

SOUTH TEXAS COLLEGE OF LAW HOUSTON

Title IX — Sexual Assault and Sexual Misconduct Policy

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I. POLICY STATEMENT

South Texas College of Law/Houston ("STCL" or "School") is committed to providing an environment that is free from gender-based discrimination. It seeks to ensure that no students or employees are excluded from participation in, or denied the benefits of, any School program or activity on the basis of sex, which includes gender identity or gender expression. Members of the School community, as well as guests and visitors, have a right to be free from sexual harassment, violence and gender-based harassment.

STCL has an obligation to address incidents of sexual harassment that it knows or should know about, even when a complaint or report is not filed, and to respond to all complaints, reports and other incidents of sexual harassment it knows or should know about.

When an allegation of misconduct is investigated, and a responding community member is found to have violated the Title IX — Sexual Harassment and Discrimination Policy ("Title IX Policy" or "Policy") or to have engaged in other inappropriate conduct, discipline or corrective measures may be imposed. The school will take steps to prevent the recurrence of harassment and to correct its discriminatory effects on any complainant and others.

In a manner respecting the dignity and worth of all students, STCL will address all occurrences of sex discrimination reported to the school, recognizing the trauma these behaviors can produce, and will address the needs of survivors in any form of misconduct or sexual discrimination.

II. PURPOSE

STCL has established the procedures outlined in this Policy in order to: 1) educate and promote awareness of the School policies against sexual assault, harassment and misconduct; 2) provide all members of the School community with a process for promptly reporting any concerns regarding potential sexual assault, harassment or related inappropriate conduct; and 3) provide guidelines for prompt and effective responses to any reports of sexual assault and harassment.

III. APPLICABLE LAW

Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. § 1681 et seq., and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of federal financial aid. Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is a form of sex discrimination prohibited by Title IX. Title IX prohibits sex discrimination in both the educational and employment settings. Sexual harassment is defined in Section VII of this policy.

"Sexual Misconduct" includes a broad range of unwelcome behaviors that are often committed without consent or by force, intimidation, coercion, or manipulation. Sexual Misconduct includes, but is not limited to, sexual harassment or discrimination and sexual assault. Sexual Misconduct may also include such things as threatening speech of a sexual nature or making or sharing visual or auditory recordings of a sexual nature of another person without their consent. Sexual Misconduct can be committed by men or women, and it can occur between people of the same or different sex.

Inquiries about the application of Title IX may be directed to the following:

Wanda Morrow
Title IX Coordinator
Assistant Dean, South Texas
College of Law Houston
1303 San Jacinto,
Houston, Texas 77002
713-646-1825
TitleIXCoordinator@STCL.edu

Office for Civil Rights
U.S. Department of
Education, 1999 Bryan St.,
Suite 1620, Dallas, Texas
75201-6810, (214)661-9600,
OCR.Dallas@ed.gov

Further, the Violence Against Women Reauthorization Act of 2013 ("VAWA") became effective as of March 7, 2014, and covers domestic violence, dating violence, sexual assault, and stalking ("VAWA Complaints"). VAWA Complaints are referred to the Title IX Coordinator. Any complaints of Sexual Misconduct or VAWA Complaints must be promptly reported to the Title IX Coordinator.

STCL's policies are consistent with Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Title VII of the Civil Rights Act of 1964, and all other applicable statutes and School policies.

IV. NOTICE OF NON-DISCRIMINATION

STCL expressly prohibits discrimination on the basis of age; ancestry; citizenship status; color; creed; disability or medical condition; gender; pregnancy, childbirth or related medical conditions; gender identity or expression; marital, military or parental status; national origin; race; religion; sexual orientation, or any other basis prohibited by law. For questions about discrimination on the basis of a disability or to file a Section 504 complaint alleging discrimination on the basis of a disability, contact the Title IX Coordinator at TitleIXCoordinator@STCL.edu.

V. POLICY STATEMENT

A. General

This Policy prohibits Sexual Misconduct as defined herein. The School will respond promptly and effectively to reports of Sexual Misconduct and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this Policy.

B. Prohibited Acts

STCL strives to provide an educational, employment, and business environment free of all forms of sex discrimination, including, but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting Sexual Misconduct, as defined in this Policy, the Faculty Handbook, the Student Handbook, the Employee Handbook, and as otherwise prohibited by state and federal statutes.

C. Scope of Policy

This Policy applies regardless of the complainant's or respondent's sexual orientation, sex, gender identity, age, race, nationality, religion or ability.

Sexual Misconduct by non-STCL employees and guests doing business or providing services on campus (*e.g.*, contractors and vendors) is prohibited by this Policy.

Conduct by an employee that constitutes Sexual Misconduct in violation of this Policy is considered to be outside the normal course and scope of employment.

The school has an obligation to consider the effects of off campus conduct when evaluating whether there is a hostile environment in a school program or activity.

