

A. POLICY STATEMENT

Stephens College is committed to creating a safe and respectful environment that is free from sex- and gender-based discrimination and harassment. The College strictly prohibits sex- and gender-based discrimination and harassment of any member of the College community, including, but not limited to enrolled students, faculty, staff, third-party vendors, contractors, guests, and others in the College environment.

Consistent with College policy, and as allowed by law, the College offers a single-sex women's residential undergraduate program.

Sexual offenses are a type of sexual harassment and are strictly prohibited. Stephens College maintains a zero-tolerance policy for sexual offenses as defined below, including, but not limited to, sexual violence, intimate partner violence, dating violence, stalking or exploitation. A sexual offense occurs when any form of sexual activity takes place without informed or effective consent. Effective consent takes place when an individual capable of making a decision freely and knowledgeably agrees to take part in sexual activity. Attempts to commit a sexual offense are also prohibited under this policy, as is aiding the commission of a sexual offense.

All members of the College community have a responsibility to prevent and address sex- and gender-based discrimination and harassment. With this responsibility in mind, all College employees (including Residence Life Student Staff members when they function as employees) have an obligation to report any conduct they learn about, which they believe may constitute a violation of this policy.

When an allegation of sex- or gender-based discrimination or harassment is brought to the attention of an appropriate administrator, the College will take prompt, decisive action to investigate the allegations, prevent recurrence, initiate a disciplinary process if warranted, and issue appropriate sanctions against any person found responsible for such acts, whether on- or off-campus.

Additionally, the College prohibits retaliatory actions including, but not limited to, acts of intimidation, threats, coercion, or discrimination against individuals who make complaints of sex- and gender-based discrimination or harassment, report prohibited discrimination or harassment, or participate in an investigation or formal hearing concerning a violation of this policy.

B. PURPOSE

Stephens College is committed to creating an environment that promotes responsibility and respect among all members and guests of the campus community and where no one is unlawfully excluded from participation in, denied the benefits of, or subjected to discrimination in any College program on the basis of sex or gender.

This Policy is intended to prevent and address sex- and gender-based discrimination and harassment on campus by defining community expectations, providing guidance for those individuals whose rights have been violated, and ensuring compliance with applicable campus, state and federal regulations.

This Policy addresses the College's responsibilities under Title IX of the Educational Amendments Act of 1972 and Section 304 of the Violence Against Women Reauthorization Act of 2013.

C. SCOPE

This Policy applies to all enrolled students, faculty, staff, vendors, contractors, guests, and others in the College environment.

The College has jurisdiction over conduct covered by this policy that occurs on campus, during or at an official College program or activity (regardless of location and inclusive of, but not limited to, field trips, social or educational functions, college related travel, student recruitment activities, internships, study abroad programs, and service-learning experiences). The College also has jurisdiction over off campus and online conduct when the conduct could deny or limit a person's ability to participate in or benefit from the College's programs and activities, or when the conduct creates the potential for a hostile environment on campus. In a case where a party is under the control of another institution, the Title IX Coordinator may liaison with the Title IX Coordinator from the controlling institution to address discipline/remedies.

By contractual agreement, all on-campus vendors will follow this policy.

D. DEFINITIONS

A. Definitions of Policy Violations

Note: The definitions included in this section will be utilized in determining whether violations of this Policy has occurred, and not to determine whether a crime has been committed. The College will also utilize these definitions for Clery Act reporting purposes.

Sex- or Gender-Based Discrimination is defined as any action that specifically deprives another member of the community of educational or employment access, benefits or opportunities on the basis of sex or gender. Sex- and gender-based discrimination occurs when someone is treated unfavorably because of that person's sex or gender.

Examples of behavior that might be considered Sex- or Gender-Based Discrimination include, but are not limited to:

- Unfair treatment or behaviors towards an individual based upon their sex, gender or pregnancy status;
- Lack of equity in offerings of educational programs and experiences on the basis of sex;
- Sex- or gender-based bullying; or
- Derogatory or sexist remarks.

Sexual Harassment is defined as unwelcome, sex-based conduct (including verbal, written, visual, or physical conduct) that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits a student's ability to participate in or benefit from the College's educational programs and/or activities or alters the terms or conditions of

an employee's employment. Sexual harassment can include a wide range of behaviors, from the actual coercing of sexual relations to the unwelcomed emphasizing of sexual identity. Sexual harassment may take the form of quid pro quo conduct, or it could consist of conduct that creates a hostile environment.

Quid pro quo sexual harassment relies heavily on power or authority imbalance between those involved and may include unwelcome sexual advances, requests for sexual favors, or other physical and expressive behavior of a sexual nature when:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of education, employment, or participation in College activities;
- Submission to or rejection of such conduct by an individual is or could be used as the basis for rating, evaluating or providing a benefit that affects that individual in academic or employment decisions; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or development, or creating an intimidating, hostile or offensive learning, living and working environment.

The determination of hostile environment sexual harassment will be based on all of the circumstances, giving consideration to whether a reasonable person in a similar situation would have perceived the conduct to be objectively offensive. The following factors will also be considered:

- The severity to which the conduct affected one of more students' education or individuals' employment; or
- The persistent or pervasive nature, scope, frequency and duration of the incident or incidents.

A single or isolated incident of sex-based hostile environment harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical in nature.

Sexual harassment can take many forms.

- It may be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- It does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- It may be committed by anyone, regardless of sex, age, position, or authority.
- While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships (e.g., supervisor to subordinate, faculty member to student, coach to student-athlete, student leader to first year student), harassment can occur in any context and between persons of equal power status (e.g., student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to staff).
- It may be committed by a stranger, an acquaintance, or someone with whom the claimant has an intimate or sexual relationship.
- It may be committed by or against an individual or may be a result of the actions of an organization or group.

- It may occur by or against an individual of any sex, gender, gender identity, gender expression, or sexual orientation.
- It may occur in the classroom, in the workplace, in residential settings, over electronic media (including the Internet, telephone, and text), or in any other setting.
- It may be a direct proposition of a sexual nature.
- It may be a one-time event or part of a pattern of behavior.
- It may be committed in the presence of others or when the parties are alone.
- It may affect the claimant and/or third parties who witness or observe harassment.

Examples of behavior that might be considered Sexual Harassment include, but are not limited to:

- Threats, either directly or by implication, of adverse employment or academic action if sexual favors are not granted or punishing, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment;
- Promising favorable treatment or continued employment in return for sexual favors;
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex;
- Unwanted, unnecessary and objectively inappropriate physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body;
- Sexual assault;
- Physical coercion or pressure on an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances;
- Display or distribution of pornographic material or sexually explicit drawings, pictures, or written materials;
- Sexual rumors or ratings of sexual activity/performance or the circulation, display, or creation of emails or websites of a sexual nature;
- Excessively offensive remarks, including unwelcome graphic or suggestive comments about an individual's body, appearance or dress;
- Jokes and humor about sex or gender-specific traits;
- Inappropriate use of sexually explicit or offensive language or derogatory language directed at another person's sexuality, gender, gender identity, sexual orientation or gender expression;
- Insults and threats based on sex, gender, gender identity, sexual orientation or gender expression;
- The display in the workplace of sexually suggestive objects or pictures which create an intimidating or hostile work environment;
- The display or circulation of written materials or pictures degrading to an individual sex or sex-stereotype where such display is not directly related to an educational/pedagogical, artistic, or work goal;
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping;
- Abusive, disruptive or harassing behavior, whether verbal or physical, which endangers another's mental or physical health, including but not limited to threats,

slurs, acts of violence, or assault based on sex and/or in the context of intimate partner violence; and

- Other unwelcome and unwanted conduct of a sexual nature, such as leering, name-calling, suggestive comments and sexual propositions or innuendos and other verbal, written or electronic communications of a sexual nature that an individual communicates.

