

TITLE IX SEXUAL HARASSMENT

TITLE IX SEXUAL HARASSMENT POLICY

Note to Readers: On May 6, 2020, the Department of Education handed down a 2000-plus page report and a comprehensive set of regulations addressing virtually every aspect of the treatment of Title IX matters on college campuses, and in many instances fundamentally altering how such matters are handled. It established a deadline of August 14, 2020 for colleges to establish policies consistent with the new regulations.

This policy, adopted in accordance with the DOE's edict, contains essential information describing how Colby College addresses sexual harassment, as that term is defined by Title IX. Acts of sexual misconduct outside of Title IX are addressed in other policies. In addition, the College maintains a guide that provides more detail on Title IX for parties and their advisors, witnesses and other individuals involved in the grievance process (Title IX Guide for Parties, Advisors and Others). This guide can be accessed here:
<http://www.colby.edu/sexualviolence/>

A. Introduction

Colby College is committed to providing a community and workplace environment that is safe and secure for all students, staff, faculty and others who participate in the College's academic, co-curricular and employment programs and activities ("education programs and activities"). Colby does not discriminate on the basis of sex (including sexual orientation and gender identity), and is committed to responding promptly and fairly to any reports or complaints of sex discrimination or sexual misconduct.

Sexual misconduct of any kind undermines the values and the mission of the College and contradicts the College's Affirmation. It is the responsibility of every member of the Colby community to foster an environment free of sexual misconduct. All members of our community are encouraged to take reasonable and prudent action to prevent, stop and report acts of sexual misconduct.

As required by the Title IX regulations, the College will respond promptly in a manner that is not deliberately indifferent to reports and complaints of **Sexual Harassment**, as defined under Title IX, which take place within Colby's education programs and activities, including:

- **Quid pro quo sexual harassment by an employee;**
- **Hostile environment sexual harassment;**
- **Sexual assault;**
- **Dating violence;**
- **Stalking;**

- **Domestic violence**; and
- **Retaliation** connected to reporting or participating in the Title IX process.

Definitions of these terms and others are provided in Section I of this policy.¹ The College will provide supportive measures to a **Student** or **Employee** who is the alleged victim of **Sexual Harassment**, and also to a **Respondent** after a **Formal Complaint** is filed.

In addition to the conduct addressed in the Title IX Policy, the College prohibits other acts of sexual misconduct, which are identified and addressed in the Student Code of Conduct (see the Sexual Misconduct, Intimate Partner Violence, and Harassment Policy section of the Student Handbook) of the Student Handbook), the Faculty Handbook and the Staff Handbook. Individuals who are not sure which policy applies to a particular situation are encouraged to speak with the **Title IX Coordinator**, a **Deputy Title IX Coordinator** or a Confidential Resource (see Sections D and F).

This policy is reviewed and updated from time to time, as needed. The web-based student handbook will always be the College's most current policy and should be reviewed as the most current version.

B. Effective Date

This policy is effective on August 14, 2020 and covers all reports or formal complaints filed on or after that date.

C. Jurisdiction of Policy

This policy addresses Title IX **Sexual Harassment** against (1) any student enrolled at the College and participating in the College's education programs and activities; (2) any employee of the College; or (3) any individual (including alumni, faculty and staff) attempting to participate in the College's education programs and activities; or (4) applicants for enrollment or employment at the College. This policy covers **Sexual Harassment** that occurs during the course of the College's education programs and activities (including College-approved student organizations), whether they take place on campus or elsewhere in the United States. In accordance with the Title IX regulations and as a general rule, sexual harassment which occurs in a foreign study program, or in the United States but off-campus in a non-College education program or activity, is not covered by the Title IX Policy. However, such misconduct may be covered by other College policies and the College can provide appropriate **Supportive Measures** in such circumstances.

Individuals are encouraged to contact the **Title IX Coordinator** or one of the **Deputy Title IX Coordinators** (see Section D) if they have questions concerning possible sexual misconduct of any kind or wish to make a report of sexual misconduct.

¹ Terms in bold type have a particular meaning, which can be found in Section I of this policy.

This policy does not prevent or prohibit a person who is the victim of sexual misconduct from seeking relief through a criminal prosecution or commencing a civil lawsuit.

D. Title IX Coordinator/Deputy Coordinators

Anyone who has concerns or questions about sex discrimination, **Sexual Harassment** or any sexual misconduct, or who wishes to make a report of **Sexual Harassment**, is encouraged to contact either the **Title IX Coordinator** or any of the **Deputy Title IX Coordinators** for more information and assistance. After regular business hours, the **Title IX Coordinators** can be reached through Campus Security.

- **Title IX Coordinator:** Meg Hatch
Eustis 208
207-859-4266
titleix@colby.edu
- **Deputy Title IX Coordinator** for Athletics: Jacqui Schuman
Harold Alfond Athletic Center D321
207-859-4941
jacqui.schuman@colby.edu
- **Deputy Title IX Coordinator** for Faculty: Carol A. Hurney
Eustis 203A
207-859-4787
carol.hurney@colby.edu
- **Deputy Title IX Coordinator** for Staff: Cora Clukey
122 Roberts
207-859-5511
cora.clukey@colby.edu

The U.S. Department of Education's Office of Civil Rights ("OCR") is the entity charged with enforcing Title IX. Inquiries can be referred to:

Office of Civil Rights, Boston Office
Department of Education
8th Floor
5 Post Office Square
Boston, MA 02129-3921
617-289-0111 (telephone)
617-289-0140 (fax)
OCR.Boston@ed.gov

The Maine Human Rights Commission ("MHRC") is the entity charged with enforcing Maine's nondiscrimination laws. Inquiries can be referred to:

Maine Human Rights Commission
19 Union Street (street address)
#51 State House Station (mailing address)
Augusta, ME 04333
207-624-6290 (telephone)
207-624-8729 (fax)
maine.gov/mhrc/about

E. Emergency Resources

1. Immediate Safety Concern

If the safety of any individual is an immediate concern, involved parties or observers can contact:

- Police, by dialing 911 in the United States.
- Campus Security at 207-859-5911 (emergency number); 207-859-5530 (business number); 128 Roberts. Campus Security can assist individuals in accessing the Title IX Coordinator, the Deputy Title IX Coordinators, and/or the Confidential Title IX Advocate outside of normal business hours.