D. Gender Identity or Sexual Orientation Discrimination

Harassment that is not sexual in nature but is based on gender, gender identity, sex- or gender-stereotyping, or sexual orientation is also prohibited by the School's nondiscrimination policies if it denies or limits a person's ability to participate in or benefit from educational programs, employment, or services. While discrimination based on these factors may be distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether sexual harassment exists, the School may take into account acts of discrimination based on gender, gender identity, sex or gender-stereotyping, or sexual orientation.

E. Retaliation

This Policy prohibits retaliation against a person who reports Sexual Misconduct, assists someone with a report of Sexual Misconduct, or participates in any manner in an investigation or resolution of a Sexual Misconduct report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

F. Discipline and Corrective Actions

The School will take reasonable steps to prevent the recurrence of any Sexual Misconduct and to minimize the impact on the complainant (and others, if appropriate). Any member of the School community who is found to have engaged in Sexual Misconduct will be subject to appropriate discipline, up to and including expulsion, termination of employment or termination of his or her relationship with the School. The School also may take any other corrective action that it deems appropriate under the circumstances.

Discipline and/or corrective actions will also be appropriate if an investigation results in a finding that the complainant has knowingly made a false or malicious accusation.

G. Free Speech and Academic Freedom

This Policy is intended to define School standards and to outline the investigation and grievance processes when those standards are violated. The prohibitions against discrimination and harassment do not extend to statements, written materials, images, video, and other media that are germane to the classroom or academic course of study.

H. Jurisdiction

This Policy applies to students, employees, volunteers, independent contractors and vendors. The School requires reporting of all incidents of Sexual Misconduct, regardless of the alleged offender's identity or position. This Policy shall apply to conduct that occurs on School-owned or leased property and at School sponsored events, and to events on or off-campus that have sufficient ties to the School. Students shall be responsible for their conduct from the time of application for admission through the awarding of a degree, as well as during periods between terms of actual enrollment, study abroad and leaves of absence or suspension. Employees shall be responsible for their conduct from the time of application until their employment ends.

The School has the authority to combine violations of different policies, like those in the Faculty Handbook, the Student Handbook, or the Employee Handbook, that are related to the same incident under Title IX review, even though they may not be directly related to Sexual Misconduct. The School encourages individuals who believe they have been subject to any Sexual Misconduct to clearly and promptly notify a supervisor, manager, or the Title IX Coordinator. However, once a complaint or investigation is initiated under this Policy, it will supersede all other policies and will be used to resolve any and all other ancillary complaints arising out of the same or related incidents or allegations.

I. Distribution of Policy

As part of the School's commitment to providing a working and learning environment free from Sexual Misconduct, this Policy shall be distributed widely to the School community. The School will distribute this Policy to the students and employees by appropriate channels of communications, including posting it on an internet or intranet web site and directly notifying all students and employees of how to access the Policy by an exact URL address or link, and that they may request a paper copy. The School will make preventive educational materials available to all members of the community and will provide incoming students with a copy of this Policy along with an informational pamphlet at a scheduled Title IX informational session as part of their orientation.

J. Additional Enforcement Information

The federal Equal Employment Opportunity Commission ("EEOC") investigates complaints of unlawful harassment in employment. The U.S. Department of Education Office for Civil Rights ("OCR") investigates complaints of unlawful Sexual Misconduct by students in educational programs or activities.

These agencies may serve as neutral fact finders and attempt to facilitate the

voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC, or OCR.

VI. TITLE IX COORDINATOR AND RESOURCES

A. Title IX Coordinator

The School has designated the Executive Vice President to serve as the School's Title IX Coordinator ("Title IX Coordinator"). The Title IX Coordinator is responsible for implementing and monitoring Title IX compliance on behalf of STCL. The Title IX Coordinator's specific responsibilities include, but are not limited to, coordination of training, education, communications, providing prompt and effective response to reports of Sexual Misconduct in accordance with this Policy, initiating investigations of alleged Sexual Misconduct, maintaining records of reports of Sexual Misconduct including records of investigations, voluntary resolutions, and disciplinary action, as appropriate, and identifying and addressing any patterns or systemic problems that arise during the review of Sexual Misconduct complaints.

When students or employees feel they have been subjected to discrimination on the basis of sex, which includes but is not limited to sexual harassment or gender discrimination, they should contact the Title IX Coordinator or utilize the grievance procedures in this Policy, see *infra* at Section VIII, to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

Any inquiries regarding Title IX or this Policy should be directed to the Title IX Coordinator.

The Title IX Coordinator also qualifies as a campus security authority ("CSA") under federal law. A CSA is "an official of an institution who has significant responsibility for student and campus activities." The Coordinator will be available to meet with students, employees, and others regarding issues relating to Title IX and this Policy.