Sexual Offenses are a form of sexual harassment, and include, but are not limited to, non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, intimate partner violence, and stalking.

Non-Consensual Sexual Intercourse (or attempts to commit same) is defined as any sexual intercourse, however slight, with any object, by a man or woman upon a man or woman, that is without consent and/or by force.

Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Non-Consensual Sexual Contact (or attempts to commit same) is defined as intentional sexual touching, however slight, by a man or woman upon a man or a woman, that is without consent and/or by force. Sexual touching includes intentional touching of the breasts, buttocks, groin or genitals of one person by another person, or touching of another person with any of these body parts, or any other intentional bodily contact conducted in a sexual manner. Sexual touching may be through or over clothing, and may be done with a part of the body or with an object.

Sexual Exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of any other sexual offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Engaging in or attempting to engage others in prostitution, "escort services" or "dating services" which include or encourage in any way sexual behavior in exchange for money;
- Creating pictures, movies, web cam, tape recording, graphic written narrative or other means of memorializing sexual behavior or a state of undress of another person without the other's knowledge or consent;
- Unauthorized sharing or distribution of digital, photographic, video or audio recording of nudity or sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Intentionally/recklessly exposing one's genitals in non-consensual circumstances, and/or inducing others to expose theirs;
- Causing another person to be exposed to pornographic material without the person's advance knowledge or consent;
- Engaging in voyeurism or "Peeping Tom" behaviors;

- Surreptitiously providing drugs or alcohol to a person for the purpose of sexual exploitation;
- Knowingly transmitting an STD or HIV to another individual; or
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Intimate Partner Violence includes violence or abuse – verbal, physical, or psychological – between those who are in or have been in a sexual, dating, spousal, domestic, or other intimate relationship with each other. Examples of intimate partner violence include, but are not limited to:

- Extreme or excessive use of language - often in the form of insults, name-calling, and criticism - designed to mock, shame, embarrass, humiliate, or diminish the other intimate partner;
- Causing or attempting to cause another bodily harm or putting another in fear if imminent bodily harm including, but not limited to punching, hitting, slapping, pushing, scratching, strangling, or otherwise striking an intimate partner with any part of one's body or an object except when the harm is committed or attempted in self-defense; or
- Prolonged behavior intended to dominate, terrorize, intimidate, isolate, or exclude an intimate partner. This could include relentless denigration and disparagement, threatening to harm a family member, friend or pet, destroy sentimental possessions, financial and economic abuse, and/or blackmail.

Intimate Partner Violence can include Domestic Violence which is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the claimant, by a person with whom the claimant shares a child in common, by a person who is cohabitating with or has cohabitated with the claimant as a spouse or intimate partner, by a person similarly situated to a spouse of the claimant under the domestic or family violence laws of the State of Missouri, or by any other person against an adult or youth claimant who is protected from that person's acts under Missouri law.

Intimate Partner Violence can also include Dating Violence which refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the claimant. The existence of such a relationship shall be determined based on the claimant's statement, and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

Stalking refers to engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. For purposes of this policy "course of conduct" refers to two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Examples of stalking include, but are not limited to:

- Unwelcome and repeated visual or physical proximity to a person – watching or following from a distance, spying with a listening device, camera or global positioning system (GPS);
- Approaching or showing up in places such as a home, workplace or school when it is unwelcome;
- Sneaking into another’s home, office, or car and doing things to scare them or let them know the stalker has been there;
- Installing tracking apps or keystroke recorders on electronic devices;
- Repeated oral or written threats;
- Extortion of money or valuables;
- Unwelcome phone calls, voicemails or hang-ups;
- Unwelcome/unsolicited and repeated written communication, including letters, cards, emails, texts, instant messages, messages through social media and on-line bulletin boards;
- Impersonating another online, spamming another’s email account, using passwords to access or hack accounts, or posting information about another;
- Leaving strange or potentially threatening items for another to find;
- Unwelcome/unsolicited and repeated communications about a person, their family, friends, co-workers or pets;
- Sending/posting unwelcome and/or unsolicited messages with another username; or
- Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person.

Retaliation is defined as taking materially adverse action against an individual participating in a protected activity because of their participation in that protected activity. Adverse actions are defined as:

- Actions that significantly disadvantage or restrict an individual as to their status as students or employees, or their ability to gain the benefits or opportunities of a program.
- Actions can include intimidation, threats, harassment, and other negative job action and negative academic action against any claimant or witness that suggest a connection between the protected activity and the adverse action.

Common examples of protected activities include, but are not limited to:

- Reporting discrimination or harassment;
- Filing a discrimination or harassment complaint;
- Assisting someone in reporting or filing a complaint of discrimination or harassment;
- Cooperating or participating in any manner in a discrimination or harassment investigation (such as a witness); or
- Protesting any forms of discrimination or harassment.

B. Definitions of Additional Important Terms

Consent is the idea that every person, man or woman, has a right to personal sovereignty, which means that she/he has the right not to be acted upon by someone else in a sexual manner unless she/he gives clear permission to do so.

Consent is only effective when it is informed, freely and actively given, and is an affirmative action that through clear words or actions creates mutually understandable permission and indicates a willingness to participate in mutually agreed upon sexual activity. Consent is not effective if it is obtained through fraud, or results from the use of physical force, threats, intimidation or coercion.

The person initiating sexual activity should initiate such activity only with the consent of the other person involved. Consent must be a clear verbal or non-verbal “yes” agreeing to participate in a sexual activity. Silence or passivity is not considered consent; the absence of resistance is not consent. Consent can be withdrawn at any time, as long as that withdrawal is clearly communicated by the person withdrawing it.

Other considerations related to consent:

- Consent can be broad or narrow and can be limited, such as in cases where someone is willing to engage in some forms of sexual activity, but not in others.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent may be given verbally or nonverbally, based on an active, informed, freely decided choice.
- Consent means you can't make assumptions about what your partner does or does not want. Absence of clear signals means you cannot touch someone else—not that you can.
- Consent means two people deciding together to do the same thing, at the same time, in the same way, with each other.
- The idea of consent completely rules out any need to show the use of force, or any type of resistance.
- Passively allowing someone to touch you in a sexual manner is not consent.
- There is no duty for anyone to fight off or act in any way to stop a sexual aggressor.
- We cannot play the game of “If she/he doesn't want it, she'll/he'll stop me.” That notion is based on antiquated and inappropriate resistance requirements. It is not her or his job to resist, but yours to respect her or his boundaries and find out what they are if they are unclear.
- No means no, but nothing also means no. Silence and passivity do not equal permission.
- The idea that kissing always leads to fondling, which always leads to petting, which leads to some sort of intercourse is a notion that is based on stereotypical sexual patterns and beliefs. Mutual exchanges must involve the expectations and desires of each person involved at every stage of the interaction.
- To be valid, consent must be given prior to or contemporaneously with the sexual activity.
- Silence, previous sexual relationships, and/or current relationships may not, in themselves, be taken to imply consent.
- Consent cannot be implied by attire or inferred from the spending of money on a date.
- Consent lasts only for a reasonable time, depending on the circumstances.

