notification of the Formal Hearing Findings decision or the decision to Dismiss a Formal Complaint. The appeal is not designed to provide a new hearing on the case facts already presented in a Formal Hearing, rather only a review of the specific grounds described below. Appeals that do not present sufficient grounds or comply with the requirements will be rejected without a hearing. The Appellate Administrator will determine if the appeal meets the specific criteria.

The Appeals Process

The appeal statement from the appealing party should include sufficient detail to permit the evaluation of the merit of the grounds for appeal. The party is granted only one appeal, and the non-appealing party is afforded a chance to respond to the appeal prior to any decision being made.

Parties may present a written appeal only if:

- A procedure or substantive error occurred that significantly impacted the outcome of the Formal Hearing or process.
- To request the consideration of new evidence unavailable during the original investigation and Formal Hearing that could substantially impact the original finding or

sanction. A summary of this new evidence and its potential impact must be included in the written appeal.

- The decision making process or Formal Hearing Administrator was unfairly biased.
- The sanction(s) imposed are substantially disproportionate to the severity of the violation.

Upon receipt of a Letter of Appeal, the Title IX Coordinator will within three business days provide the non-appealing party and the Appellate Administrator with a copy of the Letter of Appeal. The Dean of Student Success and Development, or their designee shall they not be available will serve as the Appellate Administrator for all Title IX Appeals. The Dean of Student Success and Development along with their designee will be maintained as persons without real or constructive knowledgeable of the investigation, Informal Resolution attempt, or the Formal Hearing.

The Title IX Coordinator will schedule an Appeals Hearing following the same guidelines set forth for the Formal Hearing to continue the No Contact of the parties.

- After the Appeals Hearing, the Appellate Administrator will issue a finding containing one of the following three types of result:
 - Affirm the finding and the sanction originally determined,
 - Affirm the finding, while making change to the sanction,
 - Decide that the finding was not appropriate for the behavior and dismiss the case. Students shall receive written notice of the results of the appeal no later than five business days after filing the appeal. The decision of the Appellate Administrator is final.

Grounds for an Appeal Defined

Procedural Error: The appellant must demonstrate that there was a material deviation or change from the procedures outlined in this procedure, and that had the proper procedures been followed, the outcome would likely have been different.

New evidence: The appellant must demonstrate that new evidence became available or discovered after the hearing, which would likely have impacted the outcome had the evidence been known and reviewed during the investigation or hearing. The appellant needs to present or describe the new evidence in writing and explain why the new evidence was unavailable prior to the time of the appeal.

Substantiated Bias: The appellant must demonstrate facts that show prejudice, bias or other inappropriate or unlawful factors improperly influenced the outcome.

Unreasonable or Improper Sanction(s): The sanction(s) imposed are substantially disproportionate to the severity of the violation

If the request for appeal is granted, both parties would be invited to be present with their Advocate at the Appeals Hearing via audio/visual means in order to continue the no contact order. Both parties will have the opportunity to share an appeals statement, stating the grounds of their appeal.

The Appellate Administrator will convene the Appellate Hearing. The Formal Hearing Administrator is invited to the Appellate Hearing to explain the outcome of the Formal Hearing and why that outcome was decided on. The Investigator is invited to the Appellate Hearing to present case information to the Appellate Administrator and to both parties. The investigator or any other Alverno College staff member previously involved in the case will have the opportunity to present a written and oral memorandum in response to any bias or procedural error allegation at the time of the hearing. During an Appellate Hearing, the Formal Hearing Administrator and the Investigator present a summary of their related information to the Appellate Administrator. The Appellate Administrator has the opportunity to ask clarifying questions. The Parties can question the Formal Hearing Administrator or Investigator during the Appellate Hearing and are limited to only questions that pertain to the matter at hand.

The Appellate Hearing is very similar to the Formal Hearing but the only issue discussed is the grounds for the appeal.

The Appellate Administrator moves onto the appeals statement, which is a statement of the ground for the appeal of the outcomes of the Formal Hearing. The statement, which is prepared by the party/parties bringing forth an appeal (the Respondent(s), the Complainant, or both), will include the grounds for the appeal and may include the presentation of evidence to support the appeals statement. Once appeals statements are completed, the Appellate Administrator asks both parties if they have any further questions or clarifications to share with the Appellate Administrator.