Inquiries or Title IX complaints should be referred to:

Helen B. Jenkins
Executive Vice President
South Texas College of
Law/Houston
Houston, Texas 77002
TitleIXCoordinator@STCL.edu
713.646.1887

B. Responsible Employee

While Sexual Misconduct can be reported to any of the agencies listed in the STCL Sexual Assault/Sexual Misconduct Notice, Title IX regulations require that these reports be made to a responsible employee ("Responsible Employee"). A Responsible Employee is an employee who has the authority to redress or a duty to report incidents of Sexual Misconduct. When an individual tells a Responsible Employee about an incident of Sexual Misconduct, the individual has the right to expect the School to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. At STCL, a Responsible Employee is the Title IX Coordinator for this Policy. If complaints are made to anyone else, the complainant risks the possibility that it will not come to the attention of the appropriate School official, and therefore not be acted upon.

C. Law Enforcement Officials

In addition to contacting a coordinator, individuals who have experienced Sexual Misconduct may contact proper law enforcement authorities, including the local police department. The Title IX Coordinators are obligated to contact the law enforcement agency with jurisdiction over STCL when the victim has been exposed to sexual violence or bodily harm.

D. Education and Training Programs

The School provides programming to educate students and employees about Sexual Misconduct, domestic violence, dating violence, and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students, faculty and employees.

VII. DEFINITIONS

The acts listed *infra* at Section III-B are included to clarify *examples* of acts, which would qualify as gender-based discrimination or harassment against those with protected status under Title IX. The listing of these examples does not preclude nor set aside STCL's formal codes of conduct listed elsewhere in the School's publications, handbooks, or addendums. Violations of the School's policies may not constitute a violation of the Title IX Policy, but would be addressed under the proper

policies. In any event, if a lesser or ancillary violation arises out of the incident that falls under Title IX, then this Policy takes priority.

The term Sexual Misconduct, as used in this Policy, includes, but is not limited to, those acts listed in Sections A and B below.

A. General Definitions

Coercion is the practice of forcing another party to act in an involuntary manner by use of intimidation or threats or some other form of pressure or force. Coercion may include the use of emotional manipulation to persuade someone to do something the person may not want to do. Being coerced into having sex or performing sexual acts is not consenting sex and may be considered Sexual Misconduct.

Consent is informed. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Consent cannot be given when a person is incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment, which may include intoxication through the use of drugs or alcohol. For purposes of this Policy, the age of consent is eighteen (**18**).

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation and coercion that overcomes resistance or produces consent.

Incapacitation is the state where someone cannot make rational, reasonable decisions due to a lack of capacity to give knowing consent (e.g., to understand the "who, what, when, where, why, and how" of the sexual interaction). Sexual activity with someone who is, or based on circumstances should reasonably have known to be, mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this Policy. A person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the consumption (voluntary or otherwise) of incapacitating drugs or alcohol cannot give consent.

B. Sexual Harassment

Sexual Harassment is a subset of Sexual Misconduct and includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, on or off campus, when: 1) submission to such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or progress; or 2) submission to or rejection of such conduct is used as the basis for employment decisions or for academic evaluation, grades, or advancement; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating or hostile academic or work environment. Sexual harassment may take many forms. Sexual Harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme.

Sexual harassment may include incidents between any members of the School community, including faculty and other academic appointees, staff, student employees, students, interns, and non-student or non-employee participants in School programs (e.g., vendors, contractors, or visitors). Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Examples of sexual harassment include, but are not limited to: subtle or persistent pressure for sexual activity; unnecessary touching, pinching or brushing against a person; requesting or demanding sexual favors concerning employment, academic activities or other school activities; unwelcome communications (verbal, written, electronic, etc.) of a sexual nature; failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior. For this Policy, sexual harassment and sex discrimination may also include the following acts.

Rape is forced sexual intercourse that is perpetrated against the will of a person or when the person is unable to give consent (i.e., unconscious, asleep, or under the influence of alcohol or drugs) and may involve physical violence, coercion, or the threat of harm to the individual.

Sexual Assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's mental or physical incapacitation. The conduct may include physical force, violence, threat or intimidation, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

Sexual Battery is any incident in which the victim's intimate part is touched without consent of the victim, and with specific intent to achieve sexual arousal, gratification, or sexual abuse.

Sexual Exploitation refers to a situation in which a person takes or attempts to take non-consensual or abusive sexual advantage of another. Examples of sexual exploitation include, but are not limited to:

Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed); and

Taking pictures, video, or audio recording another in a sexual act or in any other private 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).

C. VAWA Complaints

VAWA (Violence Against Women Act) identifies four specific complaints that may fall under the Title IX Policy: Sexual Assault, which is defined above, Domestic Violence, Dating Violence, and Stalking.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship will be determined based on a consideration of the following factors: 1) the length of the relationship, 2) the type of relationship, and 3)

the frequency of interaction between the persons involved in the relationship.

