



# **Reed College Sex-Based Harassment & Discrimination Policy**

Revised May 26, 2025

# Preamble

Reed College is committed to providing a workplace and educational environment that is free from discrimination and harassment on the basis of sex and/or gender.

To ensure compliance with federal and state laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of its education programs and activities, the College has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sex-based discrimination or harassment, as well as for related allegations of retaliation.

This policy defines and explicitly prohibits discrimination on the basis of sex, including sexual harassment. When the College receives a report or has Actual Knowledge of sex-based discrimination or harassment that is alleged to have occurred within the scope of this policy, as described below, it responds according to the procedures detailed in the [Sex-Based Harassment & Discrimination Procedures](#).

## I. Introduction

Reed College is committed to maintaining an academic community in which the free exchange of ideas and expression is rigorously protected. The Reed College Mission Statement and the Constitution and Bylaws of the Faculty express the College's deep commitment to academic freedom and to the free exchange of ideas, wherein students and faculty should have the broadest possible latitude to speak, write, listen, challenge, and learn. These freedoms are central to the College's values, and sometimes, discomfort may be an inevitable result of the exercise of those freedoms and the pursuit of the mission of the College. However, these protections are bounded by prohibitions against the types of discrimination and harassment defined in this Policy. Expression that constitutes sex-based discrimination or sex-based harassment does not contribute to the free exchange of ideas supported by the College, but rather, denies others the ability to fully access the College's educational programs and activities.

Reed College acknowledges and complies with its legal responsibilities in all its programs and activities. This Policy is required by, and is, as a whole, intended to be consistent with Title IX of the Education Amendments of 1972, and any other applicable state and federal law or regulation that prohibits discrimination on the basis of sex, including the reporting responsibilities of the Clery Act, 34 CFR § 668.46. If any provisions of this Policy are contrary to or interfere with any applicable law, that law will supersede the inconsistent policy provisions. Behavior violating this Policy may also separately violate other federal, state, or local law.

This Policy is overseen by Reed's Title IX Coordinator. Please see the [Title IX web page](#) for current contact information for Reed's Title IX Coordinator and Deputy Title IX Coordinators. Those in need of disability-related accommodations or with questions about accessibility should contact the Title IX Coordinator ([titleix@reed.edu](mailto:titleix@reed.edu)).

## II. Definitions

The following definitions apply where the defined terms are used in this policy:

**Actual Knowledge:** Notice of Sexual Harassment or allegations of Sexual Harassment to the Title IX Coordinator or an Official with Authority (defined below) to institute corrective measures.

**Coercion:** Compelling another individual, through unreasonable pressure, to participate in sexual activity in a manner that makes the participation involuntary. 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 can be coercive. Coercion accounts for a wide range of behaviors that may override the voluntary nature of participation. Examples include, but are not limited to, threatening to disclose personal sexual information, or threatening to harm oneself if the other party does not engage in the sexual activity. Consent cannot be obtained by coercion.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

**Consent:** Affirmative, conscious, relevantly informed, and fully voluntary agreement or permission to engage in a sexual act by a person age 18 or older.

Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity in order for the activity to be considered consensual. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.

Consent consists of a mutually understood outward demonstration indicating that an individual has freely chosen to engage in sexual activity. While consent can be given by words or non-verbal actions, non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response. For these reasons, relying on non-verbal communication can lead to misunderstandings and is, therefore, discouraged. An incapacitated person cannot give consent. Consent may not be obtained by coercion or force.

Any party may withdraw consent prior to the completion of a sexual act. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even within the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity each time.

**Education Program or Activity:** Locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs. This includes any building owned or controlled by a student organization that is officially recognized by the College.

**Force:** The use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request in order for there to have been force. Consent cannot be obtained by force.

**Formal Complaint:** Written communication to the College that can be objectively understood as a request for the College to investigate and make a determination about alleged conduct prohibited by the Sex-Based Harassment & Discrimination Policy. This request will initiate the [Sex-Based Harassment & Discrimination Procedures](#).