Consent Cannot Be Given By:

- One who is being forced, threatened, intimidated, or coerced into giving consent.
- A minor to an adult. Someone under the age of 16 cannot give consent to someone over the legal age of consent (18), absent a legally valid marriage or court order.
- Mentally disabled persons cannot give consent to a sexual activity if they cannot appreciate the fact, nature, or extent of the sexual situation in which they find themselves.
- One who is physically incapacitated as a result of alcohol or other drug consumption (voluntary and involuntary), or who is unconscious, unaware, or otherwise physically helpless, is incapable of giving consent. One may not engage in sexual activity with another whom one knows or suspects to be physically incapacitated. Physically incapacitated persons are considered incapable of giving consent when they lack the ability to appreciate the fact that the situation is sexual, and/or cannot rationally and reasonably appreciate the nature and extent of that situation.

Force is defined as the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes explicit and implied threats, intimidation, and coercion that overcome resistance or produce consent.

Coercion is defined as unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the duration, frequency, isolation, and intensity of the pressure someone uses to get consent from another. When someone makes clear to you that he or she does not want sex, that he or she wants to stop, or that he or she does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Incapacitation is defined as a state in which an individual cannot make rational, reasonable decisions because she/he lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of a sexual interaction).

Sexual activity with a person you know to be—or based on the circumstances, reasonably should know to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this policy. This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the ingestion of rape drugs.

RESPONSIBILITIES

All members of the College community are responsible for creating an educational and work environment that is free from sex- and gender-based discrimination and harassment. Individuals with specific responsibilities under this policy are indicated below:

A. Title IX Coordinator

The Title IX Coordinator’s role is to oversee College compliance with this policy and Title IX regulations. The Title IX Coordinator:

1. Serves as a resource for any member of the community or campus guest wishing to report any acts of sex- or gender-based discrimination or harassment, including sexual offenses.

2. Provides oversight for all Title IX complaints and identifies patterns, issues or problems regarding those complaints.
3. Leads the prevention and education initiatives enabling students, faculty and staff to fully understand sex- and gender-based discrimination and harassment and informs the community about College policy and procedures.

B. Mandatory Reporters (Faculty & Staff and Student Residence Life Staff)

Other than individuals designated as “Confidential Support Persons” (defined below), the College has designated all members of the faculty and staff (including student residence life staff when they function as employees) as “Mandatory Reporters.” This means they are required to disclose reports of sex- and gender-based discrimination and harassment to appropriate individuals within the College. Notice to a mandatory reporter is considered notice to the institution and requires prompt institutional response and follow-up. Making a report to a mandatory reporter does not mean that the report will become public information, but it does mean that the College is required to take necessary steps to gather information and respond accordingly.

C. Confidential Support Persons

The College understands that individuals may wish to speak confidentially about behavior they have witnessed or experienced. At the College, students may speak confidentially with a counselor at the Stephens College Counseling Center. These counselors are available to help students free of charge and can be seen on an emergency basis. Mental health counselors are not considered “Mandatory Reporters,” and therefore a report to counselor at the College’s Counseling Center does not constitute making a formal report of the incident to the College, though the College may still be obligated to report the incident (with no identifying information) in statistical information required by the federal government. This means that if the report is made only to a confidential support person, the College will not be in a position to respond to the report by initiating disciplinary or other proceedings discussed in this policy. While the decision about reporting sex- and gender-based discrimination and harassment rests with the person who has been harmed, Stephens College strongly encourages all claimants of sex- and gender-based discrimination and harassment to make a formal report to the College. If you are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you, and help you make decisions about who can best help you.

Individuals may also speak confidentially to non-College resources such as mental health counselors, health service providers, rape crisis counselors, victim advocates, or clergy, all of whom have the right to maintain confidentiality. Contact information for some of these resources is found on the College’s Title IX Website at www.stephens.edu/titleix.

D. Bystander Intervention

The College encourages all community members to take reasonable and prudent actions to prevent or stop an act of sex- and gender-based discrimination and harassment. Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. The College will support its community members who choose to intervene in this fashion.

E. Title IX Team

The College maintains a Title IX Team that consists of the Title IX Coordinator, Investigators, any administrator with adjudicatory authority (including determining sanctions or appeals), as well as party advisors. All individuals involved with the Title IX process will be trained annually on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and adjudication process that protects the safety of claimants, assures due process for the accused and sanctioning that promotes accountability.

E. MAKING A REPORT

The College takes every report of sex-based discrimination and harassment seriously and will take appropriate action in accordance with its policies and procedures. Any person may file a report of sex- or gender-based discrimination or harassment against a Stephens College student, organization, or employee under this policy.

Sexual offenses can be both a criminal violation and a violation of College policy. An individual charged with a sexual offense may face criminal prosecution separate from any College disciplinary proceedings. Even if the criminal justice authorities choose not to prosecute, the College will promptly, thoroughly, and impartially investigate all reports of sexual offenses.

A. To Make a Report

Any member of the College community, guest, visitor or other interested party may make a formal report of an alleged violation of the College's Sex-and Gender-Based Discrimination and Harassment Policy. Reports can be submitted through the online reporting tool at www.stephens.edu/titleix, in person, by phone or email to the Title IX Coordinator (see Section VII for contact information). Reports may also be submitted to one of the College's "mandatory reporters," (as defined in Section V of this policy).

The report should include details of the alleged violation, including, but not limited to the date(s) and time(s) of the alleged incident(s) and any witnesses or other relevant information. While there is no time limit for filing such an allegation, failure to file a timely complaint with the Title IX Coordinator may adversely affect the ability of the College to take any remedial measures under this policy.

In the event that the Title IX Coordinator is the subject of the complaint, an official report of sex-based discrimination or harassment may be made to the President, who will then appoint a College official to carry out the duties of the Title IX Coordinator. Complaints of alleged policy violations by members of the President's senior staff may follow the above stated channels but may also be made to the President. Complaints of alleged policy violations by the President may be made directly to the Chair of the College's Board of Trustees or to the Title IX Coordinator who will then notify the Chair of the College's Board of Trustees of the complaint (see Section VII for contact information).

Although the College encourages individuals to use College procedures, Title IX complaints may also be filed with the Office for Civil Rights of the U.S. Department of Education (see Section VII for contact information).

B. To Speak with Someone Confidentially

If the party claiming the policy has been violated requests confidentiality, the College will take all reasonable steps to investigate and respond to the complaint while respecting the party's request for confidentiality; however, complete confidentiality may not be possible.

If the party claiming the policy has been violated wishes to speak with someone confidentially, she or he should speak with an individual designated as a Confidential Support Person in Section V of this policy. Talking to a Confidential Support Person does not constitute making a formal report of the incident to the College. This means that if the report is made only to a Confidential Support Person, the College will not be in a position to respond to the report by initiating disciplinary or other proceedings discussed in this policy. If a report is only made to a Confidential Support Person, the College may still be obligated to report the incident (with no identifying information) in statistical information required by the federal government.

While the decision about reporting sex- and gender-based discrimination and harassment rests with the party claiming the policy has been violated, Stephens College strongly encourages formal reports to the College.

F. PROCEDURES

Allegations involving violations of the Sex- and Gender-Based Discrimination and Harassment Policy will be subject to the investigation, adjudication, and sanctioning processes set forth below.