The parties will then be excused, and the Appellate Administrator will deliberate. The parties are informed that a response will be made within five business days or sooner. The recorder is turned off.

After the Appellate Hearing, the Title IX Coordinator will share the findings of the Appellate Administrator with the Complainant and the Respondent(s), both in writing and verbally in a post-hearing meeting.

Transcript Notations

The official Alverno College transcript will include a permanent notation of disciplinary suspension or expulsion status for any student sanctioned under the academic honor code or the Student Handbook.

Additional Provisions

The following additional provisions further apply to proceedings under this procedure.

Retaliation – is the harassment of someone who has reported a Title IX complaint or provided a statement or evidence in a Title IX investigation. Alverno College strictly prohibits any form of retaliation; instances of such will be addressed through the College’s conduct system. Instances of retaliation should be reported to the Title IX Coordinator or the Campus Safety Department. Additionally, any harassment of administration or adjudicators who were involved in a Title IX complaint is strictly prohibited. Providing false information, engaging in retaliation against any person involved in a proceeding under this procedure, or engaging in any other interference or violation of this procedure may result in disciplinary action up to and including termination and/or dismissal from Alverno College.

Confidentiality – Every reasonable and appropriate measure to keep details of a Title IX complaint confidential will be taken. Dissemination of information will be shared on a “need to know” basis for the protection of all parties involved.

College-Initiated Proceedings – As necessary, the college reserves the right to initiate the report and to initiate resolution proceedings without a formal report or participation by the reporting party. College-initiated proceedings will be reserved for instances where a threat exists to the college community, and a resolution is necessary to mitigate the threat.

Notification of Outcome for Students – The final Notification of Outcome is part of the education record of the Respondent(s) and is generally protected from release under federal law or FERPA. However, the college observes the following legal exceptions: Parties to gender-based misconduct or sexual harassment have a right to be informed of the outcome.

Records Retention (see Appendix V) – Records of all allegations, investigations and resolutions will be kept in a database by the Title IX Coordinator. Records are kept 7 years after the date of graduation from Alverno College.

Participation in Investigations – Individuals who are asked to meet with or provide information to investigators or hearing panels are expected to fully and voluntarily cooperate and provide complete and truthful information. Witnesses may be interviewed remotely by Skype, or similar technology, if they cannot be interviewed in person.

Request for Postponement – Postponements of deadlines or hearings shall not be granted except when extenuating circumstances exist as defined in this section. Extenuating circumstances or situations, which preclude the Complainant or Respondent(s) from meeting the deadline or attending the hearing, are very limited. Examples of extenuating circumstances include either party suffering from an incapacitating medical condition or emergency, supported by a physician's note, or a death in the party's immediate family. Unavailability of Advocate(s), Support Persons or legal counsel is not a reason for postponement. The Complainant and Respondent(s) are expected to modify their personal calendars to meet the deadlines and hearing dates.

Deadlines – All deadlines identified in this document are general target deadlines. The college reserves the right to use time beyond these limits in matters of extenuating circumstances.

Appendix I- Alverno College Statement of Rights and Expectations for Students

Statement of Rights

1. The right to a prompt investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college officials;
2. The right to be treated with respect by campus officials throughout this process;
3. The right to be informed of rights under Title IX and any available resources for counseling, mental health or student services for Complainants of sexual assault, both on campus and in the community;
4. The right to notification of options for any available assistance in changing academic and living situations, if such changes are reasonably available. Accommodations may include:
 - a) Change of an on-campus student's housing to a different on-campus location or discontinuation of a housing contract.
 - b) Classroom accommodations including assignment and exam rescheduling, taking an incomplete in a class, and/or transferring class sections.
 - c) Alternative course completion/withdrawal options.
5. The right to be protected under Title IX, regardless of disability, international or undocumented status, and sexual orientation or gender identity;
6. The right to be informed in advance of any public release of information regarding the incident;
7. The right not to have released to the public any personally identifiable information. This includes meetings and interviews that are closed to the public;
8. The right to preservation of privacy to the extent possible and permitted by law;
9. The right to be fully informed of college policies and procedures as well as the nature and extent of all alleged violations in the complaint, including the nature of the violation and possible sanctions;
10. The right not to require any Title IX complaint to be resolved through Informal Resolution;
11. The right to be informed by college officials of the option to notify local law enforcement, and to be assisted by campus personnel in notifying law enforcement, if the Complainant so chooses. This includes the right not to report to law enforcement, if this is the Complainant's desire;

