



## **STEPHENS COLLEGE**

# **Policy for Equal Opportunity, Harassment, and Nondiscrimination for All Students, Faculty, Staff, and Third-Parties**

Effective Date: 3/10/2022

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### **1. Policy Statements**

#### **a.) Nondiscrimination**

Stephens College adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in private higher education institutions.

Stephens College does not discriminate in its admissions practices (except as permitted by law), in its employment practices, or in its education programs or activities on the basis of age, color, physical or mental disability, ethnicity, gender expression, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status and all other protected characteristic under applicable local, state, or federal law, including protections from retaliation for those opposing discrimination or participating in any grievance process within the institution, with the Department of Education Office of Civil Rights, the Equal Employment Opportunity Commission, and/or other human/civil rights agencies.

This Policy covers nondiscrimination in both employment and access to educational opportunities, and the same principles apply to admissions policies and practices concerning student applicants to the undergraduate residential women's college program which enrolls only students who are sexed or gendered women and who self-identify and live as women or who are assigned female at birth but whose self-identity may not fit within the gender binary. Therefore, any member of the Stephens College community whose acts deny, deprive, or limit the educational, employment, residential, or social access, opportunities and/or benefits of any member of the College community on the basis of that person's actual or perceived protected characteristics listed above is in violation of the Stephens College Nondiscrimination Policy.

When brought to the attention of Stephens College, any such discrimination will be promptly and fairly addressed and remedied by the College according to the appropriate grievance process described within the accompanying resolution procedures.

#### **b.) Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to an educational and employment environment that is free of discriminatory harassment. This Policy is not meant to inhibit or

prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial, or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Stephens College policy. When speech or conduct is protected by academic freedom, it will not be considered a violation of Stephens College policy, though supportive measures will be offered to those impacted. All offense definitions encompass actual and/or attempted offenses.

Discriminatory harassment – defined as unwelcome conduct by any member of group of the community on the basis of actual or perceived characteristic protected by policy of law – is a form of prohibited discrimination under Stephens College policy.

Stephens College does not tolerate discriminatory harassment of any student, employee, , visitor, or third-party. Stephens College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.”

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities.<sup>1</sup> This discriminatory effect results from harassing verbal, written, graphic, and/or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, Stephens College may also impose sanctions on the Respondent through application of the appropriate grievance process below.

Stephens College reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct will not result in the imposition of discipline under Stephens College policy, but may be addressed through respectful conversation, remedial actions, education, and/or other Informal Resolution mechanisms.

### **c.) Sexual Harassment**

The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Missouri regard sexual harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

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<sup>1</sup> This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational Stephens Colleges Investigative Guidance.](#)

Stephens College has adopted the definition of sexual harassment that follows in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex or that is sexual in nature, that satisfies one or more of the following:

**1) Quid Pro Quo:**

- a. an employee of Stephens College,
- b. conditions<sup>2</sup> the provision of an aid, benefit, or service of Stephens College,
- c. on an individual's participation in unwelcome sexual conduct.

**2) Hostile Environment:**

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a Complainant equal access to Stephens College's education program or activity.<sup>3</sup>

**3) Sexual Assault, defined as:**

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<sup>2</sup> Implicitly or explicitly.

<sup>3</sup> Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

- a. Any sexual act<sup>4</sup> directed against a Complainant<sup>5</sup>,
  - i. without their consent, or
  - ii. instances in which the Complainant is incapable of giving consent.
- b. Incest:
  - i. Non-forcible sexual intercourse,
  - ii. between persons who are related to each other,
  - iii. within the degrees wherein marriage is prohibited by Missouri state law.
- c. Statutory Rape:
  - i. Non-forcible sexual intercourse,
  - ii. with a person who is under the statutory age of consent of 17.

**4) Dating Violence, defined as:**

- a. violence,
- b. on the basis of sex,
- c. committed by a person,

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<sup>4</sup> A 'sexual act' is specifically defined by federal regulations to include one or more of the following:

Forcible Rape:

- Penetration,
- no matter how slight,
- of the vagina or anus with any body part or object, or
- oral penetration by a sex organ of another person,
- without the consent of the Complainant.