**Grievance Process:** Action taken by the College to resolve a matter concerning allegations of the Sex-Based Harassment and Discrimination Policy by means of Information Resolution or a Formal Complaint.

**Incapacitation:** The state in which a person lacks the ability to make informed, rational judgments and therefore lacks the capacity to give consent (e.g., to understand the “who, what, when, where, why, and how” of the sexual interaction). An individual may be incapacitated because they are mentally and/or physically helpless, asleep, unconscious, or unaware, including due to alcohol or other drug consumption.

Evaluating consent with respect to incapacitation also requires an assessment of whether a Respondent knew or should have known of the Complainant’s incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent’s position.

Being intoxicated or impaired by drugs or alcohol is not a defense for any of the prohibited behaviors of this policy and does not diminish one’s responsibility to obtain informed and freely given consent.

**Officials with Authority:** Certain representatives of the College who are able to institute corrective measures in response to a report of a violation of this Policy. The College has designated the following as Officials with Authority:

- President and Vice Presidents
- Deans (not inclusive of Associate or Assistant Deans)
- Director of Community Safety
- Title IX Coordinator and Deputy Title IX Coordinators

**Obligated Reporters:** An umbrella term that includes Officials with Authority. Obligated Reporters are persons required to notify the Title IX Coordinator when they have knowledge that conduct that reasonably may constitute sex-based harassment or discrimination under this Policy may have occurred.

Obligated Reporters at Reed College are:

- All staff and faculty except medical and counseling staff and Confidential Advocates,
- Housing Advisors,
- Judicial Board,
- Student Senate,
- Appeal Board, and
- Student workers who supervise other student workers or student spaces.

**Parties:** The Complainant(s) and Respondent(s) to a Formal Complaint, collectively.

**Respondent:** A person who has been alleged to have violated this Policy.

**Student:** A person who has gained admission to the College.

**Supportive Measures:** Individualized services that are appropriate, reasonably available, free of charge, not unreasonably burdensome to a Complainant or

Respondent, and not for punitive or disciplinary reasons, designed to restore or preserve access to the College's Education Program or Activity, protect safety or the educational environment, or provide support during a Grievance Process.

**Violence:** Intentionally or recklessly causing someone physical or serious emotional or psychological harm as determined by a reasonable person.

### **III. Scope and Jurisdiction**

#### **III.A. Geographic Location**

This Policy applies to conduct that takes place in the College's Education Program or Activity in the United States. As defined above, this includes locations, events, and circumstances over which the College exercises substantial control, including buildings owned or controlled by the College's recognized student organizations.

Additionally, the College may **extend its geographic jurisdiction** under this Policy when it is determined that the conduct affects a substantial College interest. There may be a substantial College interest in activities, conduct, or situations that take place outside of the United States and/or outside of a College Education Program or Activity. A substantial College interest typically includes: (1) any action that constitutes a criminal offense as defined by 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 to any member of the College community; (3) any situation that significantly impinges upon the rights, property, or achievements of others; (4) any situation that substantially interferes with the educational interests or mission of the College. If an alleged violation took place outside of the United States and/or outside of the College's Education Program or Activity and a Formal Complaint is filed, procedures for Non-Title IX allegations would be used.

Jurisdiction of this Policy includes all Vendors through third-party contracts providing services in College Education Programs and Activities. While this Policy applies to Vendors, they would follow the grievance procedures of their employer.

#### **III.B. Respondent Status**

As mentioned in the definition, Education Program or Activity includes control over the Respondent. For behavior to constitute a violation of this Policy, the Respondent must have been participating or attempting to participate in the College's Education Program or Activity at the time the alleged violation occurred.

If the Respondent was participating or attempting to participate in the College's Education Program or Activity at the time the Complaint was filed, but departs from the College while the Grievance Process is underway, the matter may continue to move forward under the procedures for Non-Title IX allegations or may be dismissed at the College's discretion.

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

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in communicating with the appropriate individual at that institution.

