



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

Revised May 26, 2025

The Sex-Based Harassment & Discrimination Procedures apply to Complaints of sex-based harassment and discrimination that meet the definitional and jurisdictional elements established by the [Sex-Based Harassment & Discrimination Policy](#).

If multiple Complaints are made arising out of the same facts or circumstances, they may be consolidated.

These Procedures may also be used to address allegations of other College policy violations by a Respondent arising from a sex-based harassment and/or discrimination grievance process or occurring in conjunction with such allegations.

For more information about these Policies and Procedures, including Title IX Coordinator contact information and reporting resources, see the [Title IX webpage](#).

## A. Definitions

In addition to the terms defined in the [Sex-Based Harassment and Discrimination Policy, Section II](#), the following definitions apply where the defined terms are used in these Procedures:

**Advisor:** A person tasked with asking cross-examination questions during a live hearing and who may provide support to a Party during the Grievance Process. An Advisor may be anyone a Party chooses and may be, but is not required to be, an attorney. If a Party will participate in a Live Hearing and does not have an Advisor, one will be assigned by the College at no cost to the Party for the purpose of asking cross-examination questions.

**Appeal Decision-Maker:** The person or panel who accepts or rejects a submitted appeal request, makes an outcome determination, and directs corrective action, accordingly.

**Hearing:** The portion of the Grievance Process in which evidence is reviewed and questioning conducted for the purpose of ensuring the Policy Decision-Maker has the information needed to make a decision of whether the Respondent is responsible for violating a policy. There are two types of Hearings: Live Hearings and Response Hearings.

**Informal Resolution:** A voluntary process permitted at the discretion of the Title IX Coordinator for resolving an alleged violation of the Title IX Policy without formal proceedings or a full investigation. A facilitator is assigned to work with both Parties to come to a Resolution Agreement. This process may be considered in any case except those of alleged Title IX Sexual Harassment between a student Complainant and College employee or Non-Title IX Sexual Harassment between a student Complainant and faculty member.

**Investigator:** The person assigned to conduct an investigation in a Formal Complaint.

**Live Hearing:** A Hearing which takes place live and in real time, whether virtually or in-person. Parties are present in the Hearing together and Advisor-led cross-examination takes place in real time.

**Policy Decision-Maker:** The person or panel who hears evidence, determines relevance, and makes the final determination of whether a policy has been violated.

**Resolution Agreement:** A document used to articulate the outcome of an Informal Resolution that both Parties must sign to conclude the Grievance Process.

**Response Hearing:** A Hearing in which Parties meet with a Policy Decision-Maker in an asynchronous format, whether virtually or in-person, without the other Party present.

**Sanction Decision-Maker:** The person or panel who makes the final determination of assigned sanctions.

## **B. Grievance Procedure Rights & Responsibilities**

Throughout the course of the Grievance Process, Complainants and Respondents can expect the following.

**B1.** A prompt and equitable response to reports and Formal Complaints;

**B2.** To receive Supportive Measures;

**B3.** Information about how to access confidential resources and other forms of support;

**B4.** Written notice of the alleged prohibited conduct, potential Policy violations, and details about the Grievance Process;

**B5.** The opportunity to be accompanied by up to two Advisors of their choice in all meetings and proceedings related to a report and/or Complaint;

**B6.** An impartial process conducted by individuals free from conflicts of interest and bias;

**B7.** A process that includes the presumption that the Respondent is not responsible for a Policy violation unless and until a determination regarding responsibility is made at the conclusion of the process;

**B8.** A process that includes the objective evaluation of all relevant evidence;

**B9.** Credibility determinations that are not based on a person's status as a Complainant, Respondent, or Witness;

**B10.** Timely notice of any meeting at which a Party's presence is requested, with sufficient time to prepare for the meeting;

**B11.** Autonomy to decline to participate, although the College may choose to continue the Grievance Process even if the Complainant and/or Respondent does not participate;

**B12.** To identify Witnesses, submit suggested questions in writing during the investigation, and provide evidence during the investigation;

**B13.** Timely and equal access to any information that is used in the investigation and Live Hearing;

**B14.** Regular communication about the progress of the Grievance Process, including notice with reasonable explanations of any extensions to timeframes;

**B15.** Timely written notice of the outcome, including any sanctions and rationale;

**B16.** The opportunity to appeal the outcome on one or more of the appeals criteria;

**B17.** Determinations made according to a preponderance of the evidence ("more likely than not") standard; and

**B18.** Reasonable accommodations for individuals with disabilities that can be requested through the Title IX Coordinator.