Forcible Sodomy:

- Oral or anal sexual intercourse with another person,
- forcibly,
- and/or against that person's will (non-consensually), or
- not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object:

- The use of an object or instrument to penetrate,
- however slightly,
- the genital or anal opening of the body of another person,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling:

- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

<sup>5</sup> This would include having another person touch you sexually, forcibly, or without consent.

- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
  - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - iii. Dating violence does not include acts covered under the definition of domestic violence.

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

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

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

**6) Stalking, defined as:**

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

For the purposes of this definition:

- a. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils,

threatens, or communicates to or about a person, or interferes with a person's property.

- b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

#### **d.) Important Definitions Related to Sexual Harassment**

As used in the offenses above, the following definitions and understandings apply:

- i.) **Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me. I'll do what you want.>").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

- ii.) **Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

#### **iii.) Consent is:**

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

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

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

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

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

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g. use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

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

Consent in relationships must also be considered in context. When parties consent to BDSM<sup>6</sup> or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, thus Stephens College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

- iv.) **Incapacitation:** A person cannot consent if they are unable to understand what is happening, or they are disoriented, helpless, asleep, or unconscious, for any reason, including due to alcohol or other drug consumption. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

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<sup>6</sup> Bondage, discipline/dominance, submission/sadism, and masochism.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

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

#### **e.) Other Civil Rights Offenses**

In addition to the forms of sexual harassment described above, which are covered by Title IX, Stephens College additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant's actual or perceived protected characteristic.

##### **i.) Sexual Exploitation, defined as:**

- a. an individual taking non-consensual or abusive sexual advantage of another
- b. for their own benefit or for the benefit of anyone other than the person being exploited, and
- c. that conduct does not otherwise constitute Sexual Harassment under this Policy.

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

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g. doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to



hide in a closet and observe sexual activity; or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography

- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g. spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child pornography

ii.) **Harassment/Harm/Endangerment, defined as:**

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

iii.) **Discrimination, defined as:**

- a. actions that deprive, limit, or deny
- b. other members of the community
- c. of educational or employment access, benefits, or opportunities,
- d. including disparate treatment.

iv.) **Intimidation, defined as:**

- a. implied threats or
- b. acts that cause the Complainant reasonable fear of harm.

v.) **Hazing, defined as:**

- a. acts likely to cause physical or psychological harm or social ostracism

- b. to any person within the Stephens College community,
- c. when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy in the student handbook).

**vi.) Bullying, defined as:**

- a. repeated and/or severe aggressive behavior
- b. that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant.

Violation of any other Stephens College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived protected characteristics, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from warning through expulsion/termination.

**f.) Online Harassment and Misconduct**

Stephens College policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited above, when those behaviors occur in or have an effect on the College's education program and activities or when they involve the use of Stephens College networks, technology, or equipment.

Although Stephens College may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to Stephens College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual or sex-based messaging; distributing or threatening to distribute nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Stephens College community.

**g.) Retaliation**

Protected activity under this Policy includes reporting alleged misconduct that may implicate this Policy, participating in the resolution process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or a member of the Equity + Compliance Team, and it will be promptly investigated. Stephens College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Stephens College and any member of the College's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Filing a complaint under Process B could be considered retaliatory if those allegations could be subject to Process A, when the Process B allegations are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Process A that is not provided by Process B. Therefore, Stephens College carefully vets all complaints to ensure this does not happen, and to ensure that complaints are routed to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Pursuing a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

#### **h.) Disability Discrimination and Accommodations**

Stephens College is committed to full compliance with the Americans with Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal, state, and local laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental disability that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting disability or who are regarded as disabled by the College, regardless of whether they currently have a disability. A substantial disability is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

Grievances related to disability status and/or accommodations will be addressed using the procedures below. Details relating to disability accommodations in Stephens College's resolution process are also included in the procedures below.

### **1.) Students with Disabilities**

Stephens College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the College.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the ADA/504 Coordinator, who coordinates services for students with disabilities.

The ADA/504 Coordinator reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s) in accordance with applicable Stephens College policies.

### **2.) Employees with Disabilities**

Pursuant to the ADA, Stephens College will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the College.

An employee with a disability is responsible for submitting an accommodation request to the ADA/504 Coordinator and providing necessary documentation. The ADA/504 Coordinator will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with applicable Stephens College policies.