### **III.C. Complainant Status**

Complainants must have been participating or attempting to participate in the College's Education Program or Activity at the time of the alleged violation. If the Complainant was no longer participating or attempting to participate in the College's Education Program or Activity at the time of filing a Formal Complaint, the matter may move forward under the procedures for Non-Title IX allegations.

## **IV. Notice of Non-discrimination**

Reed College does not discriminate on the basis of protected classes including race, color, national origin, shared ancestry and/or ethnicity, religion, sex, sexual orientation, gender, gender identity, gender expression, age, marital status, military status, veteran status, genetic information, physical or mental disability, pregnancy, status as a parent, family relationship, or on the basis of any other category protected by law. Reed College prohibits discrimination on the bases of any protected class in any activity, operation, or education program of the College including in administration of its employment policies, educational policies, admission policies, scholarship and loan programs, housing policies, and athletic and other school-administered programs.

Reed College also complies with applicable provisions of local, state, and federal civil rights laws, including Title VI and Title VII of the 1964 Civil Rights Act, Title IX of the 1972 Education Amendments Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Uniformed Services Employment and Reemployment Rights Act (USERRA), Oregon Revised Statutes (ORS), the Clery Act of 1990 and its amendments, and any other applicable law.

Reed College also prohibits retaliation against any individual who engages in protected activity under antidiscrimination laws or the College's antidiscrimination policies.

The following offices and positions have been designated to handle inquiries regarding the College's non-discrimination policies:

#### **Office for Institutional Diversity**

Vice President and Dean for Institutional Diversity

[institutional.diversity@reed.edu](mailto:institutional.diversity@reed.edu)

503-777-7267

Eliot Hall, 312

#### **Human Resources**

Director

[hr@reed.edu](mailto:hr@reed.edu)

503-517-4000

Eliot Hall, 305

#### **Office of the Dean of the Faculty**

Dean of the Faculty

[deanofthefaculty@reed.edu](mailto:deanofthefaculty@reed.edu)

503-777-7257

Eliot Hall, 318A

**Office of Title IX and Section 504**

Title IX and Section 504 Coordinator

[titleix@reed.edu](mailto:titleix@reed.edu)

503-517-7722

Eliot Hall, 109

Inquiries may also be directed to the U.S. Department of Education, Western Region, Office for Civil Rights at 206-607-1600 and [ocr.seattle@ed.gov](mailto:ocr.seattle@ed.gov).

## **V. Reporting and Resource Provisions**

The College encourages prompt reporting of prohibited conduct. To make a report about possible conduct prohibited by this Policy, including retaliation, an individual should contact the Title IX office. This may be done at any time, by anyone, and by various means including in person, by telephone, by mail, by email, using the contact information listed for the Title IX Coordinator, or by completing the online reporting form (which may be submitted anonymously).

Reporting carries no obligation to initiate a Formal Complaint, and in most situations, the College is able to respect a Complainant's request to not initiate one. However, there may be circumstances, such as a pattern of behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where the College may need to initiate a Formal Complaint without the Complainant's consent. In this case, the College will maintain the privacy of the Complainant's information to the extent possible.

The College requires that all Obligated Reporters notify the Title IX Coordinator when they have knowledge that conduct that reasonably may constitute sex discrimination under this Policy may have occurred.

Obligated Reporters are not required to report incidents of violations of this Policy that they have personally experienced.

Confidential resources such as counselors and Confidential Advocates in the SHARE program with knowledge that conduct that reasonably may constitute sex discrimination under this Policy may have occurred must, at minimum, provide the Title IX Coordinator's contact information and information about how to make a Formal Complaint.

### **Pregnancy and Related Conditions**

An exception to the above is made for Obligated Reporters' response in regard to pregnancy and related conditions. When a student notifies any Obligated Reporter of their pregnancy or related conditions, the Obligated Reporter is required to promptly provide that person with the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to education.