## **C. Supportive Measures**

Supportive Measures may be requested by Parties at any time. For information about Supportive Measures, including examples of Supportive Measures and how to challenge Supportive Measure decisions, please see the [Sex-Based Harassment and Discrimination Policy, Section VIII](#).

## **D. Formal Complaint Intake & Evaluation**

Upon receipt of a written Complaint, the Title IX Coordinator will make an initial evaluation of the information to determine whether it would be appropriate to address the allegations under these Procedures. In cases involving a faculty member, the Dean of the Faculty, who also serves as a Deputy Title IX Coordinator, will be notified. In cases involving a staff member, the Director of Human Resources, who also serves as a Deputy Title IX Coordinator, will be notified.

The Title IX Coordinator may dismiss a Complaint made through these Procedures at any time if:

- The College is unable to identify the Respondent;
- The Respondent is not participating in the College's Education Program or Activity (including no longer being employed by the College);
- The conduct alleged in the Complaint, if proven, would not constitute a violation of the [Sex-based Harassment and Discrimination Policy](#);
- The Complainant voluntarily withdraws any or all of the allegations; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination.

Note: For allegations of Title IX prohibited behaviors (see [Section VII.A.](#) of the Policy), a Complaint must be dismissed if the alleged conduct would not constitute a Title IX prohibition if proven, if the conduct did not occur in the United States, or if the conduct did not occur in the College's Educational Program or Activity. In this case, the allegations may be addressed under a different part of the [Sex-Based Harassment and Discrimination Policy](#) or any other applicable College policy.

If the Title IX Coordinator issues a dismissal, they will promptly send written notice of the dismissal and reason(s) therefor to the Complainant and the Respondent.

Parties will have a right to appeal the dismissal decision within five business days. The written dismissal notice will include the name/s and contact information of the body/bodies to hear the dismissal appeal if applicable. These are:

- For students and staff: A Deputy Title IX Coordinator not otherwise involved in the case.
- For faculty: The Faculty Appeals and Review Committee.

Appeals of dismissal decisions must be based on one or more of the following appeals criteria:

- (i) Procedural irregularity that would change the dismissal determination;

- (ii) New evidence that would change the outcome of the matter and that was not reasonably available at the time the dismissal was made; and
- (iii) The Title IX Coordinator, Investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome of the matter.

Upon receipt of an appeal, which should include the grounds for the appeal and an explanation of how those grounds are supported, the assigned dismissal appeal body will notify the other Party and provide them an opportunity to respond, prior to considering the appeal. The assigned dismissal appeal body will make a determination regarding the appeal within five business days and will notify the Parties and the Title IX Coordinator of the outcome. If the appeal outcome overturns the dismissal decision, the Complaint will proceed.

## **E. Notice of Investigation and Allegations**

When a Complaint proceeds, a Notice of Investigation and Allegations is issued to the Complainant and Respondent. This notice will be provided with sufficient time and information to prepare a response before any initial interview and will include:

- The identities of the Parties involved;
- The conduct alleged to constitute potential violations of the [Sex-Based Harassment & Discrimination Policy](#) (as well as other College policies if applicable);
- The specific sections of College policy allegedly violated;
- Notice of the College's relevant Grievance Process.
- A statement indicating that the Respondent is presumed not responsible for the alleged conduct;
- A statement that the finding of responsibility is made at the conclusion of a Formal Complaint;
- A notice that Parties have the right to be accompanied in any Grievance Process meetings by up to two Advisors of their choice and information about their roles;
- The name of the Investigator assigned;
- Any provision in the recipient's Policies that prohibit knowingly making false statements; and
- A statement that retaliation is prohibited.