### **i.) Violations of Policy**

Stephens College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy. The most serious offenses are likely to result in suspension/expulsion/termination.

## **2. Purpose**

Stephens College is committed to providing an educational environment and workplace, as well as other programs, activities, and benefits that are free from discrimination and harassment based on a protected characteristic, and retaliation for engaging in a protected activity.

Stephens College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, Stephens College has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of a protected characteristic, and for allegations of retaliation.

### **3. Scope**

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. At other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, it can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, or domestic violence. When an alleged policy violation is reported, the allegations are subject to resolution using Stephens College's "Process A," "Process B," or "Process C," as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the Stephens College community, a Formal Complaint may be filed and a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Stephens College community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, vendors, contractors, and campers. The procedures below may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed and investigated in accordance with this Policy.

Stephens College recognizes that reports and/or Formal Complaints under this Policy may include multiple forms of discrimination and harassment as well as violations of other College policies; may involve various combinations of students, employees, and other members of the College community; and may require the simultaneous attention of multiple College departments. Accordingly, all Stephens College departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and

consistent with other applicable College policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination, harassment and/or retaliation.

#### **4. Policy Glossary**

- a.) Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the Resolution Process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.
- b.) Appeal Decision-Maker means the person who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action accordingly.
- c.) Complainant means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected characteristic, or retaliation for engaging in a protected activity.
- d.) Confidential Resource means an employee who is not a Mandatory Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- e.) Day means a business day when Stephens College is in normal operation.
- f.) Decision-Maker means the person or panel who hears or reviews evidence, determines relevance, and makes the Final Determination of whether this Policy has been violated and/or assigns sanctions.
- g.) Directly Related Evidence is evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-Maker(s). (Compare to Relevant Evidence, below.)
- h.) Education Program or Activity means locations, events, or circumstances where Stephens College exercises substantial control over both the Respondent and the context in which the harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.
- i.) Equity + Compliance Team oversees the implementation of Stephens College's policy on equal opportunity, harassment, and nondiscrimination and has the primary responsibility for coordinating the College's efforts related to the intake,

investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this Policy. The Team is comprised of the Title IX Coordinator, the ADA/504 Coordinator, and the Director of Diversity, Equity and Inclusion.

- i.) The Title IX Coordinator is the Primary Equity + Compliance Officer to lead grievance resolutions for complaints of sexual harassment and other sex- or gender-based offenses.
  - ii.) The ADA/504 Coordinator is the Primary Equity + Compliance Officer to lead grievance resolutions for complaints of disability discrimination and accommodation.
  - iii.) The Director of Diversity, Equity and Inclusion is the Primary Equity + Compliance Officer to lead grievance resolutions for all other forms of discrimination and harassment.
- j.) Equity Grievance Resolution Pool includes any Investigators, Hearing Decision-Makers, Appeal Decision-Makers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- k.) Final Determination means a conclusion by the preponderance of the evidence that the alleged conduct did or did not violate policy.
- l.) Finding means a conclusion by the preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
- m.) Formal Complaint means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in harassment or discrimination based on a protected characteristic, or retaliation for engaging in a protected activity and requesting that Stephens College investigate the allegation.
- n.) Formal Grievance Process means “Process A,” a method of formal resolution designated by Stephens College to address conduct that falls within the policies included above, and which complies with the requirements of the Title IX regulations (34 C.F.R. §106.45) and the Violence Against Women Act § 304.
- o.) Informal Resolution means a complaint resolution approved by the Parties that occurs prior to a formal Final Determination being reached.
- p.) Investigator means the person or persons authorized by Stephens College to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of Relevant Evidence and a file of Directly Related Evidence.

- q.) Mandatory Reporter means a Stephens College employee who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Equity + Compliance Team.<sup>7</sup>
- r.) Notice means that an employee, student, or third party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- s.) Official with Authority (OWA) means a Stephens College employee who has responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the College.
- t.) Parties means the Complainant(s) and Respondent(s), collectively.
- u.) Process A means the Formal Grievance Process detailed below and defined above.
- v.) Process B means the administrative resolution procedures that only apply only when Process A or C does not, as determined by the Title IX Coordinator.
- w.) Process C means the Formal Grievance Process detailed below and defined above when the Respondent is a student in the Children’s School at Stephens College.
- x.) Recipient means a postsecondary education program that is a recipient of federal funding.
- y.) Relevant Evidence is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.
- z.) Remedies are post-Final Determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Stephens College’s education program.
- aa.) Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected characteristic, or retaliation for engaging in a protected activity under this Policy.
- bb.) Resolution means the result of an Informal Resolution or Formal Grievance Process.