### **Mandatory Reporting**

Any employee of Reed College, regardless of position or classification, who has reasonable cause to believe that any child (according to Oregon law, a person under the age of 18) with whom the employee has come in contact has suffered physical or sexual abuse, or that any person with whom the employee has come in contact has

abused a child, is required by law to report to the Department of Human Services or law enforcement, unless otherwise exempt under state law (ORS § 419B.010). Additionally, Oregon state law considers persons under the age of 18 to be “incapable of consenting to a sexual act” (ORS § 163.315) and states that all such behavior must be reported to the Oregon Department of Human Services or law enforcement (ORS § 419B.010). This duty to report is separate and distinct from any procedures that the College may have for reporting this information internally; an employee does not satisfy the employee’s legal obligations by making only an internal report.

Certain medical and mental health professionals are required by law to report allegations of the abuse of an elderly person to the Oregon Department of Human Services or law enforcement (ORS § 124.060).

## **VI. Confidential Resources**

Confidential resources are available to students and may be particularly helpful when a student is unsure whether they want to make a report or file a Formal Complaint. Confidential resources are not required to notify the Title IX Coordinator when they have knowledge of conduct that may reasonably constitute sex-based harassment, discrimination, or related retaliation under this Policy but must provide Title IX Coordinator contact information and information about how to file a Formal Complaint. These confidential resources are:

### **Health and Counseling Center Staff**

503-777-7281 | [health-services@reed.edu](mailto:health-services@reed.edu)

Located in the grey building on the west side of campus just north of 28 West (Community Safety).

### **Confidential Advocate**

Also serves as the Director of Sexual Health, Advocacy and Relationship Education program (SHARE).

503-517-7966 | [mattsonl@reed.edu](mailto:mattsonl@reed.edu)

Gray Campus Center, Room 103

Faculty and staff may undertake confidential discussions with a counselor through the [Employee Assistance Program](#) or with the Confidential Advocate.

## **VII. Prohibited Behaviors**

This Policy prohibits all forms of sex-based harassment and discrimination. The Policy also prohibits retaliation against any individual participating in any role in a Grievance Process under this Policy.

Federal regulations require that certain procedures be used in the case of conduct that meets the definition and jurisdiction of sexual harassment under Title IX. However, where conduct does not meet Title IX threshold or jurisdiction requirements, the same or similar conduct may still be prohibited by the College. Where non-Title IX prohibited conduct shares the same name as Title IX prohibited conduct, it is labeled as “Non-Title IX” for clarity.



## VII.A. Title IX Prohibited Behaviors:

For reported behavior to qualify as prohibited conduct under this section, in addition to meeting the elements of the specific definitions below, it must meet all of the following jurisdictional requirements as determined by the Title IX Coordinator and as mandated by federal regulations:

- The Complainant must be participating in or attempting to participate in the Education Program or Activity of the College at the time the Formal Complaint is filed.
- The conduct must have occurred against a person in the United States.
- The conduct must have occurred within the College's Education Program or Activity.

Conduct that does not meet these jurisdictional requirements is subject to Title IX dismissal, but may still be resolved through other relevant portions of the [Sex-Based Harassment and Discrimination Policy and Procedures](#).

VII.A.1. *Sex-Based Discrimination*. Differential treatment, in whole or in part, on the basis of one's actual or perceived sex that has the purpose or effect of limiting or denying an individual's access to the Educational Program or Activity.

VII.A.2. *Sexual Harassment*: There are six types of prohibited conduct that qualify as "sexual harassment" under Title IX, each of which is defined more specifically below: (a) quid pro quo sexual harassment, (b) hostile environment sexual harassment, (c) sexual assault, (d) dating violence, (e) domestic violence, and (f) stalking.

VII.A.2.a. *Quid Pro Quo*. Conduct on the basis of sex where a College employee conditions the provision of a College aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

VII.A.2.b. *Hostile Environment Harassment*. Unwelcome conduct on the basis of sex that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's Education Program or Activity.

VII.A.2.c. *Sexual Assault*. Sexual assault is engaging or attempting to engage in one of the following activities with another individual without consent or where the individual cannot consent because of age, force, coercion, or incapacitation:

- Non-consensual sexual intercourse: Sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g. penis, finger, hand, or tongue) or an object, however slight;
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification without their consent. Private body parts include the breasts, buttocks, groin, and genitals.
- Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Oregon law.
- Statutory rape: Non-forcible sexual intercourse with a person who is under the age of 18, which is the statutory age of consent in Oregon.