If, in the course of the investigation, additional information is gathered that changes the nature of the allegations, an updated notice of investigation will be provided to the Parties.

## **F. Advisor of Choice**

Complainants and Respondents may be accompanied by up to two Advisors of their choice at all meetings and proceedings related to the Grievance Process. The College will not limit who may be chosen as an Advisor. An Advisor may be, but is not required to be, an attorney. If a Complaint is filed, Advisors are encouraged to speak with the Title IX Coordinator for an orientation to the College's [Sex-Based Harassment and Discrimination Policy](#) and Procedures, privacy protections, and expectations around participation and rules of decorum. Advisors may inspect and review all evidence files.

If a Complaint is addressed through a Live Hearing, the Complainant and the Respondent must have an Advisor for the purpose of conducting cross-examination at the Live Hearing. If either the Complainant or Respondent does not have an Advisor for the Live Hearing, an Advisor of the College's choosing will be assigned at no cost to the Party. Advisors who do not observe the rules of decorum may be removed from the Hearing at the discretion of the Policy Decision-Maker. Furthermore, the Grievance Process will not be unreasonably delayed to accommodate the schedule of an Advisor.

## **G. Informal Resolution**

Informal Resolution is an alternative process that may be considered in any case except those of alleged Title IX Sexual Harassment between a student Complainant and College employee or Non-Title IX Sexual Harassment between a student Complainant and College faculty. It is a voluntary process by which a Complaint may be resolved without an investigation, Hearing, or formal finding of responsibility. A request for Informal Resolution may be made at any time after a Formal Complaint has been filed and prior to a finding of responsibility being made. Requests for Informal Resolution should be made to the Title IX Coordinator, who will determine whether Informal Resolution may be available.

When requested and available, a written request for Informal Resolution, will be sent to the Parties. The notice will include information about applicable Informal Resolution processes. Those processes will include reasonably prompt timeframes and be facilitated by persons who have been trained to serve impartially and who are free from bias or conflicts of interest. Participation in any Informal Resolution process is voluntary, and all Parties must agree in writing to participate for it to proceed. The Informal Resolution process is completed when all Parties have signed a Resolution Agreement. Upon the finalization of an Informal Resolution, the College will not proceed with other Grievance Processes related to the same Complaint; however, action may be taken in response to any Party's failure to abide by the terms of the Resolution Agreement.

At any time prior to the completion of an Informal Resolution process, a Party may elect to withdraw from Informal Resolution. When this happens, the Grievance Process will recommence.

If an Informal Resolution is successful, meaning that the Parties mutually and voluntarily agree to an outcome and that outcome is accepted by the Title IX Coordinator, this agreement will be made in writing and a signed copy of the Resolution Agreement will be provided to all Parties.

## **H. Formal Complaint Proceedings**

### **H1. Investigation**

After the Notice of Investigation and Allegations is sent, an investigation will commence (unless both Parties have agreed to explore an Informal Resolution first). In considering the scheduling of investigative meetings, the Investigator will balance the need for prompt resolution with the need for the Parties to prepare for the meeting.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not the Parties. The

Parties will have an equal opportunity to present Witnesses and submit evidence. In cases involving allegations of Title IX prohibited behavior (only), Parties will also have an equal opportunity to present expert Witnesses.

The Investigator will meet with Parties and Witnesses to gather accounts and information relevant to the allegations under investigation. The Investigator will also gather available physical evidence, including documents, communications between the Parties, and other electronic records as appropriate and available. The Parties may submit questions to the Investigator to be asked of Parties and Witnesses. The Investigator will review submitted questions and, in their discretion, may choose which questions are necessary and appropriate to the investigation and conduct any follow-up.

The Title IX Coordinator may combine multiple Formal Complaints that arise out of the same set of facts or circumstances into one investigation.