A. Preliminary Investigation

After the College receives a report of a potential violation of the College's Sex- and Gender-Based Discrimination and Harassment Policy, the Title IX Coordinator will meet with the party claiming the policy has been violated (referred to as the "Claimant") to determine the nature of the claim and outline the options available to the Claimant, including:

- The Claimant's right to notify law enforcement, to file a criminal complaint, and/or to seek an order of protection from the court system;
 - The availability of College authorities to assist the Claimant in notifying law enforcement;
- The Claimant's right to request intermediate and/or protective measures from the College.
- The Claimant's right to be accompanied by an advisor of their choosing to any investigatory meetings and/or disciplinary proceedings. During any such meeting or proceeding, the advisor may only act in a support role, meaning the advisor will not be permitted to testify, serve as a witness, examine or cross-examine any witnesses, or provide a statement on behalf of the individual. If a personal advisor is not available, the College will provide the names of faculty and staff who are trained in the process to act as an advisor and assist in securing this appointment.

- The Claimant's right to determine if she/he wishes to pursue formal College disciplinary proceedings against the person accused of violating this policy (referred to as the "Respondent");
- The procedures for the College's investigation of violations of the College's Sex- and Gender-based Discrimination and Sexual Harassment Policy and related disciplinary proceeding;
- The possible outcomes of the College's disciplinary process.

The Title IX Coordinator will provide the Claimant with a copy of this policy, which explains the Claimant's rights and options. In addition, the Title IX Coordinator will provide the Claimant with written information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available both within the College and in the community. The Title IX Coordinator will discuss the importance of preserving evidence or documentation relevant to the investigation (e.g., texts, emails, notes, photographs, etc.)

If the Claimant requests that the College not pursue formal disciplinary proceedings against the Respondent, the College may still be obligated to continue investigating the report and may even pursue disciplinary proceedings if the College believes that such action is necessary to protect the safety and well-being of the College community. The College will only make this determination after a careful review of the situation and will consult with the Claimant about ways in which it may limit the investigation's impact on the Claimant. If the College decides to continue investigating the report, the Title IX Coordinator will notify the Claimant.

As part of the Preliminary Investigation, the Title IX Coordinator will review the allegations to determine whether the alleged behaviors may constitute a violation of this Policy. If the Title IX Coordinator determines that the alleged behaviors do not constitute a potential violation, the Title IX Coordinator will inform the Claimant of the reason for that determination. The Title IX Coordinator will also continue to provide information about other support and resources the College offers. In the event the Title IX Coordinator determines that the alleged behaviors do not constitute a potential violation of this Policy but might violate other College policies, the Title IX Coordinator may refer the reported information to other College officials with responsibility for those policies.

B. Interim Measures

During the preliminary investigation, and throughout the investigation and adjudication process, the Claimant and/or Respondent may request intermediate and/or protective measures (referred to as "Interim Measures") from the College, including, but not limited to the following:

- Issuing of mutual no-contact orders to prevent any contact between the claimant, the respondent, witnesses and/or other community members to ensure the safety of all parties and the integrity of the process;
- Providing an escort to ensure that she or he can move safely between classes, work and/or activities;

- Changing on-campus housing, if any, to a different on-campus location and providing assistance from College support staff in completing the relocation;
- Rescheduling class work, assignments and examinations;
- Changing work arrangements or schedules;
- Providing academic support services such as providing alternative course completion options, dropping a course without penalty or transferring to a different class section (with the agreement of the appropriate faculty);
- Limiting an individual's or organization's access to certain College facilities or activities pending resolution of the matter;
- Transportation accommodations, such as shuttle service, cab voucher or parking arrangements, to ensure safety and access to other services; and
- Preserving eligibility for academic, athletic or other scholarships, financial aid, internships, study abroad, or foreign student visas.
- When taking Interim Measures, the College will seek to minimize the difficulties or burden on the parties involved, and will make individualized and appropriate decisions based on the information available.
- Throughout the College's investigation and resolution process, the Title IX Coordinator will periodically check with the Claimant and/or Respondent to ensure interim measures are effective and, if not, identify alternatives.

C. Notice to the Respondent

If the Claimant wishes to pursue resolution through the College or if the College otherwise deems that further investigation is warranted, the Title IX Coordinator will send a written Notice of Charge to the Respondent and schedule an initial meeting to present the allegations and explain the Respondent's rights.

During the initial meeting with the Respondent, the Title IX Coordinator will, as applicable:

- Provide the Respondent with sufficient information to allow her or him to respond to the substance of the allegation, including, if possible, the name of the Claimant and the date, location, and nature of the alleged Sex- and Gender-Based Discrimination and Harassment Policy violation;
- Provide a copy of this policy that explains the Respondent's rights, the College's procedures for investigating violations, the related disciplinary proceedings, and the possible outcomes of the College's disciplinary process.
- Inform the Respondent of the right to be accompanied by an advisor of their choosing to any investigatory meetings and/or disciplinary proceedings. During any such meeting or proceeding, the advisor may only act in a support role, meaning the advisor will not be permitted to testify, serve as a witness, examine or cross-examine any witnesses, or provide a statement on behalf of the individual. If a personal advisor is not available, the College will provide the names of faculty and staff who are trained in the process to act as an advisor and assist in securing this appointment.
- Inform the Respondent of any interim measures already determined and to be provided to the Claimant that directly affect the Respondent.
 - *Note: Failure to comply with the terms of interim measures may be considered a separate violation of this policy.*

- Refer the Respondent to a counselor or other College or community resources, as appropriate.
- Discuss with the Respondent, as appropriate, possible Interim Measures that can be provided to her or him during the pendency of the investigative and resolution processes. The College may implement such measures if requested and/or appropriate, and reasonably available, whether a formal complaint has been filed (with either campus officials or law enforcement agencies) or whether an investigation has commenced (by either campus officials or law enforcement agencies).

D. Informal Resolution Procedures

Mediation, restorative justice conferencing and other processes may be available in certain situations. These options can be requested by either the Claimant or Respondent or suggested by the Title IX Coordinator. These options may be used to avoid escalation of minor conflicts or in place of a formal disciplinary process in certain situations with the agreement of all involved parties and with the approval of the Title IX Coordinator. If an agreement is not reached when used in lieu of the disciplinary process, the case will be referred back for adjudication. Anyone participating in an informal resolution process may stop that process at any time and request a formal resolution.

E. Formal Investigation Procedures

i. Investigators

If the Claimant wishes to pursue formal College disciplinary proceedings against the Respondent or the College determines that formal disciplinary proceedings are appropriate, the Title IX Coordinator will appoint an impartial and trained pair of investigators. Generally, investigations involving complaints against student respondents will be referred to the Director of Student Life and Engagement. Generally, investigations involving employee respondents will be referred to the Director of Human Resources. If the lead investigator is the subject of the complaint, is unavailable to complete the investigation or has a real or perceived conflict of interest with either party or the matter, the Title IX Coordinator will appoint another College administrator to carry out the duties of the investigation. The second investigator will be selected by the Title IX Coordinator from a pool of trained individuals. The Title IX Coordinator may also appoint an investigator from outside the College if the Title IX Coordinator determines such an appointment is appropriate.

ii. Notice of Investigation

The Title IX Coordinator will send a written Notice of Investigation to the Claimant and the Respondent at the commencement of a formal investigation. Such notice will include:

- The identity of the Claimant and the Respondent;
- The date, time (if known), location, and nature of the alleged policy violation(s);
- The identity of the investigators assigned to the complaint;
- Information about the parties' rights and expectations under the Sex- and Gender-Based Discrimination and Sexual Harassment Policy and these Procedures;

- An explanation of the prohibition against Retaliation;
- An instruction to the parties to preserve any potentially relevant evidence in any format;
- How to challenge participation by an Investigator on the basis of bias or a conflict of interest; and
- A copy of the Title IX Policy and these Procedures.