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<sup>7</sup> Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandatory reporting responsibility in this Policy.



- cc.) Sanction means a consequence imposed by Stephens College on a Respondent who is found to have violated this Policy.
- dd.) Sexual Harassment is an umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence.
- ee.) Student means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with Stephens College.
- ff.) Title IX Coordinator is the official designated by Stephens College to ensure compliance with Title IX and the College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

## **5. Administrative Contact Information**

### **a. Equity + Compliance Team**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made internally to members of the Equity + Compliance Team:

Shannon Walls  
Title IX Coordinator  
Stamper Commons Student Development Suite, Office 202  
(573) 876-7250 or Campus Ext. 4250  
Campus Box 2033  
[sbwalls@stephens.edu](mailto:sbwalls@stephens.edu) or [titleix@stephens.edu](mailto:titleix@stephens.edu)  
[www.stephens.edu/titleix](http://www.stephens.edu/titleix)

Sady Mayer Strand  
ADA/504 Coordinator  
Hugh Stephens Library, Office 216  
(573) 876-7240 or Campus Ext. 4240  
Campus Box 2111  
[smayer@stephens.edu](mailto:smayer@stephens.edu) or [adacoordinator@stephens.edu](mailto:adacoordinator@stephens.edu)  
[www.stephens.edu/ada](http://www.stephens.edu/ada)

### **Currently Vacant**

Director of Diversity, Equity and Inclusion  
Stamper Commons Student Development Suite, Office 203

(573) 876-2321 or Campus Ext. 4321  
Campus Box 2033  
[sdial@stephens.edu](mailto:sdial@stephens.edu) or [diversityandinclusion@stephens.edu](mailto:diversityandinclusion@stephens.edu)  
[www.stephens.edu/dei](http://www.stephens.edu/dei)

#### **b. Officials with Authority**

Stephens College has determined that the following administrators are Officials with Authority (OWAs) to address and correct harassment, discrimination, and/or retaliation. In addition to the Equity + Compliance Team members listed above, these OWAs may also accept notice or complaints on behalf of Stephens College:

President, Dr. Dianne Lynch  
[president@stephens.edu](mailto:president@stephens.edu)  
(573) 876-7210 or Campus Ext. 4210  
Campus Box 2001  
LRW, Suite 339

Vice President for Strategic Communications, Derrell Carter  
[decarter@stephens.edu](mailto:decarter@stephens.edu)  
(573) 876-7102 or Campus Ext. 4102  
Campus Box 2051  
**LRW**

Vice President for Finance and Administration, Dane Fuhrman  
[dfuhrman@stephens.edu](mailto:dfuhrman@stephens.edu)  
(573) 876-2364 or Campus Ext. 4364  
Campus Box 2004  
LRW, Suite 360

Vice President for Student Development, Dr. Laura Nunnelly  
[lnunnelly@stephens.edu](mailto:lnunnelly@stephens.edu)  
(573) 876-7253 or Campus Ext. 4253  
Campus Box 2033  
Stamper Commons Student Development Suite, Office 200

Vice President for Enrollment Management, Dr. Steve Pankey  
[spankey@stephens.edu](mailto:spankey@stephens.edu)  
(573) 876-7123 or Campus Ext. 4123  
Campus Box 2121  
**LRW**

Vice President for Engagement, Gina Sholtis

[gsholtis@stephens.edu](mailto:gsholtis@stephens.edu)

(573) 876-7110 or Campus Ext. 4110

Campus Box 2035

**LRW, Suite 200**

Vice President for Academic Affairs, Dr. Leslie Willey

[lwilley@stephens.edu](mailto:lwilley@stephens.edu)

(573) 876-7213 or Campus Ext. 4213

Campus Box 2005

LRW, Suite 339

Dean of the Conservatory for the Performing Arts, Jennifer Hemphill

[jhemphill@stephens.edu](mailto:jhemphill@stephens.edu)