A person's medical, counseling/psychological, and similar treatment records are privileged and confidential documents that a Party will not be required to disclose. Where a Party voluntarily discloses or provides their written permission to share medical, counseling/psychological, and similar treatment records as part of the investigation, only the portion of the records directly related to the allegations raised in the Formal Complaint will be included in the evidence file for review by the other Party and for use in the investigative process.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The College will seek to complete the investigation in a reasonable timeframe from the notice of investigation. This timeframe may be extended for good cause with written notice to the Parties of the delay and the reason for the delay. Examples of good cause include, but are not limited to, delays occasioned by the complexity of the allegations, the number of Witnesses involved, the availability of the Parties or Witnesses, any intervening school break, or other circumstances, all of which may extend the length of time it takes to complete the investigation. The investigation may also be paused if both Parties voluntarily enter the Informal Resolution process. The Title IX Coordinator will provide regular updates to all Parties regarding the progress of the investigation.

## **H2. Review of Evidence**

After the Investigator has completed the initial information gathering process, a summary of the relevant evidence and copies of all evidence gathered that is directly related to the allegations will be provided to the Parties and any relevant Advisors, along with a deadline by which to respond. The deadline will be 10 business days after the material was made available, although extensions may be provided under extraordinary circumstances. Prior to the completion of the Investigation Report, the Parties will be offered the opportunity to provide a written response with additional information, a request that the Investigator gather information, and/or a request that the Investigator re-consider information already provided.

After the completion of the Investigation Report, new information pertaining to the case is generally not accepted. See Section H.6. below for more information on the

limitations pertaining to the submission of new evidence after the final Investigation Report has been submitted.

If the Title IX Coordinator combined multiple Complaints that arose out of the same set of facts or circumstances into one investigation, Complainants and Respondents will only be provided with the appropriate portion(s) of the investigative documents that relate to the Complaint(s) in which they are a Party.

### **H3. Investigation Report**

Once the Parties have reviewed the evidence and have submitted responses, or the time period to submit such responses has passed, the Investigator will complete any follow-up they deemed necessary, close the investigation, finalize an Investigation Report, and submit it to the Parties, any relevant Advisors, and Title IX Coordinator. The matter will then move to a Hearing.

### **H4. Assignment of Decision-Makers**

The Policy Decision-Maker assigned by the Title IX Coordinator will be neutral and impartial. The Policy Decision-Maker will not be the Title IX Coordinator, nor will they have acted in the role of Investigator during the Grievance Process or served in another role at the College that would pose a conflict of interest. The Parties will be informed, in writing, of the specific Policy Decision-Maker assigned to their Hearing.

The Title IX Coordinator will also assign and notify the Parties of the Sanction Decision-Makers. Sanction Decision-Makers will not be present at the Hearing, but will be designated to determine sanctions if the Policy Decision-Maker determines that the Respondent was responsible for violating a policy. Sanction Decision-Makers will be neutral and impartial. Sanction Decision-Makers are assigned based on the role of the Respondent within the College community, as follows:

- Student Respondents: Sanctioning determinations (if applicable) are assigned to the Vice President for Student Life (or designee), who will consult with three assigned members of the Student Judicial Board.
- Staff Respondents: Sanctioning determinations (if applicable) are assigned to the Complainant's and Respondent's Vice President/Dean, who will consult with the Director of Human Resources (or designee).
- Faculty Respondents: Sanctioning recommendations (if applicable) are assigned to the \*Investigating Committee who makes recommendations to the President. The President makes a final sanctioning determination and then issues a written determination to the Parties and Title IX Coordinator. In the case of a recommended sanction of fixed-term suspension or termination, the President's decision will be made in consultation with the Faculty Committee on Advancement and Tenure. For more details on faculty sanctioning, please see the Faculty Rules of Procedure, Section J.5.

\*Note: In cases of sex-based discrimination or harassment, the Investigation Committee does not conduct investigations, but rather only recommends sanctions.

Any Party's objection to a Policy Decision-Maker or Sanction Decision-Maker must be raised within four business days of the notification in writing to the Title IX Coordinator who will then make a decision about potential replacement. The written request must



include reasonable articulable grounds establishing bias or conflict of interest on the part of a Policy Decision-Maker or Sanction Decision-Maker that would prevent the impartial resolution of the matter.