VII.A.2.d. *Dating violence*. Conduct on the basis of sex that consists of Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. 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.

VII.A.2.e. *Domestic violence*. Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Oregon, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Oregon (ORS § 135.230).

VII.A.2.f. *Stalking*. Engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

VII.A.2.g. *Retaliation*. Intimidation, threats, coercion, or discrimination against any individual by the College, a student, an employee, or any other person authorized by the College to provide aid, benefit, or service under the College's Education Program or Activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing, or Grievance Process under Title IX.

## **VII.B. Non-Title IX Prohibited Behaviors:**

The following forms of harassment and discrimination are prohibited on the basis of sex which this part of the Policy defines as sex, gender, gender identity, gender expression, sexual orientation, sex stereotypes, sex characteristics, and pregnancy or related conditions.

### **VII.B.1. *Sex-Based Discrimination — Non-Title IX.***

VII.B.1.a. Differential treatment, in whole or in part, on the basis of one's actual or perceived sex as defined in Section VII.B. of this Policy that has the purpose or effect of limiting or denying an individual's access to Educational Programs or Activities; or

VII.B.1.b. Conduct that meets the definition of Sex-Based Discrimination under Section A.1. above, but does not meet jurisdictional requirements under Title IX as listed in Section A.

VII.B.2. *Sexual Assault — Non-Title IX*. Conduct that meets the definition of Sexual Assault under Section A.2.c. above, but does not meet jurisdictional requirements under Title IX as listed in Section A.

VII.B.3. *Dating Violence — Non-Title IX*. Conduct that meets the definition of Dating Violence in Section A.2.d., above, but does not meet all of the jurisdictional requirements under Title IX as listed in Section A.

VII.B.4. *Domestic Violence — Non-Title IX*. Conduct that meets the definition of Domestic Violence in Section A.2.e., above, but does not meet all of the jurisdictional requirements under Title IX as listed in Section A.

VII.B.5. *Stalking — Non-Title IX*. Conduct that meets the definition of Stalking in Section A.2.f., above, but does not meet all of the jurisdictional requirements under Title IX as listed in Section A.

VII.B.6. *Hostile Environment Harassment — Non-Title IX.* Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's Education Program or Activity.

Hostile environment harassment also includes sexual harassment (unwelcome conduct of a sexual nature). Sexual harassment can include "unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile or offensive environment and would have such an effect on a reasonable person." ORS § 350.330(2)(a).

There may be situations where respondent's reported conduct constitutes both "Sexual Harassment — Title IX" and "Sexual Harassment — Non-Title IX." The respondent will receive notice of both charges and the Grievance Process will investigate both charges. If the reported conduct is adjudicated and the respondent is found responsible for the charge of "Sexual Harassment — Title IX," the respondent will not be separately sanctioned for the charge of "Sexual Harassment — Non-Title IX."

VII.B.7. *Sex-Based Violence.* Violence directed toward another person due to their sex as defined in this part (Section VII.B.) when the conduct does not otherwise constitute sex-based harassment or relationship abuse under this Policy.

VII.B.8. *Non-Consensual Sexual Contact.* Intentional sexual contact with intimate body parts without consent when that contact does not otherwise constitute Sexual Assault under this Policy. The term "intimate body parts" refers to body parts that, under the circumstances, a reasonable person would know that the other person regards to be intimate.

VII.B.9. *Sexual exploitation.* Taking non-consensual or abusive sexual advantage of another for one's own benefit or for the benefit of anyone other than the person being exploited, when that conduct does not otherwise constitute sex-based harassment under this Policy.

Examples of sexual exploitation include, but are not limited to:

- 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 (including, but not limited to, Artificial Intelligence ("AI")-created or -assisted imagery, video, or audio featuring a non-consenting person's likeness).
- 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.

