Rosemont College
Title IX Sexual Harassment Policy

Rosemont College (the "College") is committed to providing a work and education environment free of unlawful harassment, discrimination and retaliation. In accordance with Title IX of the Education Amendments of 1972, the College does not discriminate on the basis of sex in its education programs or activities, which extends to admission and employment. The College also prohibits Sexual Harassment (as defined below) committed against persons in the United States as part of its education programs or activities.

This policy applies to all Rosemont College administrators, faculty, staff, and students and all forms of prohibited conduct under this policy are regarded as serious College offenses, and violations may result in discipline, including the possibility of separation from the College. Persons engaged in prohibited conduct may also be subject to criminal and civil procedures at state and/or federal levels independent of any disciplinary action instituted by the College. Rosemont College is committed to fair and prompt procedures to investigate and adjudicate complaints of Sexual Harassment.

Rosemont College remains committed to addressing any violations of its policies, even those not meeting the definition of Sexual Harassment below. The College maintains a Sexual Misconduct Policy that addresses the types of gender and sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those offenses. To the extent that alleged misconduct falls outside this Title IX Sexual Harassment Policy, or misconduct falling outside the Title IX Sexual Harassment Policy is discovered in the course of investigating covered Title IX misconduct, the College may investigate and adjudicate the allegations under the policies and procedures defined within the Sexual Misconduct Policy through a separate grievance proceeding.

The elements established in the Title IX Sexual Harassment Policy under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

Effective Date

The Title IX Grievance Policy will become effective on August 14, 2020 and will only apply to sexual harassment alleged to have occurred on or after August 14, 2020. Incidents of sexual harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.

Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Sexual Misconduct Policy.

Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the College's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at https://ocrcas.ed.gov/contact-ocr.

Privacy vs. Confidentiality

References made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean Rosemont College offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator(s)(s) or designee, who is responsible for tracking patterns and spotting systemic issues. Rosemont College will limit the disclosure as much as practicable, even if the Title IX Coordinator(s) determines that the request for confidentiality cannot be honored.

Release of Information

If the College's Department of Public Safety becomes aware of a serious and continuing threat to the campus community, the Department of Public Safety may issue a timely warning in accordance with federal regulation to protect the health or safety of the community. The Department of Public Safety may also publish a reported incident in the daily crime log or annual security report.

Training

The College ensures that its Title IX personnel receive adequate training. The Title IX Coordinator(s) and Investigators are trained on the definition of Sexual Harassment, the scope of the College's Education Program or Activity, how to conduct an investigation, the College's Grievance Process (including Live Hearings, appeals, and Informal Resolution processes, as applicable) and how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Members of the Decision Panel are trained on the definition of Sexual Harassment, the Live Hearing process, technology to be used in Live Hearings, and issues of relevance (including how to apply the rape shield protections provided for Complainants). Informal Resolution facilitators are trained on the Informal Resolution process.

Materials used to train Title IX personnel are posted on the College's website https://www.rosemont.edu/student-life/public-safety/title-ix-training.php

Bias/Conflict of Interest

To raise any concern involving bias or conflict of interest by the Title IX Coordinator(s), contact the Office of the President by phone 610.527.0200 x2201or by email to Yolanda Alovor yolanda.alovor@rosemont.edu. Concerns of bias or potential conflict of interest by any other Title IX personnel should be raised with the Title IX Coordinator(s).

Disability Accommodations

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Dean of Student Success and Engagement (for students) or the Sr. Director of Human Resources (for employees) at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator(s) will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Title IX Coordinator(s)

The Dean of the Undergraduate College and Assistant Director of Career Services serve as the College's Title IX Coordinators. The Title IX Coordinators are responsible to coordinate the College's compliance with Title IX, the 2013 Amendments to the Violence Against Women Act (VAWA) and the College's conduct policies related to sexual misconduct.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinators, or by any other means that results in the Title IX Coordinators receiving the person's verbal or written report.

Contact Information for the Title IX Coordinators:

Paulette Hutchinson
Dean, Undergraduate College/Title IX Coordinator
Rosemont College
1400 Montgomery Avenue
Main Building, Room 205
Bryn Mawr, PA 19010
Email: phutchinson@rosemont.edu
Telephone: 610-527-0200 extension 2381

April Higgins
Assistant Dean, Academic Operations/Title IX Coordinator
Rosemont College
1400 Montgomery Avenue
Main Building, Room 204
Bryn Mawr, PA 19010
Email: ahiggins@rosemont.edu
Telephone: 610-527-0200 extension 2958

Any person can make a report (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or e-mail, using the contact information listed above for the Title IX Coordinators. Such a report may be made at any time (including during non-business hours). However, responses to reports made outside of business hours, including weekends and holidays, may be delayed.