(573) 876-7192 or Campus Ext. 4192

Campus Box 2077

Macklanburg Playhouse

Dean of the School Health Sciences, Dr. Julia Moffitt

[jmoffitt@stephens.edu](mailto:jmoffitt@stephens.edu)

(573) 876-7188 or Campus Ext. 4188

Campus Box 2072

PSC 201

Director of Human Resources, Michael Bates

[mbates@stephens.edu](mailto:mbates@stephens.edu)

(573) 876-7172 or Ext. 4172

Campus Box 2036

LRW, Suite 311

Executive Director, Okoboji Summer Theatre, Ruth Ann Burke

[rburke@stephens.edu](mailto:rburke@stephens.edu)

- Columbia: (573) 876-7199 or Campus Ext. 4199 (August through June)  
Campus Box 2007  
Macklanburg Theatre Box Office
- Okoboji: (712) 332-2875 (June through August)  
Weaver Commons

Athletic Director, Miguel Parades

[mparades@stephens.edu](mailto:mparades@stephens.edu)

(573) 876-2329 or Campus Ext. 4329

Campus Box 2065

Stamper Commons, Office 222

Director, Children's School at Stephens College, Elizabeth Watson  
[ewatson@stephens.edu](mailto:ewatson@stephens.edu)  
(573) 876-9294 or Campus Ext. 4590  
Campus Box 2022  
Webb Child Study Center

### **c. Mandatory Reporters**

Stephens College has also classified all other employees as Mandatory Reporters of any knowledge or suspicion they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandatory Reporting details which employees have this responsibility and their duties, accordingly.

### **d. External Reporting**

Inquiries may be made externally to:

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

Office for Civil Rights, Kansas City Office  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
Telephone: (816) 268-0550  
Facsimile: (816) 268-0559  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

For complaints involving employee-on-employee conduct:  
Equal Employment Opportunity Commission (EEOC)  
St. Louis District Office  
Robert A. Young Federal Building  
1222 Spruce St.  
Rm 8.100  
St. Louis, MO 63103

Telephone: (800) 669-4000  
Facsimile: (314) 539-7894  
TTY#: (800) 669-6820  
Email: [info@eeoc.gov](mailto:info@eeoc.gov)

## **6. Independence and Conflict of Interest**

The Equity + Compliance Team acts with independence and authority free from bias and conflicts of interest. The Equity + Compliance Team manages the Equity Grievance Resolution Pool and oversees all resolutions under this Policy and these procedures. The members of the Pool are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by a member of the Equity + Compliance Team, contact Stephens College President Dianne Lynch at [president@stephens.edu](mailto:president@stephens.edu), (573) 876-7210 or 1200 E. Broadway, Box 2001, Columbia, MO 65215.

Concerns of bias, misconduct, discrimination, or a potential conflict of interest by a member of the Equity Grievance Resolution Pool should be raised with a member of the Equity + Compliance Team.

## **7. Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- a) File a report or Formal Complaint with or give verbal notice to a member of the Equity + Compliance Team or Official with Authority listed above. Such a report or Formal Complaint may be made at any time (including during non-business hours) by using the telephone numbers or email addresses, or by mail to the office addresses listed above.
- b) Report online, using the reporting form posted at: [www.stephens.edu/equity](http://www.stephens.edu/equity).

Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. Stephens College tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant. Because reporting carries no obligation to initiate a formal response, and because Stephens College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the

Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows the College to discuss and/or provide supportive measures.

As used in this Policy, the phrase “Formal Complaint” means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that Stephens College investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

## **8. Mandatory Reporting**

All Stephens College employees (faculty, staff, administrators, and student residence life staff when they function as employees) are expected to report actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately, although there are some limited exceptions.

To make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting institutional resources. Within the institution, some resources may maintain confidentiality and are not required to report actual or suspected discrimination, harassment, or retaliation in a way that identifies the parties. They may offer options and resources without any obligation to inform an outside agency or institutional official unless a Complainant has requested the information be shared.