- 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 (including content created by or with the assistance of AI) that depicts the person's nudity or sexual activity.
- Knowingly creating, possessing, or disseminating child pornography (including content created by or with the assistance of AI, and regardless of whether the pornographic material features an actual child or computer- or human-generated fictional child).

VII.B.10. *Relationship abuse*. Verbal, emotional, psychological, or economic abuse by a current or former romantic or intimate partner that threatens or endangers the health or safety of any person, when that conduct does not otherwise constitute sex-based harassment or another form of violence under this Policy.

VII.B.11. *Retaliation*. Intimidation, threats, coercion, or discrimination against any individual by the College, a student, an employee, or any other person authorized by the College to provide aid, benefit, or service under the College's Education Program or Activity, for the purpose of interfering with any right or privilege secured by this Policy, or because the individual has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing, or Grievance Process under this Policy.

## **VIII. Response and Interventions**

When the College has actual knowledge that conduct that may violate this Policy may have occurred, it will offer the Complainant Supportive Measures and describe the process for filing a Formal Complaint. In some circumstances, the College may impose emergency removal or administrative leave during the grievance process. A discussion of all these responses follows.

### **VIII.A. Supportive Measures**

When Supportive Measures, as defined in this policy, are offered, the College strives to maintain the confidentiality of the Supportive Measures to the greatest extent possible while still effectively implementing them (e.g., notifying a faculty member of a request for an assignment deadline extension). Supportive Measures may include, but are not limited to:

- Referral to counseling or medical services;
- Referral to the Employee Assistance Program;
- Referral to community-based service providers;
- Student Financial Aid counseling;
- Extensions of deadlines and other course-related adjustments;
- Campus escort services or other safety planning;
- Increased security and monitoring of certain areas of the campus;
- Restrictions on contact applied to one or more Parties;
- Class schedule modifications, withdrawals, or leaves of absence;
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
- Training and education programs related to sex-based harassment.

Complainants and Respondents have a right to seek modification or reversal of any decision to provide, deny, modify, or terminate Supportive Measures. Requests for Supportive Measure modifications or reversals should be made in writing within five business days of the Supportive Measure decision to the Title IX Coordinator. The Title IX Coordinator will forward the request to a Deputy Title IX Coordinator who is not otherwise involved in the case for the purpose of garnering an unbiased decision and response to the request.

The College has discretion to modify or terminate Supportive Measures as appropriate at the conclusion of the Grievance Process.

### **VIII.B. Filing a Formal Complaint**

As defined above, a Formal Complaint is a request for the College to investigate and make a determination about alleged conduct prohibited by this policy. A Formal Complaint initiates the [Sex-Based Harassment & Discrimination Procedures](#). Filing a Formal Complaint also creates the opportunity to explore an Informal Resolution which is an alternative process for resolution *not* involving an investigation, hearing, or determination of responsibility. For more information about Informal Resolutions and Formal Complaints, see Sections G and H of the [Sex-Based Harassment and Discrimination Procedures](#).

Formal Complaints may be filed by a Complainant or the Title IX Coordinator. The Complainant must, at a minimum, have been attempting to participate in the College's Education Program or Activity at the time the alleged violation took place.

Formal Complaints must be submitted in writing to the Title IX Office. The preferred method of submission is to submit a completed and signed Sex-Based Harassment and Discrimination Formal Complaint Form, but a hard-copy letter or email containing the request and Complainant's or Title IX Coordinator's wet or electronic signature is also acceptable.

Circumstances in which the Title IX Coordinator may file a Formal Complaint include those where the alleged misconduct constitutes a pattern of behavior, is severe, or presents a compelling threat to health and/or safety, when no one else has made a Formal Complaint to initiate a Grievance Process.

When the College receives a Formal Complaint, it will perform an initial evaluation and, if the Formal Complaint is not dismissed, subsequently provide notice to the Complainant and Respondent, offer Supportive Measures to both parties, and initiate a prompt and equitable grievance process. The complete response procedures may be found in the [Sex-Based Harassment & Discrimination Procedures](#).