Definitions

Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that is effectively denies a person equal access to an educational program or activity;

2. A College employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment); or

3. Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Act (VAWA) (collectively referred to as "Sexual Violence"):

- **Sexual Assault,** as defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation[1]. It is actual or attempted sexual contact with another person without that person's consent, including but not limited to, physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to use of drugs and/or alcohol or to an intellectual or other disability.
- **Dating violence** (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence (physical, emotional, psychological or sexual abuse) committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
- **Domestic violence** (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence (physical, emotional, psychological or sexual abuse)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 Pennsylvania domestic or family violence laws 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 Pennsylvania.

Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute Sexual Harassment as defined under this policy, regardless of whether a Formal Complaint has been filed. A Complainant must be the alleged victim unless a parent or legal guardian has a legal right to act on the alleged victim's behalf.

Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered Sexual Harassment as defined under this policy.

Consent is an affirmative decision to engage willingly in mutually acceptable sexual activity given by clear words or actions. Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

[1] 1 The FBI's Uniform Crime Reporting Program (FBI UCR) includes forcible and nonforcible sex offenses such as rape, fondling, and statutory rape, which contain elements of "without the consent of the victim."

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard or being asleep or unconscious.

Education Program or Activity is any Rosemont College educational program or activity on any on-campus premises, any off-campus premises that Rosemont College has substantial control over. This includes buildings or property owned or controlled by a recognized student organization and/or an activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Rosemont College's programs and activities over which the College has substantial control.

Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incapacitation is the inability to make informed, rational judgments and decisions. If alcohol or drugs are involved, incapacitation may be assessed by evaluating how the substance has affected a person's decision-making capacity, awareness, and ability to make informed judgments. The impact of alcohol and drugs varies from person to person; however, warning signs of possible incapacitation include slurred speech, unsteady gait, impaired coordination, inability to perform personal tasks such as undressing, inability to maintain eye contact, vomiting, and emotional volatility. The perspective of a reasonable person will be considered in the College's determination of whether a person knew, or reasonably should have known under the circumstances, whether the other party was incapacitated. Being intoxicated or incapacitated does not diminish one's responsibility to obtain consent and will not be an excuse for sexual misconduct.

Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Statutory Rape is defined a sexual intercourse with a person who is under the statutory age of consent.

Formal Complaint for the purposes of this Title IX Grievance Policy, "formal complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator(s), alleging sexual harassment against a respondent about conduct within Rosemont College's education program or activity and requesting initiation of the procedures consistent with the Title IX Sexual Harassment Policy to investigate the allegation of sexual harassment. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the College's education Program or Activity with which the Formal Complaint is filed.

Preponderance of the evidence standard means that a decision of responsibility for a policy violation will be made on whether it is more likely than not that the respondent violated the policy on the totality of information gathered during the investigation.

Relevant evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:
    - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
    - They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege.
- Any party's medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

Making a Report Regarding Covered Sexual Harassment to Rosemont College

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator(s), or by any other means that results in the Title IX Coordinator(s) receiving the person's verbal or written report.

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator(s).

A complaint may also be reported by a Mandatory Reporter (described below) to the Title IX Coordinator(s).

The initial concern of the College is for the well-being and safety of the Complainant and the community. If there is reason to believe that an assailant is at large who poses an immediate threat to the community, the Title IX Coordinator(s) and the Director of Public Safety will take action to protect the campus. The College will make to ensure that the Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. After seeing to the well-being of the individual reporting the alleged assault and to the immediate security of the campus, the College will evaluate the report.

The College does not have a time limit for reporting sexual discrimination. Reports can be submitted at any time following an incident, although the College's ability to take any action may be negatively affected by the length of time between the alleged incident and the report. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator(s), who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

Sexual Assault Amnesty

The health and safety of every student at Rosemont College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to College officials.

A bystander acting in good faith or a reporting individual (complainant) acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to College officials, Public Safety, and/or law enforcement will not be subject to the College's code of conduct action for violations or alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Mandatory Reporter

A "Mandatory Reporter" is a College employee who must share knowledge, notice and/or reports of sexual discrimination, Sexual Harassment and/or retaliation with the Title IX Coordinator(s). All members of the faculty and administrators above a Director-level are Mandatory Reporters. This includes: Dean, Associate and Assistant Dean, Assistant Vice President, Vice President, and President.