The Title IX Coordinator may also notify other individuals, including the Respondent's supervisor, advisor and/or faculty members on a need-to-know basis.

iii. Investigation

Depending on the nature of the allegations, the investigation could include interviews with the Claimant, the Respondent and/or witnesses; collection and review of written statements, documentation, evidence and relevant policies; and any other steps necessary to thoroughly investigate the allegations.

The past sexual history or character of an individual will not be considered as part of the investigation unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or the College will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by a Respondent may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

iv. Draft Investigative Report

At the conclusion of the investigation, the lead investigator will prepare a Draft Investigation Report detailing the information gathered during the investigation. The Draft Investigation Report will not include any findings.

The Complainant and the Respondent will have an opportunity:

- To review the Draft Investigation Report;
- To meet with the Investigator;
- To submit additional comments and information to the Investigator;
- To identify any additional witnesses or evidence for the Investigator to pursue; and
- To submit any further questions that they believe should be directed by the Investigator to the other party or to any witness.

The Investigator will designate a reasonable time for this review and response by the parties, not to exceed five business days. Responses, corrections and questions submitted by either party will be recorded in the final report.

v. Final Investigative Report

The investigation will be concluded as expeditiously as possible, and the written Final Investigation Report with the recommended finding of policy violation from the investigative team will be forwarded to the Title IX Coordinator within ten business days

of the parties providing their responses, corrections and/or questions to the investigators.

F. Adjudication and Sanctioning Procedures

i. Adjudication Officers

The following individuals will adjudicate under this Policy following the completion of the formal investigation:

- The Vice President for Student Development will adjudicate and impose sanctions or corrective action(s) to address policy violations by students.
- The Vice President for Academic Affairs will adjudicate and impose sanctions or corrective action(s) to address policy violations by faculty.
- The Vice President for Finance and Administration and/or the supervising senior staff member will adjudicate and impose sanctions or corrective actions to address policy violations by staff.
- The President will adjudicate and impose sanctions or corrective actions to address policy violations by senior staff.
- The Board of Trustees will adjudicate and impose sanctions or corrective actions to address policy violations by the President.
- The Title IX Coordinator will adjudicate and impose sanctions or corrective actions to address policy violations by third parties.

If the Adjudications Officer is the subject of the complaint, is unavailable to direct the adjudication and sanctioning process, or has a real or perceived conflict of interest with either party or the matter, the Title IX Coordinator will appoint another College administrator to carry out the duties of adjudication and sanctioning.

ii. Adjudication

Upon receipt of the Final Investigation Report, the Title IX Coordinator will provide copies of the report to both parties and the Adjudication Officer. The Adjudication Officer will review the report and the investigators' recommended finding of responsibility based on the preponderance of the evidence standard and make a determination for case resolution. The Adjudicator has the discretion to seek additional information or evidence, hold additional interviews, or request additional investigative work before making a determination.

If the Adjudicator determines there is no finding of responsibility for a violation of the Gender-Based Discrimination and Sexual Harassment Policy, the complaint shall be dismissed, and the parties will be notified of the basis of the finding in writing.

If the Adjudicator determines there is a finding of responsibility for a violation of the Gender-Based Discrimination and Sexual Harassment Policy, she/he will draft a Report of Adjudication ("Adjudication Report") defining the basis for the finding of policy violation and assigning the appropriate sanctions for the violation.

iii. Possible Sanctioning

The following are the typical sanctions that may be imposed upon students, employees or organizations singly or in combination when found responsible for a violation of the Sex- and Gender-Based Discrimination and Harassment Policy:

Prohibited Behavior/Conduct	Range of Sanctions
Sex- or Gender-Based Discrimination	Reprimand Loss of Privileges Counseling Consultation Training or Educational Project Reassignment of Duties/Demotion Residence hall relocation Limited access to campus or campus buildings Conduct Probation Deferred Suspension Suspension Termination Organizational sanctions/restrictions
Sexual Harassment	Reprimand Loss of Privileges Training or Educational Project Reassignment of Duties/Demotion Counseling Consultation Residence hall relocation Residence hall eviction Limited access to campus or campus buildings Conduct Probation Deferred Suspension Termination

<p>Non-Consensual Sexual Intercourse</p>	<p>Suspension Expulsion Withholding diploma Termination</p>
<p>Non-Consensual Sexual Contact</p>	<p>Loss of Privileges Counseling Consultation Reassignment of Duties/Demotion Residence hall relocation Residence hall eviction Limited access to campus or campus buildings Conduct Probation Deferred Suspension Suspension Termination</p>
<p>Sexual Exploitation</p>	<p>Reprimand Loss of Privileges Counseling Consultation Reassignment of Duties/Demotion Residence hall relocation Residence hall eviction Limited access to campus or campus buildings Conduct Probation Deferred Suspension Suspension Expulsion Withholding diploma</p>

	Termination
Intimate Partner Violence	Loss of Privileges Conduct Probation Deferred Suspension Suspension Expulsion Withholding diploma Termination
Stalking	Loss of Privileges Reprimand Counseling Consultation Reassignment of Duties/Demotion Training or Educational Project Residence hall relocation Residence hall eviction Limited access to campus or campus buildings Conduct Probation Deferred Suspension Suspension Termination
Retaliation/Intimidation/Knowingly False Allegations	Loss of Privileges Training or Educational Project Reassignment of Duties/Demotion Residence hall relocation Limited access to campus or campus buildings Conduct Probation

	Deferred Suspension Suspension Expulsion Withholding diploma Termination
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In determining an appropriate sanction, the following will be taken into consideration:

- Impact of the policy violation on the Claimant or community;
- Protection of the campus community;
- Severity and egregiousness of the policy violation;
- Prior history of misconduct;
- Cumulative violations;
- Pattern of behavior;
- How the College has sanctioned similar policy violations in the past; and
- Any other mitigating, aggravating, or compounding circumstances in order to reach a just and appropriate resolution in each case.

Not all forms of sex- and gender-based discrimination or harassment will be deemed to be equally serious offenses, and the College reserves the right to impose different sanctions or corrective actions on individuals or groups found responsible for policy violations. The basis for such decisions will be defined in the Adjudication Report. The College will consider the concerns and rights of both the Claimant and the Respondent when determining sanctions.

If sanctions or corrective actions are imposed, the Adjudication Officer and/or the Title IX Coordinator will implement the sanction and act promptly and effectively to remedy the effects of the incidents upon the Claimant and the campus community.

iv. Notice of Outcome

The Title IX Coordinator will provide contemporaneous written notice to both the Claimant and the Respondent regarding the outcome of the proceedings, including any sanctions or corrective actions imposed. Any need-to-know parties will be informed as well. The notice will also include the College’s procedures for either the Claimant or the Respondent to appeal the outcome.

v. Withdrawal of Respondent

Should a student decide to leave the College and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student’s absence to a reasonable resolution and that student will not be permitted to return to Stephens College unless all sanctions have been satisfied. Formal withdrawal will not be granted. A hold may also be placed on the student’s account to prohibit re-enrollment and/or the release of transcripts and/or graduation until the complaint is resolved.

vi. Retaliation

It is a violation of College Policy to retaliate against any person making a report of sex- or gender-based discrimination or harassment or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of policy violation. "Retaliation" includes intimidation, threats, or harassment against any such Claimant or third party. Retaliation should be reported promptly to the Title IX Coordinator, the Director of Human Resources or the Vice President for Student Development and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of sex- or gender-based discrimination or harassment.