### **VIII.C. Emergency Removal**

In situations that arise from allegations of conduct prohibited by this Policy where the College undertakes an individualized safety and risk analysis and determines that a Respondent poses an immediate and serious threat to the health or safety of any student, employee, or other individual, the College may remove the Respondent from the College's Education Program or Activity pending the outcome of a Grievance Process initiated under the [Sex-Based Harassment & Discrimination Procedures](#). A Respondent who has been removed may appeal their removal immediately after the

removal. Instructions regarding the appeal of such a removal will be provided at the time of the removal.

#### **VIII.D. Administrative Leave**

The College may place an employee Respondent on administrative leave during a pending Grievance Process if the College perceives an immediate threat of harm to anyone in the community or if remaining present would have a sufficiently negative impact on the Complainant.

### **IX. Confidentiality**

Except as may be permitted or required by FERPA or other state or federal law, or as necessary to conduct the grievance process, for the purposes of this Policy, the College endeavors to keep confidential the identities of:

- any individual who has made a report or filed a Formal Complaint of sex-based discrimination or harassment;
- any Complainant;
- any Respondent; and
- any Witness.

There may be circumstances in which acts that constitute violations of this Policy are handled externally (in addition to or separate from internal handling) and, as a result, the College may not always have control over confidentiality. For example, acts that constitute violations of this policy may also lead to criminal proceedings or civil actions, in which affected or knowledgeable individuals may be required to provide information or testimony.

Parties and Advisors are expected to maintain the confidentiality of all information created by or shared with them by the College during any investigation and/or resolution process. Parties are entitled to share their own accounts and experiences but are encouraged to consider the sensitivity of the matter if they do so and should consult with their Advisors on any potential implications of doing so.

### **X. Amnesty**

Amnesty is intended to support the practice of reporting incidents prohibited by this Policy and to protect student safety. Individuals experiencing or witnessing violations of this Policy while themselves violating another College policy (for example, policy concerning alcohol and other drug use) are encouraged to report the violations of this Policy that they experienced or witnessed. Normally, the College will not impose disciplinary sanctions for the other policy violation(s), provided those violations did not put the health and safety of any other person at risk. The Title IX Coordinator is responsible for determining whether amnesty applies in any given circumstance.

### **XI. Standard of Evidence**

The standard of evidence used to determine responsibility for violations under this policy is the preponderance of the evidence standard (more likely than not).

## **XII. Records**

As required by law, the College maintains records of reports, Formal Complaints, Supportive Measures, investigations, evidence, Informal Resolutions, Hearings, hearing records, hearing outcomes, sanctions, remedies, and appeals governed by this policy. Such records will be maintained by the Title IX Coordinator for a period of at least seven years after the last Complainant or Respondent graduates, leaves employment of the College, or otherwise is no longer engaged in a College Education Program or Activity. Records are accessible only to the extent permissible under applicable records confidentiality and disclosure laws, including FERPA and the Clery Act.

The College also maintains materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an Informal Resolution for a period of at least seven years. These materials are available on the College's website, as required under Title IX regulations.

## **XIII. Policy Maintenance**

The College will review the Sex-Based Harassment & Discrimination Policy at minimum on an annual basis. Non-substantive changes or changes required by law will be made by the Title IX & Section 504 Office. Other changes will be presented to the community for review and comment and will be implemented in accordance with the Community Constitution.

## **XIV. External Remedies**

This Policy and its Procedures supplement, and do not replace, other remedies that may be available for acts that constitute violations of this Policy. Students and employees have the option at all times to file a criminal complaint with law enforcement or to seek a civil remedy, in addition to or in place of using the College's Procedures.

Individuals also have the right to file a Formal Complaint related to Title IX with the United States Department of Education:

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Website: [www.ed.gov/ocr](http://www.ed.gov/ocr)

Or

Seattle Office  
Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue Room 3310  
Seattle, WA 98174-1099  
Telephone: 206-607-1600  
FAX: 206-607-1601; TDD: 800-877-8339

Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)