A Mandatory Reporter who has information regarding, is a witness to, or becomes aware by any means of any form of discrimination that occurs on campus or at a College related activity, is required to report the incident immediately to the Title IX Coordinator(s). All other employees are strongly encouraged to report such incidents. Reports may be made directly to either the Title IX Coordinator(s) or a Title IX Deputy Coordinator(s).

Before a Complainant reveals any information to a Mandatory Reporter, the employee should ensure that the Complainant understands the employee's reporting obligations – and, if the Complainant wants to maintain confidentiality, direct the Complainant to confidential resources.

When a Complainant tells a Mandatory Reporter about an incident of sexual discrimination, Sexual Harassment or retaliation, the Complainant will be contacted by the Title IX Coordinator(s).

A Mandatory Reporter must report to the Title IX Coordinator(s) all relevant details about the alleged sexual discrimination shared by the Complainant including the names of the Complainant, Respondent any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

Anonymous Reporting

Anonymous reports may be submitted however, the nature of anonymous makes responsive actions more difficult and at times, impossible.

Confidential Reporting

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator(s) or designee

Refer to Appendix B for a listing of on-campus and community resources that can prove confidentiality. The following personnel may provide confidentiality.

Local Law Enforcement

Notwithstanding the victim's ability to file/report a complaint with Rosemont College, the victim may also file a report with local law enforcement. The College Title IX Coordinator(s) or the Director of Public Safety will assist the victim in reporting the alleged offense to the local police if the victim requests such assistance. In addition, the importance of preserving evidence for proof of a criminal offense is conveyed to the victim at the time of first reporting. Although the College strongly encourages all member of its community to report

violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement.

College action against violators of this policy does not in any way preclude the possibility of criminal action by civil authorities, should the victim wish to pursue this course of action.

Medical Attention/Preservation of Evidence

For your safety and well-being, immediate medical attention is encouraged. In the case of rape or sexual assault, getting immediate medical attention is crucial so you can be evaluated for physical damage as well as collect any physical evidence. To keep evidence viable, do not change clothes, bathe, shower, use the restroom or cleanse in any way prior to your examination. If you have physical injuries, have them photographed with a date stamp on the photo. Try to memorize details and record those details. Getting medical attention does not require you to report to anyone. Get medical attention immediately. You should be evaluated for injury and sexually transmitted diseases. You do not have to report the rape; however, the medical staff can collect physical evidence should you choose to press charges later.

Preserving Information

Complainants, respondents, and witnesses should consider whether there is information to gather that might be helpful to investigator(s) and should preserve relevant items. For example, receipts, text messages, pictures, videos, emails, Facebook posts or messages, Snapchats, or other social media posts may be helpful during an investigation or hearing. It may be helpful not to delete this information and preserve it for late. Also, complainants, respondents, and witnesses are encouraged to write down a list of possible witnesses to submit to investigator(s).

Protection from Abuse (PFA) and Sexual Violence Protection (SVPO) Orders

A Protection from Abuse Order is a civil order that provides protection from harm by family or household members, sexual or intimate partners, or someone with whom you have a child in common. A Sexual Violence Protection Order is similar to a PFA and offers civil protection to any victim of sexual violence who is a risk of harm from their perpetrator. PFA's and SVPO's are issued by a judge. The local police or Victim Services Center of Montgomery County can provide further information on these protection orders and assist in obtaining one. Rosemont College will honor any official PFA's or SVPO's issued. Copies of such orders should be given to the Director of Public Safety.

False Reports

Rosemont College takes the accuracy of information very seriously, as a report of prohibited conduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated report of prohibited conduct. However, when a Complainant or third-party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the Complainant may be subject to disciplinary action.

Supportive Measures

The Title IX Coordinator(s) will provide Supportive Measures as necessary. Supportive Measures are individualized services reasonably available to ensure equal educational access, protect safety or deter prohibited conduct. Supportive Measures are available, as appropriate, to either or both the Complainant and Respondent and are non-punitive, non-disciplinary and not unreasonably burdensome to the other party. Examples include:

- Access to counseling services and assistance in setting up initial appointment, both on and off-campus;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Change in class schedule, including the ability to take an "incomplete," or drop a course without penalty;
- Change in work schedule or job assignment;
- Financial aid related services;
- Change in on-campus housing;
- Change of office space;
- Providing an escort to ensure safe movement between classes and activities;
- Providing academic support services, such as tutoring;
- Voluntary leave of absence;
- Any other remedy that can be tailored to the involved individuals to reasonably achieve the goals of this Policy.

The Supportive Measures needed by the Complainant and/or Respondent may change over time, and the Title IX Coordinator(s) will communicate with each party to ensure that any Supportive Measures are necessary and effective based on evolving needs.