2. Emergency Medical Treatment

- MaineGeneral Medical Center
149 North Street
Waterville, Maine 04901
207-872-1000
- Northern Light Inland Hospital
200 Kennedy Memorial Drive
Waterville, Maine 04901
207-861-3000

3. Counseling Services

- Colby Counseling Services/Counselor Providers
Garrison-Foster
207-859-4490

F. Confidential Resources on Campus

The following resources are available on campus on a confidential basis, meaning information disclosed to these individuals will not be reported or disclosed to the **Title IX Coordinator/Deputy Title IX Coordinators** or other members of the College

community without the reporter's consent, except in the limited circumstances described later in this section.

- Emily Schusterbauer
Confidential Title IX Advocate
Pugh Center 238
207-859-4093
emily.schusterbauer@colby.edu
- Kate Smanik
Office of Religious and Spiritual Life
Lorimer 034
207-859-4272
kesmanik@colby.edu
- Colby Counseling Services/Counselor Providers
Garrison-Foster
207-859-4490
- Colby Health Services/Medical Providers
Garrison-Foster
207-859-4460

Confidential Resources can assist individuals by explaining how the Title IX process and other College processes work; assist individuals with accessing **Supportive Measures** and accommodations for disabilities (including but not limited to confidential mental health supports, short-term academic and/or athletic accommodations, temporary housing changes, obtaining a no contact order), resources and other services available on and off-campus, including the police. Confidential Resources can also assist individuals with contacting the **Title IX Coordinator/Deputy Title IX Coordinator**, if desired.

There are very rare circumstances where a Confidential Resource may have a professional obligation to divulge information disclosed to them, particularly if there is a serious risk of danger or threat to people or property. (In addition, there are requirements to report allegations of sexual and/or physical abuse of persons under the age of 18 under Maine law).

Individuals who contact a Confidential Resource always have the option to make a report to the **Title IX Coordinator** at a later time.

G. Off-Campus Support Resources

The following are examples of off-campus resources available to individuals. All of these resources are available 24 hours per day.

- Maine Coalition Against Sexual Assault
800-871-7741
- RAINN National Sexual Assault
800-656-4673
- Maine Coalition to End Domestic Violence
866-834-HELP
- National Suicide Prevention Hotline
800-273-8255

H. Responsibility of College Officers, Faculty and Staff to Report Prohibited Conduct

The College requires all College officers, faculty and staff (including Community Advisors (“CAs”) and Area Residential Directors (“ARDs”)) to make a report to the **Title IX Coordinator/Deputy Title IX Coordinator** if they learn of incidents that may possibly violate this policy. A report does not need to be made if a student/employee is generally inquiring about the College’s Title IX policy or process, or if a student/employee is talking generally about a situation and does not identify any individual involved in the situation. Likewise, a support or hearing **Advisor** does not need to report an incident revealed to them by the **Advisor’s Party**. Failure to report can result in corrective action or sanctions.

The only individuals exempted from this reporting requirement are the Confidential Resources listed in Section F above.

Students and employees should be aware that if they discuss a possible violation of this policy with a non-Confidential Resource at the College, that individual will be obligated to report it to the **Title IX Coordinator/Deputy Title IX Coordinator**. In speaking with individuals, if College officers, faculty and staff believe a student/employee is about to disclose a possible violation of this policy, they should inform the student/employee that they are not a Confidential Resource and will have to report anything the student/employee discloses to them. Students/employees should be aware, however, that even if a College officer, faculty or staff member has to make a report, the student/employee will still retain the discretion whether or not to file a **Formal Complaint**.

I. Definitions

This policy covers a certain type of sexual misconduct – **Sexual Harassment** -- specifically defined under Title IX. Sexual misconduct is an umbrella term used by the College to encompass the full range of conduct of a sexual nature that is prohibited in

our community, whether under Title IX or another College policy. Throughout this policy, whenever any terms defined in this section are used, they appear in bold type.

1. General Terms

- A. **Student:** As used in this policy, a **Student** is an individual who is enrolled/participating in or attempting to enroll/participate in the College's education programs and activities, and who has the right to file a **Formal Complaint of Sexual Harassment** under the Title IX regulations and this policy.
- B. **Employee:** As used in this policy, an **Employee** is a staff or faculty member who is employed or has applied for employment, or is a volunteer in the College's education programs and activities, and who has the right to file a **Formal Complaint of Sexual Harassment** under the Title IX regulations and this policy. A **Student** who is employed by the College may be considered an **Employee** under this policy, depending upon the particular circumstances.
- C. **Report:** Any individual may make a **Report** of possible sex discrimination or sexual misconduct, whether the individual is the possible victim or not. A **Report** is not the same as a **Formal Complaint of Sexual Harassment** which is defined below. A report triggers an obligation by the Title IX Coordinator to discuss with, and provide to the **Complainant** (if known) appropriate **Supportive Measures**; and to explain the **Formal Complaint** process under this policy.
- D. **Formal Complaint:** A **Formal Complaint** can only be initiated by the **Complainant of Sexual Harassment** (although in certain circumstances the **Title IX Coordinator** may file a formal complaint on behalf of the College). A formal complaint must be made in writing to the **Title IX Coordinator** or a **Deputy Title IX Coordinator**, and triggers the College's Title IX **Grievance Process**.
- E. **Supportive Measures:** Steps taken by the College to support a **Student or Employee** who is reported to be the possible victim of **Sexual Harassment** and/or has filed a **Formal Complaint of Sexual Harassment**; or who is a **Respondent** to a **Formal Complaint**. **Supportive Measures** may also be provided by the Confidential Title IX Advocate and to individuals affected by possible sexual misconduct violations under other College policies. **Supportive Measures** are discussed in more detail in Section M.
- F. **Grievance Procedure:** The Title IX **Grievance Procedure** is initiated through the filing of a **Formal Complaint** and is the process by which the **Formal Complaint** is investigated and resolved.