## **H5. Pre-Hearing Conference**

Each Party will have their own pre-hearing conference. The Policy Decision-Maker will communicate to the Parties and their Advisors the date, time, and format for their pre-hearing conference. The purpose of the pre-hearing conference is to allow the Parties to provide a list of Witnesses to appear at the Hearing and for all participants to be generally acquainted with the Hearing logistics and rules of decorum. Advisors may take this opportunity to submit lines of questioning they intend to explore at a Live Hearing if applicable. This is also a good opportunity for the Parties to request the submission of new evidence they believe should be permitted as discussed in Section H.6. below.

After reviewing each Party's Witness list, the Policy Decision-Maker may, at their discretion, add names of other Witnesses for the purpose of appearing at the Hearing.

The notice of the date, time, and manner for the Hearing will be provided to the Parties and their Advisors no less than five business days after the conclusion of the final pre-hearing conference.

## **H6. New Evidence**

Evidence and Witnesses may be presented at the Hearing after the submission of the final Investigation Report if they were unavailable at the time of the investigation or the relevance was unknown until after the Investigation Report was submitted. The Policy Decision-Maker will make decisions regarding whether to permit new information after the submission of the final Investigation Report.

## **H7. Hearing Models**

There are two Hearing models utilized at Reed College: Response Hearings and Live Hearings. In compliance with Federal Title IX regulations, Live Hearings are utilized for all cases involving any allegations of Title IX violations. In all other cases, if no allegations of Title IX violations are present, the Response Hearing model will be utilized.

### **H.7.a. Response Hearings**

The College will seek to schedule individual Response Hearings for the Parties and relevant Witnesses in a reasonably prompt timeframe. This timeframe may be extended for good cause with written notice to the Parties of the delay and the reason for the delay. Response Hearings may be conducted virtually, or with individuals physically present in the same geographic location, and generally take five to 15 business days to complete.

The purpose of the Response Hearing is to allow Parties and Witnesses opportunities to answer questions, including those questions suggested by the Parties, and those questions that will allow the Policy Decision-Maker to assess the credibility of the Parties and Witnesses and come to a finding of responsibility.

Prior to the Response Hearing, Parties will also receive deadlines by which to submit written questions to the Policy Decision-Maker that they would like asked of other Parties and Witnesses. The Policy Decision-Maker retains the sole discretion in asking Party-submitted questions, and will exclude questions that are harassing, intimidating, irrelevant. They may also exclude questions that are redundant. Relevant questions are those tending to prove or disprove a material fact at issue. The Policy Decision-Maker may request that Parties revise or provide additional explanation of relevance regarding questions they have submitted to the Policy Decision-Maker.

At the Response Hearing, the Decision-Maker will provide an introduction detailing the purpose of the Response Hearing, have those present identify themselves and their role, remind all Parties of the expectation to be candid and honest in their response, and provide a brief overview of the procedure and the anticipated order of the Response Hearing. Thereafter, Parties will have opportunities to provide opening and closing statements, present their accounts, and answer questions from the Policy Decision-Maker.

In the event that new, relevant, and material information other than a Party's or Witness's response is provided and permitted during a Response Hearing, the Policy Decision-Maker will share the new information with the Parties. The Policy Decision-Maker may recess and then reconvene Response Hearings to allow each Party the opportunity to respond to the new information presented, answer additional questions about the new information, and suggest questions to be asked of other Parties specifically about the new information. Additional information shared, such as additional Witnesses not identified or materials not provided prior to the Response Hearings, may not be permitted unless the Party providing the information demonstrates that the witness or information was previously unknown or unavailable prior to the Response Hearing per Section H.6.

All Response Hearings are transcribed, and the transcript is the property of the College. The transcript will be made available to the Parties with enough time for the Parties to have a reasonable opportunity to propose follow-up questions.