If a Complainant expects institutional action in response to their allegations, reporting to any Mandatory Reporter can connect them with resources to alleged crimes and/or policy violations, and these employees will immediately pass reports to the appropriate member of the Equity + Compliance Team (Title IX, ADA/504, DEI) (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe the Stephens College reporting options for a Complainant or third party (including parents/guardians when appropriate):

### **a. Confidential Resources**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- Stephens College licensed professional counselors and staff in the Counseling Center
- Stephens College Health Care Plan service providers and staff
- Stephens College Employee Assistance Program
- Stephens College Athletic Trainers (if licensed and privileged under state statute, and/or working under the supervision of a health professional)

- Community-based (non-employees):
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/Chaplains
  - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, or official designation, except in extreme cases of immediacy of threat or danger or abuse of a minor or when required to disclose by law or court order.

Institutional counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who have confidentiality privilege as described above, and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

#### **b. Mandatory Reporters and Formal Notice/Complaints**

All employees of Stephens College (including student residence life staff when they function as employees), with the exception of those who are designated as Confidential Resources, are Mandatory Reporters and must promptly share with the appropriate member of the Equity + Compliance Team all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandatory Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Equity + Compliance Team by employees, unless the Complainant clearly indicates that they desire a report to be made or seek a specific response from the College.

Supportive measures may be offered as the result of such disclosures without formal Stephens College action.

Failure of a Mandatory Reporter, as described above in this section, to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of Stephens College policy and can be subject to disciplinary action for failure to comply/failure to report.

Though this may seem obvious, when a Mandatory Reporter is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though Stephens College is technically not on notice simply because a harasser is also a Mandatory Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandatory Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

### **c. Anonymous Notice to Mandatory Reporters**

At the request of a Complainant, notice may be given anonymously (i.e. without identification of the Complainant) to a member of the Equity + Compliance Team. The Mandatory Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandatory Reporter maintain the Complainant's anonymity, the Mandatory Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandatory Reporter can consult with the appropriate member of the Equity Compliance Team on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by Stephens College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits Stephens College's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandatory Reporter, but all other details must be shared with the Title IX Coordinator. According to State law and College Policy, Mandatory Reporters are not able to maintain requests for anonymity for Complainants who are minors.

## **9. Supportive Measures**



Stephens College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered, without fee or charge, to the parties to restore or preserve access to Stephens College's education program or activity, including measures designed to protect the safety of all parties and/or the College's educational environment, and/or to deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a Formal Complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are considered with respect to any planning and implemented supportive measures.

Stephens College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. Stephens College will act to ensure as minimal an academic/occupational impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus

- Any other actions deemed appropriate by the Title IX Coordinator or the Equity + Compliance Team

Violations of no contact orders or other restrictions will be referred to appropriate student or employee conduct processes for enforcement.

## **10. Emergency Removal**

Stephens College can act to remove a student Respondent from its education program or activities – partially or entirely – on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Student Safety Assessment Team using its standard objective Violence Risk Assessment procedures.

When an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon as reasonably possible thereafter, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within three (3) business days of notice, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator at the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this Policy to implement or modify an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

Stephens College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily reassigning an employee, restricting a student's or employee's access to or use

of facilities or equipment, allowing a student to withdraw or take incomplete grades without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural/club athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact on the parties as possible.

When the Respondent is an employee, or a student employee, accused of misconduct in the course of their employment, existing provisions for interim action are applicable instead of the above emergency removal process.

### **11. Promptness**

Once Stephens College has received notice or a Formal Complaint, all allegations are promptly acted upon. Complaints typically take 60-90 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Stephens College procedures will be delayed, the College will provide written notice to the parties of the delay, the cause for the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

### **12. Confidentiality/Privacy**

Every effort is made by Stephens College to preserve the confidentiality of reports.<sup>8</sup> The College will not share the identity of any individual who has made a report or Formal

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<sup>8</sup> For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of Stephens College employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the College's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in Stephens College's Academic and Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. Stephens College has designated individuals who have the ability to have privileged communications as Confidential Resources. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required by law.

Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of harassment, discrimination, or retaliation; any Respondent; or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA) or its implementing regulations, or as required by law; or to carry out the purposes of 34 C.F.R. part 106, including any investigation, hearing, or grievance proceeding arising under these policies and procedures.