- G. Complainant:** The Title IX regulations define the **Complainant** as (i) the possible victim of **Sexual Harassment** identified in a **Report** or (ii) a person who has filed a **Formal Complaint**.
- H. Respondent:** The Title IX regulations define the **Respondent** as the individual who has had a **Formal Complaint** filed against them for possibly engaging in **Sexual Harassment**. In cases where a student organization or team may have been involved in possible sexual misconduct, it will be addressed through the Student Code of Conduct.
- I. Parties:** The **Parties** are the **Complainant(s)** and **Respondent(s)** to a **Formal Complaint**.
- J. Witness:** An individual who has relevant information concerning a **Formal Complaint**. Witnesses may include expert witnesses.
- K. Advisor:** An individual chosen by a **Party** to assist them during the course of the **Grievance Procedure**. A **Party** may have more than one **Advisor** – such as an **Advisor** for emotional support (a support **Advisor**) and an **Advisor** for the hearing (a hearing **Advisor**). An **Advisor** may be an attorney. If a **Party** does not have an **Advisor** for the hearing, the College shall provide an **Advisor** for the Party at the College’s expense. The role of **Advisors** is discussed in greater detail in the College’s ***Title IX Guide for Parties, Advisors and Others***.
- L. Investigator:** An independent, trained individual selected by the College to investigate a **Formal Complaint**.
- M. Adjudicator:** An independent, trained individual selected by the College to preside at the hearing of a **Formal Complaint**, make determinations as to whether a **Respondent** is responsible/not responsible, and to impose any remedies and/or disciplinary sanctions.
- N. Consent:** In the context of sexual activity, **Consent** means all parties reasonably understand that they freely agree, through words and/or actions, to engage in sexual activity. Consent may be withdrawn at any time. A person does not “freely agree” to sexual activity when the agreement results from force, violence, threats, intimidation or coercion. A person does not “freely agree” where the person was incapacitated, and the other party knew or should have known of that **Incapacitation**.
- O. Incapacitation:** In the context of sexual activity, **Incapacitation** means that a person lacks the ability or capacity to make rational, reasonable judgments about whether to **Consent** to sexual activity. **Incapacitation** exists when a person is asleep or unconscious, and can also exist because of a temporary mental or physical health condition, or when a person is so impaired by

alcohol or drugs (*i.e.*, beyond merely being drunk, intoxicated or “high” as the result of consumption of alcohol or drugs). Some indications of **Incapacitation** may include lack of control over physical movements, lack of awareness of circumstances or surroundings, and slurred speech.

P. Day: As used in this policy, a **day** means a “business day,” Monday through Friday, and does not include days when the College is officially closed. Please check the College calendar, because Colby does not close on all federal or state holidays, but may also be closed at other times.

Q. Title IX Coordinator/Deputy Coordinators: The **Title IX Coordinator** is a trained administrator who is designated and authorized to oversee the College’s compliance with Title IX and to assist individuals through the Title IX process. **Deputy Title IX Coordinators** are trained administrators or staff members who assist in the implementation of the Title IX policy and processing of Title IX reports. A **Deputy Title IX Coordinator** may serve as the lead **Title IX Coordinator** in a particular case where the **Title IX Coordinator** has a conflict of interest or is unavailable.

2. Prohibited Conduct

Items A through F of this section define conduct that constitutes **Sexual Harassment** prohibited under the Title IX regulations and within the context of the College’s education programs and activities. **Sexual Harassment** can be committed by any person regardless of gender, sexual orientation or gender identity; and can be committed using technology.

Please see the Sexual Misconduct, Intimate Partner Violence, and Harassment Policy section of the Student Handbook for other sexual misconduct and related offenses that are prohibited and addressed in the Student Code of Conduct and in the conduct processes applicable to faculty or staff, based on the nature of the report. Any questions about the meaning of the terminology below should be directed to the **Title IX Coordinator**, a **Deputy Title IX Coordinator** or the **Confidential Title IX Advocate**.

A. Quid Pro Quo Sexual Harassment by an Employee. The Title IX regulations define **Quid Pro Quo sexual harassment** by an employee as follows:

1) When an employee conditions an aid, benefit or service to a student (including but not limited to a grade, participation in a program/activity, a recommendation, summer employment position or other benefit) on their participation in unwelcome conduct of a sexual nature (see “unwelcome conduct” below); or

2) When an employee conditions an aid, benefit or service to an employee (including but not limited to an employment position, a promotion, a favorable

evaluation or other benefit) on their participation in unwelcome conduct of a sexual nature.

B. Hostile Environment Sexual Harassment. The Title IX regulations define **Hostile Environment Sexual Harassment** as unwelcome conduct of a sexual nature (as determined by a reasonable person) that is so severe, pervasive and objectively offensive that it effectively denies a **student** or **employee** equal access to the College's education programs and activities.

C. Sexual Assault. The Title IX regulations define **Sexual Assault** as an offense classified as a **Forcible or Non-forcible Sex Offense** under the uniform crime reporting system of the FBI, which are:

1) **Forcible Sex Offenses** – Any sexual act directed against another person, without the **Consent** of the victim, including instances where the victim is in a state of **Incapacitation**.

- **Forcible rape** – Sexual intercourse with a person, forcibly and/or without that person's **Consent** or in instances where the victim is in a state of **Incapacitation**.
- **Forcible oral or anal sexual intercourse** with another person, forcibly and/or without that person's **Consent** or in instances where the victim is incapable of giving **Consent** because of their youth or because of **Incapacitation**.
- **Sexual assault with an object** – Use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or without that person's **Consent** or in instances where the person is incapable of giving **Consent** because of their youth or because of **Incapacitation**.
- **Forcible fondling** – The touching of the private body parts (genitals, buttocks or breasts) of another person for the purpose of sexual gratification, forcibly and/or without that person's **Consent** or in instances where the person is incapable of giving **Consent** because of their youth or because of **Incapacitation**.

2) **Non-Forcible Sex Offenses** include incest and statutory rape. "Statutory rape" in Maine is defined as a sexual act with another person who is not the perpetrator's spouse and who is under the age of 14, or who is 14 or 15 and the perpetrator is at least 5 years older than the other person.

D. Dating Violence. The Title IX regulations define **Dating Violence** as physical or sexual abuse, threats of physical or sexual abuse, or emotional abuse committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) length of relationship; (b) type of relationship; (c) the frequency of interaction between persons in the relationship.

E. Stalking. The Title IX regulations define **Stalking** as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer severe emotional distress.