Domestic Violence is defined as abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

Stalking includes conduct directed at a specific person that would cause a reasonable person to-1) fear for his or her safety or the safety of others; or 2) suffer substantial emotional distress. Such behaviors or activities may include, but are not limited to non-consensual communications (i.e., face-to-face, telephone, email, and social media), threatening or obscene gestures, surveillance, or showing up outside the targeted individual's classroom, residence or workplace.

Under Texas law, a person commits an offense of stalking if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: (1) constitutes an offense of harassment, or that the actor knows or reasonably should know the other person will regard as threatening bodily injury or death for the other person; bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or that an offense will be committed against the other person's property; (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; or (3) would cause a reasonable person to fear bodily injury or death for himself or herself; fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; fear that an offense will be committed against the person's property; or feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

VIII. REPORTING AND RESPONDING TO A COMPLAINT

All members of the STCL community are strongly encouraged to contact the Title IX Coordinator if they observe or encounter conduct that may be subject to the Policy. This includes conduct by employees, students, or third parties. Reports of Sexual Misconduct may be brought to the Title IX Coordinator, or to any manager, supervisor, or other designated employee responsible for responding to reports of Sexual Misconduct. If the person to whom Sexual Misconduct normally would be reported is the individual accused of harassment, reports may be made to another

manager, supervisor, or designated employee. Managers, supervisors, and designated employees are required to notify the Title IX Coordinator or other appropriate official designated to review and investigate Sexual Misconduct complaints when a report is received.

Complainants have a right to proceed simultaneously with a criminal investigation and a Title IX investigation, and the school may defer its investigation for a limited time for fact gathering, but then will promptly resume its investigation.

A. Prompt Reporting Encouraged

Complainants of Sexual Misconduct may report incidents at any time, but are strongly encouraged to make reports promptly in order to best preserve evidence for a potential legal or disciplinary proceeding. Complainants are strongly encouraged to report incidents to the local police department and campus security. Complainants are also encouraged to contact the local victim/survivor services office, counseling centers, and health care providers for appropriate action. In general, there is no time limit for students to make a report, but an undue delay in reporting may affect the quality or preservation of evidence or witness testimony that would have been available. Employees who have experienced or observed conduct that they believe is contrary to this Policy have an obligation to promptly make a report. Timely reporting is necessary for employees. Professional counselors, when acting as such, are not considered to be a campus security authority. Please note that professional counselors are not required to disclose knowledge of crimes reported to them except when necessary to prevent harm.

B. Confidentiality

To the extent permitted by law, the confidentiality and/or the identities of all parties involved in the investigation and/or resolution of alleged or suspected violations of this Policy will be observed, provided that it does not interfere with the School's ability to conduct an investigation and take any corrective action deemed appropriate.

When weighing a complainant's request for confidentiality or that no investigation, hearing or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

1. The increased risk that the respondent will commit additional acts of Sexual Misconduct, such as: whether there have been other Sexual Misconduct complaints about the same respondent, whether the respondent has a history of violence, and whether the respondent threatened further Sexual Misconduct or other violence against the

complainant or others.

2. Whether the Sexual Misconduct was committed by multiple perpetrators.
3. Whether the perpetrator used a weapon to commit sexual misconduct.
4. Whether the School possesses other means to obtain relevant evidence of the Sexual Misconduct (e.g. security cameras or personnel, physical evidence).
5. Whether the complainant's report reveals a pattern of perpetration (e.g. via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors, or other factors unique to the situation, could lead the School to investigate and, if appropriate, pursue discipline or corrective actions.

For a list of confidential and non-confidential resources, please contact the Office of Student Academic Affairs (gsingleton@stcl.edu). This office will assist in recommending off-campus counselors, advocates, and health care providers that will generally maintain confidentiality and not share information with the School unless the complainant requests the disclosure and signs a consent or waiver form.

Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

On-Campus

- STCL Student Academic Affairs, 8th Floor:
 - 1) Gena Singleton, Assistant Dean (Room 832):
713.646.1778
 - 2) Lyndsay Garmond, J.D. (Room 832):
713.646.2967
 - 3) studentacademicaffairs@stcl.edu
- STCL Wellness Program
 - 1) Stress Management Workshops
 - 2) Mental Health and Substance Abuse Screening, Assessments, and Resources
 - 3) Sex Offense Prevention/Harassment Prevention/Alcohol and Drug Abuse Prevention

Houston Area:

- Rape Crisis Hotline.....713.528.7273
- Crisis Hotline of Houston.....713.228.1505

Woman’s Advocacy Project:

- Family Law Hotline.....800.777.FAIR
- Family Violence Legal Hotline.....888.374.HOPE
- Emergency Advocate Hotline.....888.325.SAFE

Victim’s Services:

- TDCJ Victim’s Services Division.....800.848.4284
- Texas Family Violence Legal Hotline.....800.374.4673
- National Domestic Hotline.....800.799.7233

C. Required Notice for Reports of Sexual Misconduct

The School will provide a written explanation of available rights and options, including procedures to follow, when the School receives a report that a student or employee has been a victim of Sexual Misconduct or a VAWA Crime, whether the offense has occurred on- or off-campus or in connection with any School program. The written information shall include:

- To whom the alleged offense should be reported.
- Options for reporting to law enforcement and campus authorities, including the option to notify local law enforcement authorities, the right to be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses, and the right to decline to notify such authorities.
- The rights of the parties regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts and the School's responsibilities regarding such orders.
- The importance of preserving evidence as may be necessary to prove Sexual Assault, a VAWA Crime, or to obtain a protection order.
- Existing campus and community services available for the parties including counseling, health, mental health, victim advocacy, legal assistance, and other services.
- Options for, and available assistance to, change academic, and working situations, if requested by the one of the parties and if reasonably available. (These options are available regardless of whether the victim chooses to report the crime to campus police or local law enforcement).
- Any applicable procedures for institutional disciplinary action.
- Rights under the Constitutional and Statutory Victims’ Rights Law, Texas Victims’ Bill of Rights, which include the right to assistance and comprehensive services for victims and restitution from the Texas Crime Victims’ Compensation Program.

D. Title IX — Initial Assessment

Upon receipt of a report of a Policy violation, the Title IX Coordinator (or a designee) will conduct an initial Title IX assessment. The first step of the assessment will usually be a preliminary meeting with the Campus Security Authorities (CSA) or the complainant. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full interview. At this meeting, the complainant will be provided with information about resources, procedural options and interim measures.

This initial assessment will proceed to the point where a reasonable determination of the safety of the individual and of the campus community can be made. Thereafter, an investigation may be initiated depending on a variety of factors, such as whether the complainant will pursue disciplinary action, the nature of the allegation and the proper grievance process to be applied.

If a full investigation is initiated, the complainant must provide a written complaint to the School regarding the alleged violations. The respondent will be provided with a copy of the complaint. After the process has been initiated, the respondent will have an opportunity to prepare a written response to the alleged violations and assert any cross-complaints, which will be provided to the complainant.

E. Anonymous and Third-Party Complaints

Where a complainant requests to remain anonymous or that no formal action be taken, the School must balance this with its obligations to provide a safe and non-discriminatory environment for all community members (see factors listed in Section VIII B, *supra*) and to afford a respondent fundamental fairness by providing notice and an opportunity to respond before any action is taken against a respondent. In the event that the circumstances of the complaint dictate a full investigation, the School will take all actions necessary to conduct the investigation while balancing the wishes of the complainant. This may include disclosing the identity of the complainant and other steps that might compromise the complainant's request for confidentiality and anonymity. Subject to these limitations, the School will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. The School shall inform the complainant that its ability to investigate or take action will be limited based on the nature of the request by the complainant.

If the individual decides not to file a complaint with the School, the School encourages the individual to seek out the available medical and mental health

resources listed in the STCL “Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking” (see VIII.B Supra). Individuals who wish to make a complaint at a later date may contact any of the Coordinators at any time. Please note, however, that a delay in reporting could affect the School's ability to gather information and evidence to determine whether a person is responsible for Sexual Misconduct.

Reports that are made anonymously or by third parties may not initiate the formal complaint process. However, Title IX requires the School to investigate all incidents about which the School knows or has reason to know in order to protect the health and safety of the School community. The School may undertake an initial assessment even in cases where the alleged victim and/or complainant choose not to cooperate or participate. As necessary, the School reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim or complainant.

F. Reluctance to Report Based on Potential Violations

Students may be reluctant to report incidents because of concerns that their own behavior may be a violation of School policies. The School's primary concern is student safety. Any other rules violations will be addressed separately from the Sexual Misconduct allegation. The use of alcohol or drugs does not make the complainant at fault for Sexual Misconduct. In appropriate circumstances, a student who is found to have engaged in excessive consumption of alcohol or drugs may be offered a chance to get medical or psychological help in lieu of disciplinary sanctions. Although school policy violations cannot be overlooked, the School will consider the positive impact of reporting an incident involving the Title IX Policy when determining the appropriate response to other policy violations. In such cases, any possible negative consequences for the reporter of the problem should be evaluated against the possible negative consequences of not reporting the incident.

G. Interim Measures

At any time during the process, the Title IX Coordinator (or a designee) may impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved ("Interim Measures"). Interim Measures may be imposed regardless of whether discipline or corrective measures are sought by the complainant or the School. All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by an Interim Measure. The School will take responsive action to enforce the Interim Measures.