12. The right to have up to three adult Support Person(s) (for example, an Alverno trained student conduct process advisor) and one non-student Advocate of the party's choosing during all phases of an investigation and resolution process;
13. The right to ask the investigator(s) to identify and question relevant witnesses, including expert witnesses;
14. The right to regular updates on the status of the investigation and/or resolution and to be notified of timeframes for all major stages of the investigation;
15. The right to receive all documentary evidence available regarding the allegation, including the investigation report, subject to the privacy limitations imposed by state and federal law, at least ten business days prior to the hearing;
16. The right not to have irrelevant prior sexual history admitted as evidence in the investigation, and investigation report, or to be brought up or discussed during hearings;
17. The right to have the complaint resolved based on a preponderance-of-the-evidence standard of proof. The school may not use a higher standard of proof;
18. The right to a hearing before a hearing administrator, who has received applicable training;
19. The right to petition that any Hearing Administrator, Appellate Administrator, or the Investigator be recused on the basis of demonstrated bias or conflict of interest;
20. The right to provide evidence and/or testimony by means other than being in the same room as the opposing party;
21. The right to be present for all testimony given and evidence presented during the hearing;
22. The right to provide an impact statement and up to three character statements in writing to a hearing administrator at least three business days prior to the hearing;
23. The right to appeal the finding and/or sanction of the hearing administrator, in accordance with the standards for appeal established by the institution;
24. The right to be informed of the findings, rationale, and the applicable sanctions in writing, and to be informed when a decision of the college is considered final.

Statement of Expectations

1. To refrain from any form of retaliation, direct or indirect, against any party involved in the process.
2. To maintain the confidentiality of the allegations and information to the extent possible, including refraining from discussing or publicizing the matter on social media or any other form of media. This is not meant to infringe upon the right to gather witnesses or prepare for any phase of the grievance process.
3. To refrain from any form of interference in the investigation process, including any attempt to unduly directly or indirectly influence witnesses or those involved in the process.
4. To refrain from any secret or unauthorized recordings, audio or visual, of the investigation and hearing process. Recordings shall be made by the investigator only on college owned and controlled media. Transcripts of these recordings shall be included in the Investigative Report.
5. To be truthful and open and to provide complete and non-misleading information to investigators and hearing panel members.

I have been notified of my rights by Alverno College staff, understand the information shared with me, and have received a copy of this form.

Printed Name: _____

Signature: _____

Date: _____

Witness: : _____

CC: Case File

Appendix II - Formal Complaint Form

I, _____, state that at the date of signing this document wish to proceed with a formal complaint under the Title IX Grievance process. I understand that at any time I may withdraw my complaint and the process shall be halted unless the Title IX Coordinator deems the complaint so severe, pervasive, and objectively offensive that the process must continue. I understand that this right is absolutely at my sole discretion up until the time of a Findings and Sanctions document is filed by the Formal Hearing Administrator.

My initiating statement regarding the sexual misconduct, incident, treatment, harassment, and/or discrimination based on my sex, gender identity that has led to this complaint is included in writing and attached to this form.

I have met with, or

I agree to meet with the Title IX Coordinator or Deputy Coordinator to discuss this matter.

I have received

I need to receive a copy of the Full Title IX Policy.

Complainant:

Printed Name: _____

Signature: _____

Date: _____

Title IX Coordinator/Deputy Coordinator

Printed Name: _____

Signature: _____

Date: _____

CC: Case File

This document if not signed in the presence of the Title IX Coordinator or Deputy Coordinator, must be sent to the notice of the Title IX Coordinator via one of the following means.

Email: Email this document and initiating statement to one of the following:

Title IX Coordinator:

Title IX Deputy Coordinator for Students: rachel.haos@alverno.edu

Title IX Deputy Coordinator for Employees: magda.hoffman@alverno.edu

Title IX Deputy Coordinator for Athletics: jason.pilarski@alverno.edu

Postal Service: This document may be sent via US Postal Service, Messenger Service, or parcel transport at the cost of the sender to the following address:

Alverno College

% Title IX Coordinator

3400 S. 43rd Street

P.O. Box 343922

Milwaukee, WI 53234

Hand delivered: To the Title IX Coordinator or any Deputy Coordinator listed.