F. Domestic Violence. The Title IX regulations define **Domestic Violence** as physical or sexual abuse, or threats of physical or sexual abuse committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Maine, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of Maine.

In Maine, this includes the following crimes (more information available through legal citations): **Domestic violence assault** (17-A M.R.S. § 207-A); **Domestic violence criminal threatening** (17-A M.R.S. § 209-A); **Domestic violence threatening** (17-A M.R.S. § 210-B), **Domestic violence stalking** (17-A M.R.S. § 210-C); **Domestic violence reckless conduct** (17-A M.R.S. § 211-A).

G. Retaliation. No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under Title IX, or because the individual has made a **Report** or **Formal Complaint**, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing. Reports of retaliation should be made to the **Title IX Coordinator** and will be addressed through the conduct processes applicable to students, faculty or staff, based on the nature of the report.

H. False Reports and Statements. False reports and/or making materially false statements in bad faith in connection with this policy to any College official or in the course of any College proceeding, is prohibited and will be addressed through the conduct processes applicable to students, faculty or staff, based on the nature of the report. A finding that a Respondent is not responsible for

a violation of the Title IX policy after a hearing (or vice versa) does not mean that a report or statement was made in bad faith.

- I. **Faculty and Staff Relationships with Students.** It is a violation of College policy for any officer, faculty, administrator or staff member of the College to engage in a romantic, dating and/or sexual relationship with a **student**. Individuals who have questions about this issue should consult with the **Title IX Coordinator/Deputy Title IX Coordinator** or a **Confidential Resource** (see Section D and F).

J. **Amnesty for Possible Conduct Violations Related to Sexual Harassment Reports**

The College strongly encourages individuals to report **Sexual Harassment**. Because the College takes **Sexual Harassment** very seriously, the College will generally not subject an individual making such a **Report** or a **Complainant** to disciplinary action for possible violations of the Student Code of Conduct involving personal consumption of alcohol or drugs connected with the reported incident, provided that the personal consumption of alcohol or drugs did not result in harm to other individuals.

The extent of any amnesty will be considered in light of the facts of a particular case, and the College will have sole discretion to determine whether or not to address co-occurring conduct violations of the Code of Conduct.

The College also has the discretion to require individuals who are granted amnesty from disciplinary sanctions to engage in substance use counseling or other appropriate services.

K. **How to Make a Report of Sexual Harassment**

Any individual who is required to make a report, and any other individual who wishes to make a report of **Sexual Harassment** should contact either the **Title IX Coordinator** or any one of the **Deputy Title IX Coordinators** below at any time. Reports after regular business hours can be made through Campus Security at 207-859-5911 (emergency number); 207-859-5530 (business number). Campus Security is located in 128 Roberts.

There is no time limit on making reports of **Sexual Harassment**.

- **Title IX Coordinator:** Meg Hatch
Eustis 102
207-859-4266
titleix@colby.edu
- **Deputy Title IX Coordinator** for Athletics: Jacqui Schuman
Alfond Athletic Center 394

207-859-4941

jacqui.schuman@colby.edu

- **Deputy Title IX Coordinator** for Faculty: Carol A. Hurney
Eustis 203A
207-859-4787
carol.hurney@colby.edu
- **Deputy Title IX Coordinator** for Staff: Cora Clukey
122 Roberts
207-859-5511
cora.clukey@colby.edu

Confidential Resources for individuals who are not required to make a **Report** to a **Title IX Coordinator** or who are not ready to make a **Report** are listed in Section F.

Reports may be made anonymously, but due to the nature of anonymous reports, the College's ability to contact the possible victim, provide **Supportive Measures**, or offer the option of filing a **Formal Complaint** may be hampered by the inability of obtaining further information when an anonymous report is made. Individuals may bring a friend or support person to meetings with the **Title IX Coordinator** or Confidential Title IX Advocate to discuss Title IX matters, including a possible **Report**.

L. What Happens After A Report of Sexual Harassment Is Made

After a **Report** of **Sexual Harassment** is made, the **Title IX Coordinator** or one of the **Deputy Title IX Coordinators** will meet with the **Complainant** if they are identified in the **Report** to discuss **Supportive Measures** that may be appropriate in the particular circumstances (see Section M for detailed discussion of **Supportive Measures**). The **Title IX Coordinator/Deputy Title IX Coordinator** will then implement any needed **Supportive Measures**. Such measures will remain confidential to the extent possible in the particular circumstances. In some situations, specific administrators, faculty, staff and/or students may need limited information in order to effectively implement **Supportive Measures**.

The **Title IX Coordinator/Deputy Title IX Coordinator** will explain the process for filing a **Formal Complaint** under this policy, and will also explain the **Grievance Procedure** to file a **Formal Complaint**. There is no obligation to file a **Formal Complaint**.

If a **Complainant** chooses not to file a **Formal Complaint**, they may continue to receive appropriate **Supportive Measures**.

M. Supportive Measures

Supportive Measures are individualized services offered to a **Complainant** following a **Report of Sexual Harassment**. Such **Supportive Measures** may continue and may be modified based on the **Complainant's** needs if a **Formal Complaint** is filed, during the **Grievance Procedure**, and after the **Grievance Procedure** is completed, even if the **Respondent** is found not responsible.

Supportive Measures may also be provided as appropriate to **Respondents** after a **Formal Complaint** is filed.

Supportive Measures are also available to individuals through the Confidential Title IX Advocate (see Section F, above). Individuals involved with possible violations of sexual misconduct under other College policies may also receive **Supportive Measures**.

Supportive Measures are without charge to the **Party** and are designed to facilitate each **Party's** access to education programs and activities, without overly burdening the other **Party**. In addition, **Supportive Measures** may not be overly burdensome or disciplinary/punitive to a **Respondent** prior to a finding of responsibility in the **Grievance Procedure**. The **Title IX Coordinator** works with the **Parties** throughout the process, and **Supportive Measures** can be modified to reflect any needed changes at any point in the process. The Title IX Coordinator shall document **Supportive Measures**, including any instance where it is deemed that Supportive Measures are not necessary or are not desired by the **Parties**.

The following are examples of types of **Supportive Measures** that may be implemented, depending on the particular circumstances of the individuals involved and the claimed violation; this is not an exhaustive list.