G. Appealsi. Notice of Appeal

Either the Claimant or the Respondent may request an appeal of the finding of responsibility or non-responsibility by submitting a written notice of appeal to the President's Office within five business days of the mailing date of the notice of final outcome. Failure to appeal within the stipulated time shall constitute a waiver of such appeal.

ii. Grounds for Appeal

Appeals may only be made on the basis of:

- substantial violations of the Procedures outlined in Section VI of this Policy that prevented a fair process;
- the emergence of new, material information relevant to the alleged policy violations that was unknown or unavailable during the investigation; and/or
- determining whether the sanction imposed, given the facts and circumstances, was excessive.

iii. Appeal Officers

The following individuals will oversee appeals under this Policy:

- The Vice President for Student Development will review appeals related to policy violations by faculty.
- The Vice President for Academic Affairs will review appeals related to policy violations by staff.
- The Vice President for Finance and Administration will review appeals related to policy violations by students.

If the Appeal Officer is the subject of the complaint, is unavailable to direct the appeal process, or has a real or perceived conflict of interest with either party or the matter, the Title IX Coordinator will appoint another College administrator to carry out the duties of appeal.

iv. Process of Appeal

A written memorandum detailing the grounds of the appeal must be filed within ten business days of filing the notice of appeal. If the President is the subject of the complaint, the party seeking to appeal the findings should submit written notice of appeal to the Chair of the Board of Trustees who will then take on the duties of the President.

Upon receipt of the notice of appeal, the President will open the appeal with the appropriate appeal officer. The appeal officer will first determine whether grounds for appeal exist. If grounds for appeal exist, the designee will review the appeal and inform the President of her or his findings in writing within 15 business days.

If no basis for appeal is present, the appeal will be dismissed and the adjudicator's decision stands. If the appeal is not dismissed, the President may order a new investigation and/or adjudication process or may modify the sanctions previously assessed. The decision of the President is final.

The Claimant and the Respondent will be contemporaneously informed in writing of the outcome of the appeal.

Imposed sanctions are active and put in place during the appeals process.

H. Evidentiary Standard

The College will evaluate reports of alleged sex- and gender-based discrimination and harassment under a "preponderance of the evidence" standard. A preponderance of the evidence exists when a reasonable person, after a careful balancing of available information, would conclude that it is "more likely than not" that a violation has occurred and the party charged is responsible for the violation.

I. Rights of Involved Parties

Throughout the process, all parties have the following rights:

- To be treated with respect, dignity and fairness;
- To be informed of the College's Sex- and Gender-based Discrimination and Harassment Policy and the grievance resolution process and to have those policies followed without material deviation;
- To file a complaint with the Title IX Office if you have been harmed by sex- or gender-based discrimination, sexual harassment or sexual assault and for the allegations to be treated with seriousness;
- To written notification of any allegations of misconduct made against you, including, to the extent possible, the name of the Claimant, and the date, location and nature of the alleged policy violation under investigation and possible sanctions;
- To a fundamentally fair process including the opportunity to accept or deny responsibility and to respond to the allegations.
- To file a criminal complaint if you believe a crime has been committed against you and the option to be assisted by College personnel in notifying such authorities. This also includes the right not to report;
- To seek and receive appropriate support services from the College including, but not limited to:
 - Residential accommodations;
 - Workplace accommodations;
 - Assistance in completing relocations;
 - Transportation and escort accommodations;
 - Academic assignment or exam rescheduling;

- Taking an incomplete in a class;
- Transferring class sections;
- Temporary withdrawal;
- Alternative course completion options.
- The right to have the College maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the College's ability to provide the accommodations or protective measures.
- To be notified of available counseling, mental health, advocacy, health, legal assistance, student financial aid, visa and immigration assistance or other services both on campus and in the community;
- To request that the College take steps to prevent unnecessary or unwelcome contact or communication with other parties in the process;
- To confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). The College will make all reasonable efforts to ensure the preservation of privacy. All records created that include personally identifiable information about you are protected under FERPA. This means that:
 - You are entitled to review all materials created for this investigation that identifies you;
 - Information related to your case and interviews will only be accessible to you and the other party and to any college officials who have a legitimate need to know this information; and
 - Release of information related to you and containing your identity (or reasonably linked to your identity) to individuals others than those listed above will be redacted so that neither your name nor information identifying you will be revealed;
- To a prompt and thorough investigation of allegations;
- To know the name and contact information for the Title IX Coordinator, the Investigators and the Adjudicator assigned to your case;
- To participate or decline to participate in the College's investigation. However, if you do not wish to participate, your decision will not relieve the College of its responsibility to provide a reasonable response according to College policy and Title IX guidance. The College will determine an outcome with the information available pursuant to applicable proceedings;
- To be notified in writing at appropriate intervals about the process including the commencement of the investigation, the draft investigative report, the final investigative report, the adjudicative report, case resolutions, sanctions, remedial actions and appeals.;
- To be accompanied by an advisor of your choosing to any investigatory meetings and/or disciplinary proceedings. During any such meeting or proceeding, your advisor may only act in a support role, meaning your advisor will not be permitted to testify, serve as a witness, examine or cross-examine any witnesses, or provide a statement on your behalf. If a personal advisor is not available, the College will provide the names of faculty and staff who are trained in the process to act as an advisor and assist you in securing this appointment;

- To submit evidence, documentation or witnesses relevant to the investigation (e.g., texts, emails, notes, photographs, videos etc.) and to challenge documentary evidence or testimony and to suggest questions for consideration in the investigation;
- To have timely access to any evidence and witness reports used to determine findings;
- To not have your unrelated past sexual histories admitted as evidence;
- To a campus conduct outcome based solely on evidence presented during the grievance process. The evidence shall be credible, relevant, based in fact and evaluated without prejudice under the preponderance of the evidence standard.
- To be protected from retaliation for your participation in the process. Reports of alleged retaliation should be made immediately to the Title IX Coordinator, the Director of Human Resources or the Vice President for Student Development and may be considered a separate violation of this Policy;
- To equal rights of appeal based on one or more of the following criteria:
 - Substantial violations of the written procedures that prevented a fair process;
 - The emergence of new, material information relevant to the alleged policy violations, and/or;
 - Determining whether the sanction imposed, given the facts, was excessive;
- To be informed in advance, when possible, of any public release of information regarding the complaint;
- To speak to the Title IX Coordinator at any time during the process and to ask questions; and
- To administrators, investigators, adjudicators, sanctioning and appeals officers that are free of real or perceived conflict of interest or demonstrated bias. Conflicts of interest should be brought to the attention of the Title IX Coordinator as soon as they are discovered. All individuals involved with the resolution of alleged violations of the Sex- and Gender-based Discrimination and Harassment Policy will be trained annually on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct and investigation and adjudication process that protects the safety and dignity of claimants, assures due process for the accused and sanctioning that promotes accountability.
- Individuals with a documented disability have the right to request reasonable accommodations throughout the Title IX process.

J. Remedial Action

In addition to the imposition of disciplinary sanctions, the Title IX Coordinator may take remedial action to remedy a hostile environment. Such remedies may be imposed to protect the College community and are considered separate from, and in addition to, any disciplinary sanction or interim measure that may have been provided prior to the conclusion of the College's investigation.