The Policy Decision-Maker shall not draw an inference about the determination regarding responsibility based solely on a Party's or Witness's absence from a Response Hearing or refusal to answer questions. Following the conclusion of all Response Hearings, the Policy Decision-Maker will determine whether the Respondent is responsible for the policy violation(s) in question, based on a preponderance of the evidence standard.

#### **H.7.b. Title IX Live Hearings**

The Live Hearing for Title IX matters may be conducted virtually, or with all Parties physically present in the same geographic location. The Live Hearing will be transcribed, and the transcript is the property of the College. The transcript will be made available to the Parties for review and inspection upon their request.

The Decision-Maker will provide an introduction detailing the purpose of the Live Hearing, have those present identify themselves and their role, remind all Parties of the expectation to be candid and honest in their response, and provide a brief overview of the procedure and the anticipated order of the Live Hearing. During the Live Hearing, the Parties will have opportunities to provide opening and closing statements, present their accounts, answer questions from the Policy Decision-Maker and answer

cross-examination questions from the other Party's Advisor. Parties will also have opportunities to have their Advisors question other Parties and Witnesses.

Advisors will be responsible for orally asking relevant questions, including those questions which challenge credibility, to the other Party or Parties and any Witnesses directly, in real-time and in a manner that, in the Policy Decision-Maker's sole discretion, is not harassing, intimidating, irrelevant, or redundant. The Policy Decision-Maker reserves the right to remove an Advisor who questions a Party or Witness in an abusive, intimidating, harassing, or disrespectful manner, or who repeatedly asks non-relevant questions that are harassing, intimidating, disrespectful or redundant in content despite being warned by the Policy Decision-Maker. Cross-examination will never be conducted by a Party personally. Only relevant questions may be asked of a Party or Witness. Relevant questions are those tending to prove or disprove a material fact at issue.

Before a Complainant, Respondent, or Witness answers a question posed by an Advisor, the Policy Decision-Maker will first determine whether the question is relevant and briefly explain any decision to exclude a question as not relevant, or request rephrasing of the question. The Policy Decision-Maker is not required to give a lengthy or complicated explanation of their determinations regarding relevancy. The Policy Decision-Maker may later send to the Parties any revisions to the explanation of relevance that they provided during the Hearing upon request.

The Policy Decision-Maker shall not draw an inference about the determination regarding responsibility based solely on a Party's or Witness's absence from the Live Hearing or refusal to answer cross-examination or other questions.

## **H8. Notice of Hearing Outcome**

The Policy Decision-Maker's written finding of responsibility will be submitted to the Title IX Coordinator.

If the Respondent is found responsible for violating College policy, the Title IX Coordinator will notify the Sanction Decision-Makers assigned according to Section H.4. In determining appropriate sanctions, Sanction Decision-Makers will review Hearing decisions, investigative evidence, and prior Respondent disciplinary records, if any, and consult with the Policy Decision-Maker as needed. If applicable, the Sanction Decision-Makers will submit a written determination of sanctions to the Title IX Coordinator.

The Title IX Coordinator will combine the Policy Decision-Maker's determination with any sanction determinations, and will simultaneously provide the Parties with written notification of the outcome. This notification will provide the Parties with information about their options for appeal, including the name and contact information of the Appeal Decision-Maker.

The outcome will become final either upon delivery of the outcome of any appeal, or if an appeal is not filed by the date on which an appeal would no longer be considered timely.

## **I. Possible Sanctions & Remedies**

In cases where there is a finding of responsibility for violation(s) of College policy, sanctions will be assigned based on a number of factors, including, but not limited to: the nature, severity of, and circumstances surrounding the violation(s); the

Respondent's disciplinary history; and the need for sanctions to end, prevent future recurrence of, and/or remedy the effects of discrimination, harassment, and/or retaliation.