- Referrals for mental health and medical services, on and off campus;
- Referrals to other support services and resources, on and off campus;
- Academic and/or athletic/co-curricular adjustments (such as deadline extensions, course changes, late add/drops, incompletes);
- Disability accommodations to participate in the Title IX process;
- Housing assistance (safe room, temporary change of room/residence hall, etc.);
- Assistance with changes in campus employment (schedule change, location change, etc.);
- Assistance with obtaining no contact directives and/or no trespass orders;
- Assistance in finding an **Advisor** for the **Formal Complaint** process;
- Assistance in understanding the Title IX process and other College processes.

N. How to Make a Formal Complaint

A **Complainant** may make a **Formal Complaint** to the **Title IX Coordinator**. **Formal Complaints** cannot be anonymous. The **Formal Complaint** may be filed in writing or through an electronic submission, and must include the **Complainant's** physical or

digital signature (or otherwise indicate that the **Complainant** is the one filing the **Formal Complaint**). The **Formal Complaint** must include the following:

- Basic information about the possible violation(s) of **Sexual Harassment** (such as date, time, location, type of incident, name(s) of individuals involved)
- A request that Colby investigate the allegation(s).
- Provide specific information about filing options here.

1. Formal Complaint Filed by Title IX Coordinator

In rare cases where the **Title IX Coordinator** determines that the specific circumstances warrant pursuing a **Formal Complaint** (such as when the alleged **Respondent** has previously been found responsible for serious sexual misconduct or there may be a safety threat to the College community), the **Title IX Coordinator** may file a **Formal Complaint** on behalf of the College. In such cases, the **Complainant** will receive advance notice as well as notices of activities at various points in the **Grievance Procedure**, but is not a party to the case. Likewise, the **Title IX Coordinator** is not a **Party**, for purposes of this policy, if they file a **Formal Complaint** on behalf of the College.

2. Consolidation of Formal Complaints

The **Title IX Coordinator** may consolidate **Formal Complaints** where circumstances warrant. Such circumstances might include, but are not limited to, situations where a **Complainant** has filed a formal complaint of sexual harassment against more than one **Respondent** in regard to the same incident; there are multiple complaints against a **Respondent**; or when a **Respondent** makes a **Formal Complaint** against the **Complainant** arising out of the same facts or circumstances.

3. Dismissal of Formal Complaints

Under the Title IX regulations, the **Title IX Coordinator** must dismiss a **Formal Complaint**:

- a. If the conduct alleged in the **Formal Complaint** does not constitute **Sexual Harassment** under the Title IX regulations (and as defined in this policy); or
- b. If the conduct alleged did not occur within the scope of the College's education programs and activities, or did not occur in the United States.

However, if the conduct alleged is covered by another College policy, the conduct may be addressed under that policy, depending on the circumstances.

The **Title IX Coordinator** may dismiss a formal complaint:

- a. If a **Complainant** withdraws the **Formal Complaint**, or withdraws particular allegations within the **Complaint**;
- b. The **Respondent** is no longer enrolled in or employed by the College; or
- c. If there are specific circumstances that prevent the College from gathering evidence sufficient to reach a determination regarding the **Formal Complaint**.

If a **Formal Complaint** is dismissed for any reason, the **Title IX Coordinator** will promptly and simultaneously send written notice to the **Parties** explaining the reasons. **Parties** have the opportunity to appeal dismissals in accordance with Section 15.I of this policy.

Under the Title IX regulations, the **Title IX Coordinator** cannot dismiss a **Formal Complaint** based on an assessment that it has no merit, is frivolous, or has been previously investigated. Any **Formal Complaint** that is not dismissed for one of the reasons specified above must be processed through the **Grievance Procedure** unless it is resolved through an informal resolution process (see Section 14.C).

O. What Happens After a Formal Complaint Is Made: The Title IX Grievance Procedure

A **Formal Complaint** initiates the **Title IX Grievance Procedure**. The **Title IX Coordinator** has general responsibility for implementing this procedure. This section outlines the significant steps in the process in summary form. Detailed information about the procedure can be found in the College's ***Title IX Guide for Parties, Advisors and Others***.

1. General Obligations of the College

- a. The College will:
 - Treat **Complainants** and **Respondents** equitably;
 - Not presume a **Respondent** is responsible until and unless such a determination is made following a hearing;
 - Objectively evaluate all relevant evidence;
 - Ensure that any individuals involved in the **Grievance Procedure** (**Title IX Coordinator** or **Deputy Title IX Coordinator**, investigators, adjudicator, and any others) have appropriate training, and do not have conflicts of interest or bias;
 - Follow reasonably prompt time lines for conclusion of the grievance process and provide reasons for delay;
 - Provide all required notices of meetings and hearings;

- Provide opportunities for **Parties** to review and respond to relevant evidence, both favorable and unfavorable;
 - Provide **Parties** with the opportunity to be accompanied to any meetings or hearings by an **Advisor** of their choice;
 - Provide **Parties** with the opportunity to present witnesses, as well as other relevant evidence;
 - Not restrict the parties from speaking about the case for their own emotional support and to prepare their case;
 - Assume the burden of gathering evidence and of proof (rather than such burdens resting with the parties); and
 - Comply with all applicable confidentiality and privacy laws and regulations during the Title IX process.
- b. In addition to the obligations under the Title IX regulations, the College provides up to \$500 for student **Parties** to consult with an attorney at any point in the **Grievance Procedure**.
- c. **Deadlines and Extensions:** In general, the College will attempt to complete the **Grievance Procedure** within **90 days**. However, there may be circumstances when the process will take longer due to the absence of individuals important to the process, difficulties in obtaining evidence and other reasonable considerations.

Parties may make requests for short extensions of deadlines imposed on them in the **Grievance Procedure** for good cause (illness, unavoidable absence of **Advisor**, etc.). Any such request must be made to the **Title IX Coordinator** in writing and must explain the reason an extension is requested. The **Title IX Coordinator** shall treat requests from **Parties** for extensions equitably, and shall notify the **Parties** of any extensions that are granted or denied.