Appendix III- Request for Title IX Supportive Measures

Please find below a list of Supportive Measures that can be provided on your behalf. There are also some spaces that you can insert interim measures that are not on this list, but may be available to address a unique situation or circumstance. Please check the specific measures or assistance that you are requesting.

Please check all that apply.

- No-Contact Order
- Change in residence on campus
- Assistance with course assignments or enrollment, please specify:
- Counseling
- Medical care
- Other: _____
- Other: _____
- Other: _____
- Supportive measures declined by student.

Requestor:

Printed Name: _____

Signature: _____

Date: _____

Title IX Coordinator/Deputy Coordinator/Investigator

Printed Name: _____

Signature: _____

Date: _____

CC: Case File

Appendix IV - Request to stop the Title IX Grievance Process

I, _____, request on the date of signing this document for a stop to the grievance process initiated by my filing of a formal complaint under the Title IX Grievance process. I understand that as I am filing this request and/or withdrawing my complaint that the process shall be halted; unless the Title IX Coordinator deems the complaint so severe, pervasive, and objectively offensive that the process must continue. I understand that this right is absolutely at my sole discretion and I attest that I am making this request of my own free will and desires, free from undue influence, threats, coercion, or promises.

I understand that my initiating statement regarding the sexual misconduct, incident, treatment, harassment, and/or discrimination based on my sex, gender identity that has led to this complaint shall be maintained in the closed file along with all relevant forms, transcripts, and evidence so far collected. I understand that this file will be maintained for a period of seven years from this date.

I understand that at any point in time I may seek to restore this process only so long as I am participating in or attempting to participate in an educational program or activity of Alverno College at the time I request the process be restored.

___ I have met with, or

___ I agree to meet with the Title IX Coordinator or Deputy Coordinator to discuss this matter.

Complainant:

Printed Name: _____

Signature: _____

Date: _____

Title IX Coordinator/Deputy Coordinator

Printed Name: _____

Signature: _____

Date: _____

CC: Case File

This document must be signed in the presence of the Title IX Coordinator or Deputy Coordinator.

Appendix V - Request for Informal Resolution

I, _____, hereby request that the Formal Hearing process be suspended to allow for an attempt at reaching an Informal Resolution of this matter.

I understand that I may only request an Informal Resolution one time during this process should my request be granted.

I understand that my request can only be granted if the opposing party of this matter agrees to Informal Resolution of this matter.

I agree to be bound by the outcome of this Informal Resolution process that I am requesting to enter. This includes any and all Sanctions or Findings.

I understand that this is not a mediation process, rather a process to reach an agreement between the parties of this matter.

I understand that any statements that I make or evidence I offer in the Informal Resolution process may and will be used in the Formal Hearing process should an Informal Resolution be able to be reached.

I understand that I may have my Advocate present during any Informal Resolution meeting.

I sign this request in the presence of a Title IX Coordinator or Deputy Coordinator, who has informed me about the Informal Resolution process.

Requestor:

Printed Name: _____

Signature: _____

Date: _____

Title IX Coordinator/Deputy Coordinator

Printed Name: _____

Signature: _____

Date: _____

CC: Case File

Appendix VI - SEXUAL MISCONDUCT SANCTIONING GUIDELINES

Violation of the Alverno College Gender Based Misconduct and Sexual Violence Policy may result in the imposition of one or more of the sanctions listed below. Sanctions that may be imposed are not limited to those listed. They will be applied on a case by case basis. In certain situations, the Adjudicator with published reasoning may impose a sanction but suspend or postpone its actual implementation, this is called Probation. Failure to comply with the sanction(s) imposed may result in further disciplinary action, including but not limited to, a registration hold, placement on, or extension of, probation, suspension, or permanent dismissal.