Examples of Remedial Action for the broader College community may include, but are not limited to:

- Training or retraining employees on the College's responsibilities to address allegations of sex- and gender-based discrimination and harassment;
- Conducting sex- and gender-based discrimination and harassment prevention programs with students and/or employees;

- Issuing policy statements or taking other steps that clearly communicate that the College does not tolerate sex- and gender-based discrimination and harassment and will respond to any incidents and to any reports of such incidents;
- Conducting a campus climate check to assess the effectiveness of efforts to ensure that the College is free from sex- and gender-based discrimination and harassment, and using that information to inform future proactive steps that the College will take;
- Targeted training for a group of students or employees if, for example, the sex- or gender-based discrimination or harassment created a hostile environment in a residence hall, in an academic program or on an athletic team.

When the College is unable to conduct a full investigation into a particular incident (i.e., when the claimant insists on confidentiality following receipt of a general report of sex- or gender-based discrimination or harassment without any personally identifying information, etc.), the Title IX Coordinator may pursue remedies for the broader College community in an effort to limit the effects of the conduct at issue and prevent its recurrence.

K. False Information and Malicious Accusations

Any individual who knowingly files false and malicious accusations of sex- or gender-based discrimination, harassment, retaliation or intimidation, who knowingly provides false information to College officials, or who intentionally misleads College officials who are involved in the investigation or resolution of a report of sex- or gender-based discrimination, harassment, retaliation or intimidation may be subject to disciplinary action or other sanctions up to and including expulsion or termination. Erroneous reports or complaints of sex- or gender-based discrimination, harassment, retaliation or intimidation made in good faith are exempted from this provision.

L. Effect of Criminal Proceedings

Because sexual offenses may constitute both a violation of College Policy and criminal activity, the College encourages persons to report alleged sexual offenses promptly to campus or local law enforcement agencies. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence.

However, because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations or reports are not determinative of whether sexual offenses has occurred for purposes of this policy. In other words, conduct may constitute sexual offenses under this policy even if it is not a crime or if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

If the Claimant does not understand the results of the criminal investigation or a decision not to prosecute, she or he may request that the Title IX Coordinator or another campus support person identified by the Claimant assist her or him in seeking and attending a meeting with the local prosecutor to gain an understanding of the decision to decline a prosecution.

While the College will cooperate with investigations by law enforcement, the filing of a report of sexual misconduct under this policy is independent of any criminal investigation or proceeding. The College will not wait for the conclusion of any criminal investigation or

proceedings to commence its own investigation or to take interim measures where necessary. A criminal investigation may temporarily delay the College's investigation while the criminal investigators are gather evidence.

M. Hostile Learning Environments and Academic Freedom

Robust discussion and debate are fundamental to the life of the College. Classroom instruction requires appropriate latitude for germane pedagogical discussions, as well as other methodologies used to fully engage students. This policy will be interpreted in a manner that is consistent with academic freedom. Free speech rights apply in the classroom and in all other educational programs and activities of the College. Great care must be taken not to inhibit open discussion, academic debate, expressive activity, and expression of personal opinion, particularly in the classroom and within academic forums. Nonetheless, speech or conduct of a sexual, gender-based or hostile nature which occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited discrimination, harassment, sexual offenses, or retaliation if it meets the definitions of misconduct provided throughout this policy and a) is reasonably regarded as non-professional speech (i.e., advances a personal interest of the faculty member or a student as opposed to furthering the learning process or legitimate objectives of the course), or b) lacks accepted pedagogical purpose and/or is not germane to the academic subject matter.

N. At-Will Employment Status

Nothing contained in this policy is intended and no language contained herein shall be construed as establishing a "just cause" standard for imposing discipline, including but not limited to, termination of employment. Further, nothing contained in this policy is intended and no language contained herein shall be construed to alter in any manner whatsoever the at-will employment status of any at-will College employee.

O. Record Retention

The formal written decision of any claimed violation of this policy will be provided to the Claimant and the Respondent. A document articulating the complaint, the investigation, the resolution, the adjudication, and where appropriate, the sanction or results of an appeal will be retained under these procedures in the Title IX Office for five years.

P. Deadlines

Any timeframes or deadlines in this Policy may be extended for good cause. If a timeframe or deadline is extended, the Title IX Coordinator will provide written notice to the Claimant and Respondent regarding the delay and the reason for the delay.

G. CONTACT INFORMATION

Inquiries concerning the application of Title IX and/or Section 304 of the Violence Against Women Reauthorization Act of 2013 may be referred to the College's Title IX Coordinator or to the U.S. Department of Education's Office for Civil Rights.

Stephens College's Title IX Coordinator is Shannon Walls. She may be contacted by phone at (573) 876-7250 or (573) 876-7210 or by email at sbwalls@stephens.edu. Her office is located on the Third Floor of Lela Raney Wood Hall, Room 342. More

information about Title IX, this policy and resources are available at www.stephens.edu/titleix.

The U.S. Department of Education's Office of Civil Rights can be reached at 1-800-421-3481 or ocr@ed.gov.

To contact the President of Stephens College, call (573) 876-7210 or email president@stephens.edu.

To contact information for the Chair of the Stephens College Board of Trustees, contact the Title IX Coordinator or the Assistant Secretary to the Board at (573) 876-7110.

H. OTHER RESOURCES AND RECOMMENDATIONS

A. Risk Reduction

In recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act:

- Make your limits known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, assume you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.

- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

B. Immediate Assistance and Resources

Stephens College recognizes that deciding how to respond to an incident of sex- or gender-based discrimination or harassment can be difficult and encourages all individuals to seek the immediate use and support of all available resources on and off campus, regardless of when or where the incident occurred. Confidential and non-confidential care and support resources are available both on and off campus on an immediate and ongoing basis.

i. For Individuals who have been harmed by a sexual offense

It is the College's goal to empower individuals who believe they have experienced an incident of sex- or gender-based discrimination or harassment to make the decisions that are best for them. Various campus and community advocates, counselors and emergency first responders are available to offer assistance in this regard. Moreover, seeking assistance and advice promptly from one of these resources may also be important to ensure one's physical safety or to obtain medical care or other support. It may also be necessary to preserve evidence, which can assist the College and/or law enforcement in responding effectively. Assistance is available 24 hours a day, 7 days a week. The Stephens Title IX Website www.stephens.edu/titleix provides contact information for the various advocates, counselors and emergency first responders available to provide assistance.

If you have been harmed by an incident of sexual offense, the College suggests the following actions:

- **Get to a Safe Place:** First and foremost, an individual who has been harmed by sexual assault (non-consensual sexual intercourse and non-consensual sexual contact), intimate partner violence, stalking or other violent actions is urged to get to a safe place away from the perpetrator or from any other potential danger as soon as possible. Individuals on campus that are not in a safe place should contact the Office of Safety and Security at (573) 876-7299 (24 hours) or local law enforcement at 911 immediately (24 hours). Individuals off campus should contact local law enforcement at 911 immediately (24 hours).
- **Call someone who can help and support you through this process,** such as a close friend, a relative, a residential adviser or a rape crisis counselor.
- **Get Medical Attention Right Away:** Even if you do not want to report the event to the police, you may have hidden internal injuries, sexually transmitted infections, or a pregnancy that requires medical care. Having the evidence collected in this manner will help to keep all options available to you, but will not obligate you to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should you decide later to choose that

option. Medical care, including emergency contraception (a way to prevent pregnancy after unprotected sex), is available at local hospital emergency rooms, as well as the Planned Parenthood Columbia Health Center at 711 North Providence Road.