2. Notice to Parties and Initial Steps

- a. The **Title IX Coordinator** will provide written notice of the **Formal Complaint** and allegations of **Sexual Harassment** potentially constituting prohibited conduct under this policy. The notice will include:
- Notice regarding the **Grievance Procedure** and the availability of an informal resolution process;
 - Sufficient details known at the time (including identities of **Parties**, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (no less than five **days**).
 - As required by the Title IX regulations, a statement that the **Respondent** is presumed not responsible for the alleged conduct and

that a determination of responsibility will be made at the conclusion of the grievance process;

- Notice that the **Parties** may have an **Advisor** of their choice, who may be an attorney;
 - Notice that the **Parties** may inspect and review evidence;
 - Notice of provisions in the conduct processes applicable to students, faculty or staff that prohibits making false reports or providing materially false information in bad faith during the grievance process;
 - Notice that the **Parties** may discuss their case. However, **Parties** should avoid statements that are defamatory; or that disclose other conduct which could be viewed objectively as constituting intimidation or retaliation; or that may impair the integrity of the investigation or **Grievance Procedure**;
 - Notice that the College, not either **Party**, has the burden of proof; and
 - Notice of the name of the **Investigator**, with sufficient time (no less than five **days**) to raise then-known reasonable concerns of conflict of interest or bias, and the basis for those concerns, to the **Title IX Coordinator**.
 - Notice that the **Parties** can raise reasonable concerns regarding the **Title IX Coordinator** or a **Deputy Title IX Coordinator**, to the **Title IX Coordinator/designee**.
- b. If additional allegations become known at a later time, the original notice to the **Parties** will be supplemented. Misconduct which subsequently becomes known but is not covered by this policy will be addressed pursuant to other applicable College policies.
- c. The **Title IX Coordinator** will discuss **Supportive Measures** with each **Party** and implement such measures as appropriate (see Section M).
- d. Prior to a hearing, claims of conflicts of interest, bias or other concerns regarding College officials involved in the **Grievance Procedure** will be resolved by the **Title IX Coordinator**, or if the **Title IX Coordinator** is the subject of a claim, one of the **Deputy Title IX Coordinators**. At the hearing, such claims may be raised with the **Adjudicator**, even if previously addressed.

3. Informal Resolution Process

After a **Formal Complaint** has been filed, and if the **Title IX Coordinator** believes the circumstances are appropriate, the **Title IX Coordinator** may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and hearing process. An informal resolution process can be started at any time during the **Grievance Procedure**. However, an informal resolution process cannot be used to resolve a **Formal Complaint** when a student is the **Complainant** and the **Respondent** is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the **Parties**; restorative justice; acknowledgment of responsibility by a **Respondent**; apologies; agreed upon sanctions against a **Respondent** or requirements to engage in specific services; or **Supportive Measures**. **Parties** must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time.

Any terms in an informal resolution that include involvement by the College must be approved by the **Title IX Coordinator**. If an informal resolution agreement is reached, it must be signed by the **Parties** and the College. Once signed, the agreement is final and binding according to its terms.

If an informal resolution process does not resolve the **Formal Complaint**, nothing from the informal resolution process may be considered as evidence in the **Grievance Procedure**. An informal resolution facilitator may not be called as a **Witness** in a hearing, unless approved by the **Adjudicator**.

4. Emergency Leave

The College, in consultation with the **Title IX Coordinator**, may place a **Respondent** on emergency leave at any point after a **Formal Complaint** is filed:

- a. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of a student or other individual arising from the allegations of **Sexual Harassment**. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a **Complainant** by a **Respondent**, or a **Respondent's** threat of self-harm due to the allegations.
- b. The **Respondent** will be provided notice of the emergency leave, and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The **Respondent** has the burden to demonstrate why the emergency leave was unreasonable.
- c. Any such decision to place a **student** or **employee** on emergency leave shall be made in compliance with any applicable disability laws, including the IDEA Individuals with Disabilities Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and the Maine Human Rights Act.

5. Investigation Process

The **Title IX Coordinator** will appoint the **Investigator** to investigate the **Formal Complaint**. The **Investigator** will:

- a. Meet with the **Parties** after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
- b. Allow **Parties** to have their **Advisor** at all meetings (and allow participation of **Advisors** consistent with the College's *Title IX Guide for Parties, Advisors and Others*.) As part of the investigation, **Advisors** may not be asked to disclose their communications regarding the Title IX matter with the **Advisor's Party**, unless the **Party** consents. Please review the Guide for a discussion on the roles and types of **Advisors**.
- c. Allow **Parties** to identify witnesses and submit favorable and unfavorable evidence.
- d. Interview **Witnesses** and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.). The **Investigator** shall prepare written summaries of all interviews.
- e. Consider evidence that is relevant and directly related to the allegations in the **Formal Complaint**.
- f. Prior to completing the investigation report, provide the **Parties** and their **Advisors** with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the **Formal Complaint**. This includes all such directly-related evidence, whether the **Investigator** intends to rely upon it or not in the investigation report, as well as evidence favorable and unfavorable to the **Parties**. The **Parties** will be provided 10 **days** to submit a written response. The **Investigator** shall consider the **Parties'** written responses prior to completing the investigation report.
- g. Create an investigation report that fairly summarizes relevant evidence and submit it to the **Title IX Coordinator**. The **Investigator** may, at their discretion, comment on the credibility of a **Party**, **Witness**, or documentary evidence.

In turn, the **Title IX Coordinator** shall:

- a. Provide a hard or electronic copy of the investigation report to the **Parties** and **Advisors** (if any) at least 10 days prior to the scheduled hearing, for their review and written responses. The **Parties** and **Advisors** must acknowledge that they will not further disseminate the investigation report to any person, but may use it to prepare for the hearing. Responses to the investigation report must be provided to the **Title IX Coordinator** within five **days** of receipt of the report. The **Title IX Coordinator** shall provide each **Party** with all responses.

In their responses, **Parties** must identify any claims of procedural error in the **Grievance Procedure**, including any claim of conflict of interest or bias by the **Investigator**. The **Title IX Coordinator**, in consultation with other College officials, will evaluate any claim of procedural error and remedy any error as appropriate, including but not limited to requiring the **Investigator** to interview other **Witnesses** or consider additional evidence.

- b. Appoint an **Adjudicator**, notify the **Parties** of the identity of the **Adjudicator**, and provide not less than five days for a written response from the **Parties** raising any concerns regarding a conflict of interest or bias on the part of the **Adjudicator**.
- c. Forward the investigation report and the **Parties'** responses to the **Adjudicator** in advance of the hearing.