Sanctions are based on general principles of fair treatment. While attempting to be consistent in our disciplinary decisions, the College also seeks to be fair and sensitive to the facts and circumstances of each individual case. In determining the appropriate Sanction(s), the following will be considered (but not limited to): (1) level of risk or harm to the community; (2) the nature and seriousness of the offense; (3) use of drugs or alcohol; (4) motivation underlying the Respondent's behavior; and (5) the Respondent's record of past misconduct, including prior violations of the same or similar type. Disciplinary Sanctions will not be implemented until after the appeal deadline has passed or, if an appeal is filed, until after the appeal has concluded. However, the College will keep Supportive Measures in place until the decision is final.

- **Warning:** Oral or written notice to the Respondent that they are violating or have violated the Gender Based Misconduct and Sexual Violence Policy and that continuation or repetition of misconduct may result in a more severe sanction.
- **Probation:** A status which indicates that a student's relationship with the College is tenuous. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found in violation of the Gender Based Misconduct and Sexual Violence Policy or other policy violations. Probation may also result in the loss of privileges, depending on the policies of various College departments and organizations

- **Loss of Privileges:** Such loss may include, but is not limited to, financial assistance, access to employee privileges, eligibility to represent the College officially on athletic teams or performing groups, or use of specific College facilities, or services.
- **Mandatory Training or Counseling:** Respondents may be required to attend or undergo mandatory training or counseling.
- **Dismissal from the Residence Hall:** Loss of privilege to live in Campus housing. In accordance with Alverno Residence Life policy, students who live on campus must be full time students and making satisfactory academic progress towards their degree. They must adhere to the Alverno College Residence Hall Policy code of conduct. Any student dismissed from the residence hall prior to the end of the contractual period is still responsible for those semesters' charges. NO REFUNDS are available. The student may be responsible for any remaining monetary charges, as well as ineligible for reimbursement for any charges already paid.
- **Suspension:** Temporary separation of the Respondent from Alverno College for a definite period of time. If a student, they may have to formally re-apply for admission.
- **Dismissal:** Permanent separation of the Respondent from Alverno College. The Respondent is dismissed from the College and is permanently ineligible to re-enroll or return as an employee at the College at any time in the future. When students are dismissed, expelled, or suspended for disciplinary reasons, there will be no refund of tuition or room charges for the semester and all financial assistance for subsequent semesters will be reviewed and is subject to cancellation.

If a violation occurs just prior to a student's scheduled graduation, sanctions may be imposed even if all academic requirements are completed. Sanctions may include, but are not limited to, community service, research or reflective paper, restitution, loss of privilege to participate in the graduation ceremony, deferment of degree, and a transcript hold. The College may withhold issuing a degree until all sanctions are fulfilled. In the case of a serious violation, the College may permanently withhold a degree.

Appendix VII- Grievance Process Timeline

Alverno College takes all complaints of sexual harassment and sexual misconduct seriously and will promptly and equitably respond to the request for an investigation and/or adjudication of the complaint. The process will begin with a preliminary inquiry conducted by a Title IX investigator. Based on the specific allegation(s), an informal resolution may be an option if agreeable to both parties. In cases of sexual assault, an informal resolution is not an option. Both parties will be regularly apprised of the status of the investigation as it unfolds. An option to submit a request for an appeal will be available to both parties.

Targeted Timeline to Complete Each Step of the Process Action Steps	Time Frame*
Preliminary inquiry; assignment of Investigator, Formal Notice of Complaint issued, and Advocates Offered	3 business days
Formal investigation	30 calendar days
Review of Draft Investigation Report	10 business days
Follow up period from review of Draft Investigation Report	10 business days
Case files are created for hearing administrator, Complainant and Respondent(s); and hearing is scheduled	10 business days from receipt of final investigative report
Hearing Adjudicators decision and sanctions issued	5 business days
Appellate period to file	10 business days
Appellate consideration period	5 business days

*Time frame may be extended for extraordinary circumstances or to ensure a fair chance for participants to provide evidence or testimony. Decision to extend timeframes will be at the discretion of the Title IX Coordinator.

Appendix VIII - Policy on Disciplinary Record Reporting Practices

If a Student Respondent withdraws from the College or an Employee Respondent resigns while a Formal Complaint is pending, the applicable Resolution Process ends because the College no longer has jurisdiction over the Respondent. The Respondent may be barred from College property and/or events and deemed ineligible for re-enrollment or rehire. The College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Prohibited Conduct.