The School reserves the right to take immediate action and impose restrictions

on any person accused of violating this Policy, or to take any other Interim Measures it deems appropriate, pending the outcome of an investigation and/or disciplinary proceedings. If the Title IX Coordinator, or a designee, decides at any point the well-being of a student or employee is at stake, an interim suspension may be imposed on the individual, who is suspected of violating this Policy or otherwise poses a risk of safety to others, until the investigation and/or hearing can be completed. This action assumes no presumption or determination of guilt and the investigation will be completed as soon as possible.

At any time during the investigation, STCL may implement the following Interim Measures:

- Placing an employee on paid or unpaid administrative leave.
- Removing a student from campus and/or current classes.
- Providing access to counseling services.
- Issuing on-campus No Contact Orders.
- Modifying course schedules, rescheduling of exams and assignments.
- Limitations on time and access to campus (including reduced access to the library and other School buildings).
- Banning individuals from campus except for classes and required school activities.
- Changing class schedules, work schedules or job assignments.
- Voluntary leave of absence.
- Providing an escort to ensure safe movement between classes and activities.
- School imposed leave or separation.
- Any other remedy tailored to the involved individuals to achieve the goals of this Policy.

The School may use these Interim Measures in any combination thereof, or create new measures as needed. The School will take responsive action to enforce the Interim Measures.

H. Disciplinary Actions for Violations of This Policy

Students who are found to have violated this Policy will be subject to disciplinary action, up to and including expulsion or dismissal in accordance (1) with the provisions of any applicable Code of Conduct or other comparable policy; and (2) with the additional provisions set forth in this Policy.

Employees who are found to have violated this Policy will be subject to disciplinary action, up to and including termination in accordance (1) with any applicable policies or procedures governing disciplinary action against faculty and staff and; (2) with the additional provisions set forth in this Policy, to the extent these additional provisions are applicable.

Guests and other third parties who are found to have violated this Policy will be subject to corrective action deemed appropriate by the School, which may include removal from the campus and termination of any applicable contractual or other arrangements. In instances where the School is unable to take disciplinary action in response to a violation of this Policy because a complainant insists on confidentiality or for some other reason, the School will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

IX. INVESTIGATING A COMPLAINT

A. Duty to Investigate

STCL is committed to investigating known or suspected violations of this Policy. In addition to direct or third-party complaints, some common triggers for an investigation may include: a student filing a police report with local police who alert the School, parents calling an administrator to complain, or an administrator receiving an anonymous voicemail, email, or written message alleging Sexual Misconduct. STCL's ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the complainant is willing to file a complaint or to consent to an investigation, the location where the alleged conduct occurred, and STCL's access to information relevant to the alleged violation of this Policy. All parties are expected to fully cooperate with the Title IX Coordinator and/or the investigation.

B. Sexual Misconduct Involving Bodily Harm

In the event that the Title IX Coordinator has received a report of Sexual Misconduct involving bodily harm, the Title IX Coordinator must determine, consistent with state or local law, whether appropriate law enforcement or other authorities should be notified. The victim of Sexual Misconduct also may choose to file a criminal complaint against the respondent. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the School's investigation, but the School will commence its own investigation as soon as is practicable under the circumstances. STCL reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

C. Investigations

The Title IX Coordinator may investigate the claims or select a person(s) to investigate the claims. The designated investigator ("Investigator") is primarily responsible for investigating or coordinating the investigation of reports and complaints of violations of the Policy. Attorneys for the parties will be allowed to participate in the investigation. The Investigator shall:

- Conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings with witnesses named by both the complainant and respondent.
- Inform the witnesses and other involved individuals of the confidentiality requirements and the prohibition against retaliation.
- Create, gather and maintain investigative documentation, as appropriate.
- Disclose appropriate information to others only on a need to know basis, consistent with state and federal law, and provide a data privacy notice in accordance with state law.
- Handle all data in accordance with applicable federal and state privacy laws.
- Apply a preponderance of evidence standard to determine whether there has been a violation of this Policy.

The investigation will be completed within sixty (60) days of the filing of a complaint or from the report of the suspected violation of this Policy, unless the School determines in its discretion that more time is required to initiate and complete the investigation. As part of the investigation, the Investigator will seek to interview the complainant and the respondent.

To help ensure a prompt and thorough investigation, complainants are encouraged to provide as much of the following information as possible:

- The name, department, and position of the person or persons allegedly causing Sexual Misconduct or retaliation.
- A description of any relevant incident(s), including the date(s), location(s), and the presence and identities/names of any witnesses.
- The alleged effect of the incident(s) on the complainant's academic standing, educational benefits or opportunities, position of employment, salary, employee benefits, promotional opportunities, or other terms or conditions of employment.
- The names of other students or employees who the complainant knows to have been subject to the same or similar Sexual Misconduct, or retaliation.
- Any steps the complainant has taken to try to stop the Sexual Misconduct or retaliation.