- **Preserve Evidence:** Collecting evidence does not obligate an individual to any particular course of action, but it can assist law enforcement should criminal charges ultimately be pursued. For evidence collection purposes, do not shower, bathe, drink, eat, brush your teeth or hair, smoke, change your clothes or wash your linens. Such activities destroy physical evidence that could be useful in the possible prosecution of the alleged perpetrator. If you have already done so, which is a normal response, you should still seek medical care, as these activities do not necessarily prevent the collection of evidence. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. Individuals who have been harmed are also urged to photograph visible injuries. Pictures of injuries should be taken in both close-up and wide-angle formats.
- **Consider contacting campus or community resources,** including the Counseling Center, (573) 876-7157 or Campus Extension: 4157. Counseling services are available 24 hours a day on an emergency basis. Campus Security is also available to assist you, and may be reached by calling (573) 876-7299 or Campus Extension: 4299. True North provides emergency shelter, counseling and advocacy services for victims of intimate partner violence and sexual assault. They can be reached at (573) 875-1370 or <http://truenorthofcolumbia.org/>.
- **Consider Contacting Law Enforcement.** If you go to the hospital, law enforcement will automatically be called, but you are under no obligation to speak with them. The Columbia Police Department can be reached by calling 911 or (573) 874-7652 or an online crime report can be submitted at www.como.gov/police.
- **Write down everything that you remember.** Even if a detail seems minute to you, it may be important.

I. FREQUENTLY ASKED QUESTIONS

Does information about a report or complaint remain private?

- The privacy of all parties to a complaint of sexual misconduct must be respected, except insofar as it interferes with the College's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis.
- Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the Claimant or the Respondent may lead to disciplinary action by the College.
- In all complaints that are adjudicated under this policy, both the Claimant and Respondent will be informed of the outcome of disciplinary proceedings, including any sanctions that may be imposed. Certain college administrators whom the College

deems as having a "need-to-know" are also informed of the outcome within the bounds of student and employee privacy (e.g., the President, the Vice President for Student Development, the Director of Human Resources, the Director of Campus Security).

- If the College receives a report that a crime may have occurred, the College may notify local law enforcement. In the absence of permission from the Claimant, the College would only notify local law enforcement if it believed there was an imminent threat to the safety of the College community. Notification of law enforcement does not mean criminal charges will be automatically filed or that a Claimant must speak with the police.
- Certain campus officials have a duty to report specific types of sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes under a federal law called the Clery Act. All personally identifiable information is kept confidential, but statistical information must be shared with campus security regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the federally mandated annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the individual who has been harmed and may be done anonymously.
- Individuals who have been harmed by sexual offenses should also be aware that College administrators are legally required to issue prompt timely warnings about certain incidents reported to them that may continue to pose a serious or ongoing threat to members of the campus community. The College will make every effort to ensure that an individual's identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Will my parents, spouse/partner, or emergency contact be told?

- College officials will directly inform these individuals when requested to do so by you, in a life-threatening situation, or if you have granted the College permission in writing to share such information. Otherwise, these individuals will not know of the allegations unless you tell them. Whether you are the Claimant or the Respondent, the College's primary relationship is with you and not with your family members.

As the Claimant, will the accused/respondent know my identity?

- Yes, if formal disciplinary proceedings are instituted against a Respondent. Sex- and gender-based discrimination and harassment are serious offenses and the Respondent has the right to know the identity of the Claimant.

Do I have to name the person I am accusing?

- Yes, if you want the College to initiate formal disciplinary proceedings against the accused/Respondent.
- No, if you do not wish for the College to initiate formal disciplinary proceedings against the accused/Respondent. You are still eligible to receive support and assistance from the College even if you choose not to name the accused. Claimants should be aware that not identifying the accused/Respondent may limit the College's ability to respond effectively.

What do I do if I am accused of sexual misconduct?

- DO NOT contact the Claimant. You may immediately want to contact someone in the campus community or another individual who can act as your adviser. You may also contact the Title IX Coordinator and review this procedure. You may also want to talk to a confidential counselor at the counseling center or seek other community assistance.

Will I have to pay for counseling/or medical care?

- The College provides a list of resources available for counseling and medical care services. The costs of more extensive care will be your responsibility.

What about legal advice?

- Individuals who have been harmed by criminal sexual assault need not retain a private attorney to pursue criminal prosecution because criminal cases are prosecuted by the prosecuting attorney in the relevant jurisdiction. You may want to retain an attorney if you are considering a civil action against the Respondent, or if you are the defendant in a civil or criminal proceeding. A Claimant or Respondent may also retain counsel to advise them throughout the investigation and disciplinary process related to the College's policy on Sex- and Gender-Based Discrimination and Harassment. Any student or employee who retains a private attorney does so at their own expense.

Can I get a restraining order against the person I am accusing?

- Individuals who have been harmed by some types of conduct covered by this policy may be able to obtain a restraining order against the accused from a court. If requested, the College can provide personnel to accompany the individual to court to obtain such an order. If a court imposes a restraining order against a College student or employee, the College will work with the parties involved to help ensure compliance with the order. The College asks that any party to a restraining order provide a copy to Campus Security.
- Separate from a court order, the College may impose a no contact order on the Respondent (and in some cases, on both the Respondent and the Claimant). Violations of a College no contact order may result in College disciplinary proceedings.

What about changing residence hall rooms, classes, or offices? What other accommodations can the College offer?

- Students may request a room change. Room changes under these circumstances are considered emergencies, and you will be relocated to the first available suitable room. If you want the accused student/Respondent to move, in most circumstances, you must be willing to pursue a formal or informal College complaint.
- No contact orders can be imposed and room changes for the accused/Respondent can usually be arranged quickly.
- Other accommodations available might include:
 - Assistance from College staff in completing the relocation;
 - Arranging to void a housing contract and pro-rating a refund;
 - Assistance with or rescheduling an academic assignment (paper, exams, etc.);
 - Taking an incomplete in a class;
 - Assistance with transferring class sections;
 - Temporary voluntary withdrawal;
 - Assistance with alternative course completion options;
 - Assistance in changing living, transportation, dining, and/or working situations;
 - Arranging for increased monitoring, supervision, or security at locations or activities where the offense occurred;
 - Security escort service on campus; and
 - Other accommodations for safety as necessary.

Will a Claimant be sanctioned when reporting a sexual offenses policy violation if she/he has illegally used drugs or alcohol?

- No. The severity of the infraction will determine the nature of the College's response, but whenever possible, the College will respond educationally rather than punitively to the illegal use of drugs and/or alcohol. The seriousness of sexual offenses is a major concern and the College does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual offenses.

Will the use of drugs or alcohol affect the outcome of a sexual offenses complaint?

- Use of alcohol and/or other drugs will never excuse an incidence of sexual offense, and such use by either party will not diminish the accused/Respondent's responsibility. On the other hand, alcohol and/or drug use may affect the Claimant's memory. If the Claimant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the Respondent without further corroborating information. Claimants, however, who believe they have been harmed by sexual offense should not allow their use of alcohol and/or drugs to deter them from making a report of sexual offenses.

Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual offenses?

- Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

What should I do if I am uncertain about what happened?

- If you believe that you have experienced a sexual offense, but are unsure of whether it was a violation of the institution's Sex- or Gender-based Discrimination and Harassment policy, you should contact the Title IX Coordinator. The College will provide an advisor who can help you to define and clarify the event(s), and advise you of your options.