If after an informal resolution and sanctions are put in place, as a result of due process part of the record of sanctions a formal record will be put in place in their permanent campus record.

If Respondent(s) takes Leave, Resigns or Fails to Cooperate

In the event the Respondent(s) decides to take an informal or formal leave from the College prior to, during, or preceding the hearings, the following will be put into effect.

- Investigation will continue with the opportunity granted for the Respondent(s) to participate.
- Transcript notation will prevent the student from re-enrolling without authorization from the Assistant Dean of Students for Student Conduct. Transcript notation will prohibit official transcripts being sent to other institutions of higher education.
- A notation in an Employee Respondents personnel file will prevent the employee from resuming employment at the College.

If disciplinary actions are taken against a Respondent, the above notations on either the academic record of a Student Respondent or an Employee Respondent's record/personnel file will not be put into place until due process is achieved.

Appendix IX - Request for Appellate Consideration

I, _____, having been a part to the Title IX Grievance Process, hereby am filing a formal Request for Appellate Consideration from the decision to Dismiss the Formal Complaint or of the Findings or Sanctions of the Formal Hearing process.

I am requesting this consideration on the following grounds:

___ I believe that there was a procedural or substantive error that occurred during the hearing that significantly impacted the outcome of the Formal Hearing or grievance process.

___ I am in possession of new evidence that was reasonably unavailable during the original investigation and Formal Hearing that could substantially impact the original finding or sanction.

- A summary of the evidence and its potential impact are included with this appeal.

___ I believe that the decision making process or Formal Hearing Administrator was unfairly biased.

___ I believe that the sanction(s) imposed are substantially disproportionate to the severity of the violation.

Requestor:

Printed Name: _____

Signature: _____

Date: _____

Title IX Coordinator/Deputy Coordinator

Printed Name: _____

Signature: _____

Date: _____

CC: Case File

Appendix X - Resources

When consulting campus resources, all parties should be aware of confidentiality, privacy, and mandatory reporting in order to make informed choices. Most college employees are required to report concerns to the Title IX Coordinator; however, the Campus Minister, Campus Counselors and Campus Nurse may keep the situation confidential.

The following options are available to the Alverno community:

Confidential On Campus Resources:

- Campus Minister – Lisa Cathelyn – FO 259 – lisa.cathelyn@alverno.edu – 414.382.6352
- Counseling Services Director – Meg Pledl – AF 208 – meg.pledl@alverno.edu – 414.382.6119
- Counselor – Laci Oyler – AF 208 – laci.oyler@alverno.edu – 414.382.6117
- Health Services – Tamra Black, Nurse – AF 208 – tamra.black@alverno.edu – 414.382.6319

Non-Confidential On Campus Reporting Resources

- Title IX Coordinator – Sandra Siira, Executive Director of Career Studio – FO 101 – sandra.siira@alverno.edu – 414.382-6011
- Deputy Title IX Coordinator for Students – Rachel Hoas, Assistant Dean of Students - FO119 – Rachel.hoas@alverno.edu – 414.382.6006
- Deputy Title IX Coordinator for Employees – Magda Hoffman, Director of Human Resources – FO212 – magda.hoffman@alverno.edu – 414.382.
- Title IX Investigator (Lead) – Jason Pilarski, Acting Director of Campus Safety, FO 254 – jason.pilarski@alverno.edu – 414.382.6151
- Campus Safety Officers – FO 254 – security@alverno.edu – 414.382.6911 or 414.382.6158

Off Campus Resources

- Milwaukee Police Department Sensitive Crimes Division (414-935-7405) for police officers with special training related to sexually-based crimes
- Office for Civil Rights Hotline (800-421-3481) or email: OCR@ed.gov
- The Healing Center (414-671-4325) for individual counseling, advocacy, and support groups
- Sexual Assault Treatment Center (414-219-5555)
- Sojourner Family Peace Center (414-276-1911) provides a confidential domestic violence hotline and emergency legal assistance 24/7
- Milwaukee LGBT Community Center (414-271-2656) includes outreach to LGBT youth, adults, and their allies, and a mental health clinic for confidential outpatient care
- Milwaukee Women’s Crisis Line and Theylter (414-671-6140) offers 24 hour assistance to women in need of assistance from sexual or domestic violence