- Any other information the complainant believes to be relevant to the alleged Sexual Misconduct or retaliation.

The respondent is also encouraged to provide as much of the above information as possible that relates to or may be applicable to the respondent in connection with the investigation as well as any other additional information, including:

- Any information or documentation providing support for any defense or counterclaim.
- The identity or name of any witnesses who can testify on the respondent's behalf or who can contradict the complainant's allegations.
- The identity or name of any witnesses who can testify as to the complainants' competence, including whether or not the complainant was under the influence of any drugs or alcohol. Any other information the respondent believes to be relevant to the allegations, defenses or counterclaims.

D Mediation

Allegations of Sexual Assault or Sexual Violence may not be resolved using mediation or any other an informal resolution process that involves direct contact between the parties. However, some allegations of nonviolent Sexual Misconduct may be resolved using an informal resolution process overseen by the Title IX Coordinator or his or her designee, in conjunction with the Investigator, if (1) the School determines, in its discretion, that such a process would be appropriate; and (2) both the complainant and respondent agree to participate. The parties to any such informal process will not be required to deal directly with one another. Instead, one or more representatives, selected by the School, may arrange for or facilitate informal resolution measures between the parties. The parties must be notified of the right to end the informal process at any time during the complaint process.

With advanced approval of the Title IX Coordinator, each party may be entitled to one non-attorney advisor ("Advisor") or support person who may attend the mediation or other informal resolution process.

E. Investigation Report

After the investigation has been completed, the Investigator shall:

1. Prepare an investigation report. Generally, an investigation results in a written report that at a minimum includes a statement of the allegations and

issues, the position of the parties, a summary of evidence, findings of fact, and a determination by the Investigator whether the Policy has been violated. The Investigator may recommend:

- That no disciplinary action be taken if no violation of this Policy has occurred.
 - That the Title IX Coordinator conducts or coordinates education/training.
 - Separation of the parties, changes in workplace assignments, enrollment in a different course or program, or any other rehabilitative or corrective action deemed appropriate.
 - Discipline or corrective measures, up to and including expulsion, termination of employment, termination of relationship with the School or other disciplinary action deemed appropriate.
 - Any other recommendations deemed appropriate to resolve the complaint in a fair and just manner.
2. Take any follow-up or additional investigative measures as determined by the Title IX Coordinator.
3. Be responsible for coordinating responses to requests for information contained in an investigation report in accordance with the privacy laws and other applicable law including but not limited to the Family Educational Rights and Privacy Act (FERPA).

X. POST INVESTIGATION

After receiving the report prepared by the Investigator, the Title IX Coordinator shall make the final determination as to whether a violation of this Policy has occurred, and what disciplinary actions or corrective measures, if any, should be taken. The Title IX Coordinator may take the following actions:

- Determine there has been no violation(s) under the Policy or that there is insufficient evidence to conclude that there has been a violation under the Policy.
- Determine that a violation has occurred; determine the appropriate discipline or corrective measure; and provide the respondent an opportunity to accept the findings of fact and discipline or corrective measure.
- Take other measures deemed necessary to determine whether a violation of the Policy has been established by a preponderance of the evidence; additional steps may include a request that the Investigator

conduct further inquiries.

- Determine whether a hearing panel should be convened to resolve the complaint.
- Notify the complainant and the respondent of the outcome as appropriate, in accordance with applicable privacy laws.

XI. HEARING

A hearing may be convened at the discretion of the Title IX Coordinator. In determining whether a hearing should be convened, the Title IX Coordinator may consider the following factors:

- The seriousness of the allegation(s).
- Whether the allegation(s) involve violence, injury, or the use of a weapon.
- Whether there are multiple complaints.
- Whether the accused has been found responsible for prior incidents of Sexual Misconduct.
- Any other special circumstances as determined by the Title IX Coordinator.

If a hearing is determined to be required, the School will provide written notification to the complainant and respondent of the hearing date and procedures. The hearing will be held within fourteen (14) calendar days after the Title IX Coordinator determines the necessity for a hearing, unless the School determines that additional time is required.

A public hearing on cases involving sexual assault or sexual violence is explicitly prohibited.

A. Hearing Panel

The Hearing Panel is a fact-finding committee comprised of individuals trained or experienced in Sexual Misconduct. Depending on the complexity of the issues, a hearing panel may have one to three (1-3) panelists. The individuals who serve as panelists will be selected by the Title IX Coordinator, or other designated official.

The Hearing Panel will have for its review, the initial complaint, the respondent's response and any cross-complaints, all witness statements written or recorded, and any evidence preserved for the hearing.

B. Standard for Determining Responsibility

A preponderance of the evidence standard will be used to determine whether this Policy has been violated. For the VAWA Complaints, except Sexual Assault, a clear and convincing evidence standard will be used to determine whether the School's policies have been violated.