6. Live Hearing

The College shall conduct a live hearing through which an **Adjudicator** will consider the evidence, make determinations of responsibility, and impose remedies including, if warranted, disciplinary sanctions.

The **Title IX Coordinator** shall be responsible for scheduling the live hearing (no less than ten days after receiving the written responses to the investigative report); notifying persons who need to be present at the hearing, including the **Parties**, **Advisors**, the **Investigator** and **Witnesses** identified in the investigation report; and providing a copy of the College's **Title IX Guide for Parties, Advisors and Others** to all participants. **Witnesses** will be requested to provide testimony at the hearing. The **Title IX Coordinator** is required to limit attendance at the hearing, consistent with the Family Educational Rights and Privacy Act (FERPA), to **Parties**, **Advisors**, **Witnesses**, the **Investigator**, the **Adjudicator**, other College **Title IX Coordinators**, staff to facilitate technology for the hearing and the Office of General Counsel or its designee. If there are others that a **Party** wishes to have present at the hearing to provide testimony, the **Party** must notify the **Title IX Coordinator** within 3 days of receiving notice of the hearing.

Some important features of hearings include the following:

- a. Under Title IX, the College has no authority to compel **Parties**, **Witnesses** or **Advisors** to be present for a hearing.
- b. At the request of a **Party**, the **Parties** will be in separate rooms with technology to allow the **Parties** and **Adjudicator** to see and hear **parties/witnesses** answering questions.
- c. The **Adjudicator**, not the **Investigator**, makes the final determination of responsibility and impose remedies, including disciplinary sanctions where

- warranted. The **Adjudicator** will not be the **Title IX Coordinator** or the **Investigator**.
- d. The **Adjudicator** may impose reasonable time limits on opening/closing statements, cross-examination, and comments by the **Parties** and their **Advisors** during the hearing, and shall generally preside over the hearing and enforce the rules of decorum.
 - e. The **Adjudicator** may ask questions of the **Parties**, their **Advisors** and any **Witnesses**.
 - f. The **Adjudicator** shall rule on the relevance of evidence offered or of any question asked of a **Party** or **Witness** prior to the question being answered, especially during cross-examination. The **Adjudicator** may also admit evidence not produced during the investigation, provided such evidence is relevant, there is good cause for its failure to be produced during the investigation, and its admission does not constitute an unfair surprise to a **Party**.
 - g. The **Adjudicator** may request input from the College concerning possible sanctions, either during the live hearing or during the period between the close of the hearing and the issuance of the Adjudicator's written determination. Information on sanctions provided by the College after the close of the hearing will be provided to the Complainant and Respondent at the same time it is provided to the Adjudicator, and the Parties will have five days to provide a written response to the information on sanctions provided by the College.
 - h. The College's Office of General Counsel shall attend the hearing and may provide information or advice to the **Adjudicator** or guidance to the participants during the hearing as needed.
 - i. **Parties** must have an **Advisor** at the hearing. If a party does not have an **Advisor** at this stage of the process, the College will appoint one for the **Party** at no cost to the **Party**.
 - j. Communications between a **Party** and the **Party's Advisor** are not relevant evidence and are not admissible at the live hearing, whether during cross-examination or in questions from the **Adjudicator**.
 - k. The Title IX regulations require that **Advisors** (and not the **Parties**) may question other **Parties** and **Witnesses**, following the College's rules of decorum.
 - l. A video or audio recording or transcript shall be made of the hearing, and made available to the **Parties** for inspection and review.

7. Standard of Proof and Determination of Responsibility

The College uses a preponderance of the evidence standard (“more likely than not”) in making determinations of responsibility, for both **Students** and **Employees**.

The **Adjudicator** shall issue a written determination, which shall include the following:

- Identification of all the allegations potentially constituting **Sexual Harassment** as defined in the Title IX regulations and this policy;
- A description of the procedural steps taken from receipt of the **Formal Complaint** through the determination, including notifications to the **Parties**, interviews with **Parties** and **Witnesses**, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the **Respondent**
- A statement as to whether remedies designed to restore or preserve equal access to the College’s education programs and activities will be provided to the **Complainant**; however, the **Adjudicator** shall not identify such remedies. The **Title IX Coordinator** shall work with the **Complainant** to design remedies consistent with the **Adjudicator’s** findings.
- The College’s procedure and permissible bases for the **Complainant** and **Respondent** to appeal the determination (or dismissal).

The written determination shall be provided to the **Parties** simultaneously. The determination concerning responsibility becomes final either on the date that the College provides the **Parties** with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal period expires. A complaint filed with the Office of Civil Rights or Maine Human Rights Commission is not an appeal for purposes of determining when a finding of responsibility becomes final.

8. Remedies, Supportive Measures and Sanctions

a. Remedies

As noted in Section G above, “remedies” are measures used to ensure that the **Complainant** has equal access to the College’s education programs and activities following an adjudicator’s determination. Such remedies may include the measures described under Section M, **Supportive Measures**, and may include other appropriate measures, depending upon the determination and the needs of the **Complainant**. The **Title IX Coordinator** is responsible for implementing remedies and providing any needed assistance to the **Complainant**.

b. Supportive Measures

As noted in Section M, the **Title IX Coordinator** may continue and/or adjust **Supportive Measures** for the **Complainant** following the conclusion of the **Grievance Procedure**, based on the **Complainant's** needs at that time.

c. Sanctions

1) Students

The following are examples of the types of sanctions that may be imposed on a **Student Respondent** when there is a determination that they are responsible for one or more violations of this policy:

- **Warning:** A formal written statement that the **Student's** behavior was unacceptable and a warning that future violations of College policies and rules will result in more severe action.
- **Probation:** A formal statement that any future violations of College policies and rules will result in possible suspension or expulsion. Terms of the probation will be specified and may include denial of social privileges; exclusion from activities; housing restrictions/loss; referral to counseling or other supports; and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period or for an indefinite period with the right to re-apply after a specific length of time. Suspension may include specific conditions for the **Student's** return. A student returning from suspension remains on disciplinary probation for the remainder of the **Student's** Colby career. Other restrictions may be imposed as deemed appropriate.
- **Expulsion:** Permanent separation from the College.
- **Withholding Diploma:** The College may withhold a **Student's** diploma for a specified period of time and/or prohibit participation in commencement and activities associated with commencement if the student has disciplinary charges pending, or as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** In extraordinary circumstances, the College reserves the right to revoke a degree awarded by the College for **Sexual Harassment** committed by a **Student** prior to graduation if a finding of responsibility is not concluded until after graduation or in other aggravating circumstances.