### **Student Sanctions:**

The following are the common sanctions that may be imposed upon students but are not limited to:

- Educational meetings with designated Student Life staff member(s)
- Health and Counseling Center meetings
- Alcohol and/or drug assessments or other interventions
- Educational programs and/or external coursework
- Notation on student conduct record
- Financial restitution
- Disciplinary probation
- Restrictions or removal related to on-campus student employment, appointed/volunteer positions, or participation in College organizations or events
- Restrictions related to living in or accessing College-owned housing
- Removal from College-owned housing
- Suspension
- Limited exclusion from campus
- Full exclusion from campus and all College-affiliated events
- Expulsion

### **Employee Sanctions:**

The following are the common sanctions that may be imposed upon employees but are not limited to:

- Written warning
- Performance improvement plan
- Enhanced supervision, observation, or review
- Required training or education
- Denial of pay increase
- Loss of oversight or supervisory responsibility
- Demotion
- Reassignment
- Suspension/administrative leave
- Termination

## **J. Outcome Appeals**

*The following section describes procedures for applicable appeals of outcomes. This section does not describe the process for the appeal of Formal Complaint dismissal decisions, which is detailed above, in Section D. Requests to modify Supportive Measures may also be made according to the process articulated in the [Sex-Based Harassment & Discrimination Policy](#), Section VIII, under "Supportive Measures."*

### **J.1. Assignment of Appeal Decision-Makers for Hearing Outcomes**

Appeal Decision-Makers will be neutral and impartial, may not be the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator, and are assigned based on the role of the Respondent within the College community as follows.

- Student Respondents: Appeals are heard by the Appeals Board, as defined at Section 6 of the [Student Judicial Board Code](#). Appeals Board decisions take the form of recommendations to the Vice President for Student Life (or designee), who will determine the final outcome.
- Staff Respondents: Appeals are heard by a panel of at least two Vice Presidents/ Deans.
- Faculty Respondents: Appeals are heard by the Faculty Appeals and Review Committee. Board of Trustees Appeals (see Section J.6. of the [Faculty Rules of Procedure](#)) are heard by the Board of Trustees.

### **J.2. Grounds for Appeal**

Outcome Appeals and Board of Trustees Appeals are limited to the following grounds:

- A procedural irregularity that would change the outcome;
- New evidence that would change the outcome and was not reasonably available at the time the determination of policy violation occurred;
- The Title IX Coordinator, Deputy Coordinator, Investigator, or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome;
- The sanctions are believed to be excessively lenient or severe.

### **J.3. Appeals Procedures**

In matters for which an appeal of the outcome is available, any Party may submit a written request for appeal to the designated appeal authority (see Section J.1. above) within seven business days of the delivery of the notice of outcome. The appeal should clearly state the grounds for appeal and explain why or how the Party believes that ground for appeal was met. This does not automatically initiate a new Hearing; rather, appeals are available to address possible errors made in the Title IX Procedures process.

If an appeal request is received, the Appeal Decision-Maker will notify all Parties and the Title IX Coordinator, and provide a copy of the request for appeal, along with an opportunity for other Parties to respond, within seven business days. Appeal responses are shared with other Parties – without the opportunity for additional response.

If a request for appeal does not meet any of the grounds for appeal, the Appeal Decision-Maker will deny the appeal request and the Parties will be notified in writing of the denial and the rationale. If any of the grounds for appeal are met in the request, the Appeal Decision-Maker will collect any additional information needed and all documentation regarding the approved grounds for appeal, and the subsequent responses, and will render a decision, typically within 10 business days.

Once the appeal decision is rendered, a Notice of Appeal Outcome will be simultaneously sent to all Parties and the Title IX Coordinator. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

- In cases involving Faculty Respondents, the President will also receive appeal outcome notification.
- In cases of fixed-term suspension or termination sanctions for Faculty Respondents, the Board of Trustees will also receive appeal outcome notification.

All decisions regarding outcome appeals are final, except when additional action is requested by the Appeal Decisionmakers or in cases that are eligible for a Board of Trustees Appeal.

For more information on Faculty Appeals and Review Committee composition and the availability of and procedures pertaining to Board of Trustee Appeals, see Section J.6. of the [Faculty Rules of Procedure](#).

## **K. Records**

See the [Sex-Based Harassment and Discrimination Policy, Section XII](#), for information on recordkeeping.

## **L. Procedure Maintenance**

The College will review the Sex-Based Harassment & Discrimination Procedures 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.