C. Rights of Complainants and Respondents

The complainant and respondent have the following rights:

- The opportunity to speak on one's own behalf.
- The opportunity to be accompanied by a non-attorney Advisor or support person, with advanced notice to the Title IX Coordinator.
- The opportunity to present witnesses who can speak about the alleged conduct at issue. The opportunity to present other evidence on one's own behalf.
- The opportunity to have a non-attorney Advisor or support person or a member of the hearing panel cross-examine an adverse witness.
- The right to submit questions to the non-attorney Advisor or support person or a member of the hearing panel to be used in questioning or cross-examining an adverse witness. The opportunity to attend the entire hearing or other proceeding, except for the deliberation phase.
- The right to be informed of the outcome of the hearing or other proceeding.
- The opportunity to appeal the outcome of the hearing or other proceeding.

D. Advisors and Support Persons

The hearing is closed to all persons except for the complainant and respondent, one non-attorney Advisor, one attorney, any witnesses while they are testifying, any staff required by the hearing panel, and any other person deemed appropriate or necessary by the Title IX Coordinator or the hearing panel. The Advisor cannot be a witness in the proceeding.

E. Notification and Results of Investigation or Hearing

After the conclusion of the investigation or hearing, the School will provide written notification to the complainant and the respondent involved of the outcome (i.e., whether a violation of this Policy has occurred) within fourteen (14) calendar

days after the conclusion of any hearing or proceeding, unless the School determines that additional time is required. This notice shall be issued contemporaneously to both parties to the extent practicable. The School also may disclose to the complainant information about any sanctions or corrective actions taken that relate directly to the complainant (e.g., a No Contact Order and any other notice required under Title IX). Neither the complainant nor respondent will be prohibited from disclosing the outcome of an investigation or hearing. The School will maintain documentation of all hearings or other proceedings.

XII. RIGHT TO APPEAL

Once written notification of the resolution has been provided, either the complainant or the respondent will have the opportunity to appeal the outcome, including the issue of whether there is a Policy violation and any discipline or corrective measure imposed. Any appeal must be submitted in writing to the Title IX Coordinator within ten (10) calendar days of being notified of the outcome of the investigation or hearing and must set forth the grounds upon which the appeal is based. The only grounds for appeal are as follows: a procedural error that significantly impacted the outcome, to consider new evidence unavailable during the original investigation, or the sanctions imposed are substantially disproportionate to the severity of the violation. Appeals will be resolved in accordance with any applicable procedures found in this Policy or other applicable procedure regarding discipline or corrective measures actions taken against employees.

The Title IX Coordinator will refer the appeal to the Dean or other designated School official who shall resolve the appeal. Neither the complainant nor the respondent will be entitled to a hearing in connection with any appeal. Both parties will be informed in writing of the outcome of any appeal within fourteen (14) days of the date by which all requested information is received, unless the School determines that additional time is required. The appeal decision is final.

XIII. PROHIBITION AGAINST RETALIATION

Retaliation exists when action is taken against a complainant or participant in the complaint process that (i) adversely affects the individual's employment or academic status; and (ii) is motivated in whole or in part by the individual's participation in the complaint process.

No individual who makes a complaint alleging a violation of this Policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Any acts of retaliation, as defined in this Policy, shall be grounds for discipline or corrective measures, up to and including expulsion, termination of employment or termination of relationship with the

School.

XIV. PRIVACY

The School shall protect the privacy of individuals involved in a report of Sexual Misconduct to the extent permitted by law and School Policy. A report of Sexual Misconduct may result in the gathering of extremely sensitive information about individuals in the School community. While such information is considered confidential, School policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of Sexual Misconduct. In such cases, efforts shall be made to redact the records in order to protect the privacy of individuals. An individual who has made a report of Sexual Misconduct may be advised of discipline or corrective measures imposed against the respondent when the individual needs to be aware of the discipline or corrective actions in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report).

In addition, when the offense involves a crime of violence or a non-forcible sex offense, FERPA allows the School to disclose to the complainant the final results of a disciplinary proceeding against the respondent, regardless of whether the School concluded that a violation was committed. Information regarding discipline or corrective measures taken against the respondent shall not be disclosed without the respondent's consent, unless permitted by law as noted above, or unless it is necessary to ensure compliance with the action or the safety of individuals.

XV. RETENTION OF RECORDS

The Title IX Coordinator will maintain detailed records of each formal and informal complaint, including individuals involved, investigative steps taken, documentation received, individuals interviewed, decisions reached, and reason(s) for decision(s) reached.

XVI. ONGOING REVIEW

The Title IX Coordinator will annually review all formal and informal complaints of discrimination on the basis of sex (including sexual harassment, sexual assault, and sexual violence) to identify any patterns of systemic problems and will recommend appropriate action to address any patterns or problems identified.

(You may request a paper copy of this Policy from the Title IX Coordinator.)