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

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Equity + Compliance Team, Office of Student Development, Office of Academic Affairs, Safety and Security, and the Student Safety Assessment Team. Information will be shared as necessary with Investigators, Decision-Makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

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

### **13. Jurisdiction of Stephens College**

This Policy applies to Stephens College's education program and activities, to conduct that takes place on property owned or controlled by Stephens College, and at Stephens College-sponsored events. The Respondent must be a member of Stephens College's community in order for this Policy to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprive a person of access to Stephens College's education program or activities. The College may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial Stephens College interest. Regardless of where the conduct occurred, the College will address notice/complaints to determine whether the conduct occurred in the context of its employment or education program or activity and/or has continuing effects on campus (including virtual learning and employment environments) or in an off campus sponsored program or activity.

A substantial Stephens College interest includes:

- 1) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.

- 2) Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
- 3) Any situation that significantly impinges upon the rights, property, or achievements of oneself or others, significantly breaches the peace, and/or causes social disorder.
- 4) Any situation that substantially interferes with the educational interests or mission of Stephens College.

If the Respondent is unknown or is not a member of the Stephens College community, the Title IX Coordinator will assist the Complainant in identifying appropriate institutional and local resources and support options. If criminal conduct is alleged, the College can assist in contacting local law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the College's community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator or a member of the Equity + Compliance Team.

In addition, Stephens College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from College property and/or events.

All vendors serving Stephens College through third-party contracts are subject to these policies.

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

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an internship, study abroad program, or other environment external to Stephens College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse.

#### **14. Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator or the Equity + Compliance Team. However, if the Respondent is no longer subject to Stephens College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Equity Compliance Team, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Stephens College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

### **15. When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a Formal CComplaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the institution and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a Formal Complaint to initiate a grievance process, usually upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision will be based on results of a violence risk assessment that shows compelling risk to health and/or safety that requires Stephens College to pursue formal action to protect the community.

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

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When the College proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the

Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Stephens College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College may offer Informal Resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Stephens College and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

#### **16. Federal Timely Warning Obligations**

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

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

#### **17. False Allegations and Evidence**

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

Additionally, witnesses and parties knowingly providing false evidence; tampering with or destroying evidence; or deliberately misleading an official conducting an investigation, hearing, or informal resolution can be subject to discipline under appropriate Stephens College policies.

#### **18. Amnesty**

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

It is in the best interests of the College community that Complainants choose to report misconduct to Stephens College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Stephens College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

#### **a. Students**

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Safety and Security Office or report to a residence life staff member).

Stephens College maintains a policy of amnesty for students who offer help to others in need. Although policy violations may not always be overlooked, the College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

#### **b. Employees**

Sometimes, employees are hesitant to report harassment, discrimination, or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the Professional Boundaries with Students Policy and is then assaulted in the course of that relationship might hesitate to report the incident to Stephens College officials.

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

Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.



## **19. Federal Statistical Reporting Obligations**

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

- a) All “primary crimes,” which include criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- b) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
- c) VAWA-based crimes,<sup>9</sup> which include sexual assault, domestic violence, dating violence, and stalking
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations

All personally identifiable information is kept private, but statistical information must be shared with the Stephens College Safety and Security Office regarding the type of incident and its general location (on or off campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include student development staff, campus safety and security officers, athletic director and coaches, residence life staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

## **20. Preservation of Evidence**

The preservation of evidence in incidents of sexual assault and stalking is critical to potential criminal prosecution and to obtaining restraining/protective orders, and is particularly time sensitive. Stephens College will inform the Complainant of the importance of preserving evidence by taking the following actions:

### **Sexual Assault**

- Seek forensic medical assistance at a local hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- Try not to urinate.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.

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<sup>9</sup> VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

### **Stalking**

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
- Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
- Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages showing a request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

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

### **21. Bystander Intervention**

Stephens College encourages all community members to take reasonable and prudent actions to prevent or stop acts of 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.

### **22. Revision of this Policy**

This Policy supersedes any previous policies addressing harassment, sexual misconduct, discrimination, and/or retaliation and will be reviewed and updated annually by the Equity + Compliance Team. Stephens College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

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

This Policy is effective March 15, 2022.

BASED ON THE ATIXA 2021 ONE POLICY, TWO PROCEDURES MODEL  
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