Once the Title IX Coordinator(s) receives a report, the Title IX Coordinator(s) will promptly contact the Complainant confidentially to discuss the availability of Supportive Measures (available with or without filing a Formal Complaint) and explain the process for filing a Formal Complaint and provide a copy of this policy. The Title IX Coordinator(s) will consider the Complainant's wishes with respect to Supportive Measures.

The College will keep confidential the Supportive Measures provided, to the extent that maintaining such confidentiality will not impair the College's ability to provide the Supportive Measures.

Where the reported conduct poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College functions, the College may suspend a student or impose leave for an employee. Pending resolution of the complaint, the individual may be denied access to the campus and/or all other College activities or privileges for which the student/employee might otherwise be eligible, as the College determines appropriate. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited timeframe.

Emergency Removal

Rosemont College retains the authority to remove a Respondent from the College's program or activity on an emergency basis, where the College (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Rosemont College determines such removal is necessary, the Respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns.

Administrative Leave

Rosemont College retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process.

Grievance Procedures for Title IX Sexual Harassment Complaints

Filing a Formal Complaint

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) calendar days after the filing of the Formal Complaint, provided that the Process may be extended due to extenuating circumstances, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator(s) a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Rosemont College, including as an employee. For complainants who do not meet these criteria, the College will utilize existing policy in the Sexual Misconduct Policy.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator(s) may determine a Formal Complaint is necessary. Rosemont College will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Sexual Harassment Policy or the Sexual Misconduct Policy prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Informal Resolution

Parties who do not wish to proceed with an investigation and live hearing, and instead seek the College's assistance to resolve allegations of Title IX-covered misconduct, may elect to enter the informal resolution process. Generally speaking, these resolution options are less time intensive than an investigation and live hearing, while still affording students an opportunity to actively participate in a process led by the College for resolution of their complaints.

The Parties may elect to enter the College's informal resolution process at any time after the filing of the Formal Complaint through voluntary, informed written consent. This informed written consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party may be required to participate in informal resolution, and the College may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the formal resolution process recommences. In participating in the informal resolution process, the Parties understand that the timeframes governing the formal process temporarily cease, and only recommence upon reentry into the formal process.

Even where the Parties agree to submit a matter to informal resolution, moving the matter to an informal resolution process is subject to approval by the Title IX Coordinator(s) or other designated official, who may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator(s) or other designated official may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the respondent is a repeat offender, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Informal resolution is only permitted to address allegations of student-on-student sexual harassment, and is never allowed as an option to resolve allegations that an employee sexually harassed a student.

At any time after the commencement of the informal resolution process, the Title IX Coordinator(s) or other designated official may determine that the informal resolution process is not an appropriate method for resolving the matter and may require that the matter be resolved through the formal process. This determination is not subject to appeal.

Informal resolution processes are managed by facilitators, who may not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific Parties in the matter. The Title IX Coordinator(s) may serve as the facilitator, subject to these restrictions.

All facilitators must have training in the definition of sexual harassment under 34 C.F.R. § 106.30(a), the scope of the College's education program or activity, how to conduct informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Formal Complaint is confidential while the parties are participating in the informal resolution process. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. Should the Parties withdraw from the informal resolution process, information disclosed or obtained for purposes of the informal resolution process may be incorporated into the formal investigation and live hearing, provided that this information is disclosed and reviewed by the Parties under the investigatory and hearing procedures described in the Title IX Grievance Process.

Informal Resolution – Mediation

The purpose of mediation is for the parties who are in conflict to identify the implications of a student's actions and, with the assistance of a trained facilitator, identify points of agreement and appropriate remedies to address them. Either party can request mediation to seek resolution; mediation will be used only with the consent of both parties, who will be asked not to contact one another during the process. The Office of Title IX will also review any request for mediation, and may decline to mediate based on the facts and circumstances of the particular case. Either party has the right to terminate the mediation process and choose or resume another option for resolution at any time.

The mediation process will typically commence within ten (10) days after the Office of Title IX receives consent to mediate from both parties, and will continue until concluded or terminated by either party or the Office of Title IX. During mediation, any potential investigation will halt, and calculations for time frames will be stayed. If the mediation results in a resolution, the disciplinary process will be concluded, and the matter will

be closed. If a resolution cannot be reached, the matter will be referred to the Title IX Coordinator(s) or designee to re-evaluate other options for resolution, including investigation.