- Other Actions: Such other action as the **Adjudicator** may reasonably deem appropriate. Examples include, but are not limited to:
 - Mandated counseling or substance use counseling.
 - No contact order(s).
 - Apology.
 - Facilitated meeting with **Complainant** and/or other affected individuals (only with agreement of **Complainant** and other affected individuals).
 - Campus or community service.
 - Restitution (for damages related to **Sexual Harassment** incident).
 - Housing sanctions (including, but not limited to, loss, revocation or restriction of privilege to live in College housing or specific types of housing, alteration of status in housing lottery).
 - Loss of existing, or loss of opportunity for leadership positions, campus employment, extracurricular activities and/or off-campus study.
 - Loss of social privileges, such as the ability to attend or participate in social, extracurricular and/or alumni activities and events.
 - No contact orders and/or no trespass orders on campus or at College events for a pre-determined or indefinite period of time.

2) Faculty and Staff

(a) **Staff.** The following are examples of the types of sanctions that may be imposed on a staff member **Respondent** when there is a determination that they are responsible for one or more violations of this policy.

- Written warning.
- Probation.
- Demotion.
- Suspension with or without pay.
- Termination.
- Forfeiture of pay increase.
- Loss of supervisory responsibilities.
- Performance improvement/performance management plan.
- Counseling.
- Training.
- Apology or facilitated meeting(s).
- No contact orders and/or no trespass orders on campus or at College events for a pre-determined or indefinite period of time.
- Loss/relocation of office.
- Loss of College housing.
- Loss of other privileges.

(b) **Faculty.** Sanctions for faculty must be processed in compliance with the faculty disciplinary process, as described in the Faculty Handbook, and will not be decided by the **Adjudicator**. However, determinations of responsibility for a Title IX violation may not be re-heard or adjudicated again as part of the faculty disciplinary process. In addition to the sanctions in 2.a. above, faculty may also face sanctions that include, but are not limited to the following:

- Loss of department, division or program chair.
- Loss of research funds or other funds.
- Loss of named chair.
- Restrictions on interaction with department/program.
- Loss of tenure.

9. Appeals

Parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of **Formal Complaints**.

Appeals are allowed on the following grounds:

- a. Procedural errors that affected the outcome of the matter;
- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The **Title IX Coordinator** wrongfully concluded that the **Formal Complaint** did not constitute **Sexual Harassment** under this Policy and dismissed the **Formal Complaint**;
- d. The **Title IX Coordinator, Investigator** or **Adjudicator** had a conflict of interest or bias for or against complainants or respondents generally, or the individual **Complainant** or **Respondent**, that affected the outcome of the matter; or
- e. A sanction imposed was improper in light of mitigating or extenuating circumstances not known at the time that a **Party** was provided an opportunity to comment on sanctions, if any, or was not properly considered by the **Adjudicator**.

An appeal must be filed in writing within 10 **days** of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Unless granted an extension for good cause by the **Title IX Coordinator**

before the expiration of the appeal period, appeals submitted after this deadline are not timely and shall not be considered.

- a. Appeals must be filed by email with the **Title IX Coordinator**, who shall refer it to the appropriate appeals officer – the Dean of the College (for **Student Respondents**), the Provost (for faculty **Respondents**), or the Vice President for Administration and Chief Financial Officer (for staff **Respondents**). In the event of a conflict of interest or bias, or unavailability, other officers of the College may serve as appeals officers.
- b. The **Title IX Coordinator** shall provide a copy of the appeal to all other **Parties**.
- c. The other **Parties** shall have 7 **days** to submit a written statement addressing the appeal.
- d. The officer considering the appeal shall conduct an impartial review of the appeal, including consideration of the record of the matter, and may consult with other College officials/College counsel in making their decision.
- e. The appeals officer shall issue a written decision describing the result of the appeal and rationale for the result, and provide it simultaneously to the **Parties**. The officer may: 1) deny the appeal; 2) grant the appeal and send back the matter to the **Adjudicator** for further consideration; 3) grant the appeal and send back the matter for a new live hearing before a new **Adjudicator**; 4) grant the appeal by revising the sanction; or 5) grant the appeal of a dismissal of a **Formal Complaint** and order that an investigation be conducted.

P. Records

Records in connection with **Sexual Harassment Reports, Formal Complaints** and proceedings shall be maintained for a minimum of seven years from resolution of the incident, or six years from date of last attendance or employment at the College by any **Party**, whichever is later, including but not necessarily limited to the following:

1. Each **Sexual Harassment** investigation including any determination regarding responsibility and any audio recording of hearings; any disciplinary sanctions imposed on the **Respondent**; and any remedies provided to the **Complainant**;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom;

4. All materials used to train **Title IX Coordinators, Investigators, Adjudicators**, individuals reviewing appeals, and any person who facilitates informal resolutions; and
5. Records of any actions, including any **Supportive Measures** provided in response to a **Report** or **Formal Complaint** of **Sexual Harassment** (and if **Supportive Measures** are not provided, the basis for such decision).

The **Title IX Coordinator** shall be responsible for the required recordkeeping.

Q. Training

The College shall ensure that training required by the Title IX regulations is provided to **Title IX Coordinators, Investigators, Adjudicators**, individuals reviewing appeals, and any individuals who facilitate informal resolutions. Such training shall include, but may not be limited to the following:

1. The definitions of **Sexual Harassment** under Title IX regulations and this policy;
2. The scope of the College's education programs and activities;
3. How to conduct investigations and the **Grievance Process**, including hearings, appeals and informal resolution processes;
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
5. **Adjudicators** shall receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about the **Complainant's** sexual predisposition or prior sexual behavior are not relevant;
6. **Investigators** shall also receive training on issues of relevance to create investigative reports that fairly summarize relevant evidence; and
7. Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications of **Formal Complaints of Sexual Harassment**.

The **Title IX Coordinator** shall ensure that training materials shall be posted on the College's website.