During mediation, a facilitator will guide a discussion between the parties. In circumstances where the parties do not wish to meet face to face, either party can request "caucus" mediation, and the facilitator will conduct separate meetings. Whether or not the parties agree to meet face to face, each party will be permitted to bring an advisor of their choice to any meetings who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the facilitator will memorialize the agreement that was reached between the parties. The Office of Title IX will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

Multi-Party Situations

The College may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

Determining Jurisdiction

The Title IX Coordinator(s) or designee will determine if the Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator(s):

- The conduct is alleged to have occurred on or after August 14, 2020;
- The conduct is alleged to have occurred in the United States;
- The conduct is alleged to have occurred in Rosemont College's education program or activity; and
- The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Rosemont College will investigate the allegations according to the Grievance Process.

Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

Mandatory Dismissal

If any one of these elements are not met, the Title IX Coordinator(s) or designee will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Sexual Harassment Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

Discretionary Dismissal

The Title IX Coordinator(s) or designee may dismiss a Formal Complaint brought under the Title IX Sexual Harassment Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator(s) in writing that they would like to withdraw the Formal Complaint, or any allegations raised in the Formal Complaint.
- The respondent is no longer enrolled or employed by Rosemont College; or,
- If specific circumstances prevent Rosemont College from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in "Appeals," below.

Notice of Dismissal

Upon reaching a decision that the Formal Complaint will be dismissed, the College will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their Rosemont College email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

Notice of Removal

Upon dismissal for the purposes of Title IX, Rosemont College retains discretion to utilize Sexual Misconduct Policy to determine if a violation of Sexual Misconduct Policy has occurred. If so, Rosemont College will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

Notice of Allegations

The Title IX Coordinator(s) will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, but no more than five (5) days after the College receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their Rosemont College email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator(s) or designee may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

Contents of Notice

The Notice of Allegations will include the following:

- Notice of the institution's Title IX Grievance Process including any informal resolution process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source;
- A statement that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Ongoing Notice

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Sexual Harassment Policy, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

Advisor of Choice and Participation of Advisor of Choice

The Complainant and Respondent are permitted to choose an advisor who may be present during the grievance process, including meetings, interviews, hearings, and appeals. Complainants and Respondents may have any individual of their choosing serve as an advisor, including an attorney, friend, or a family member. If a Party does not have an advisor, the College will provide one. A party may reject a College appointed advisor and choose their own advisor, but they may not proceed to the live hearing without an advisor. An advisor may not speak on behalf of the individual, including answering questions for them. During the hearing, the advisor – not the Complainant or Respondent – will conduct cross-examination of the Parties and witness.

Choosing an advisor who is a witness in the Grievance Process creates potential for bias and conflict of interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-Maker.

The Parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Grievance Process. advisors are expected to advise without disrupting proceedings. For example, advisors should not address College officials in a meeting or interview unless invited to. An advisor may not make a presentation during any meeting or proceeding and may not speak on behalf of the party to the investigation or other Decision-Maker except during a Live Hearing, during cross-examination. If an advisor is disruptive or otherwise fails to respect the limits of the advisor role, the meeting or interview may be ended.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

Rosemont's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and the College cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator(s) or designee. The College will not be obligated to delay a meeting or hearing under

this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the College.

Notice of Meetings and Interviews

Rosemont College will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Delays

Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Title IX Coordinator(s) or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator(s) or designee shall have sole judgment to grant further pauses in the Process.

Investigation

General Rules of Investigations

The Title IX Coordinator(s) and/or an investigator designated by the Title IX Coordinator(s) will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

Title IX personnel will gather evidence, interview the Complainant, Respondent and witnesses, giving both Parties an equal opportunity to present facts and witnesses and have their advisor present at all meetings. No unauthorized audio or video recording of any kind is permitted during investigation interviews/meetings. The Parties are permitted to discuss the allegations and gather their own evidence.

Rosemont College and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the College and does not indicate responsibility.

Rosemont College cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. The College will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

- Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
- Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

The College will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or a hard copy. The College is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) calendar days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension as their designated extension request.

The institution will provide copies of the parties' written responses to the investigator to all parties and their advisors, if any. Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. The parties and their advisors agree not to photograph or otherwise copy the evidence.

Inclusion of Evidence Not Directly Related to the Allegations

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisors, if any.

Investigative Report

The Title IX Coordinator(s) and/or an investigator designated by the Title IX Coordinator(s) will create an ***Investigative Report that fairly summarizes relevant evidence, will and provide that Report to the parties (and their advisor) at least ten (10) calendar days prior the hearing in an electronic format or a hard copy for each party's review and written response.***

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

Hearings

General Rules of Hearings

Rosemont College will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through Zoom video conferencing. This technology will enable participants simultaneously to see and hear each other. At its discretion, the College may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio recording. That recording will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn.

Continuances or Granting Extensions

Rosemont College may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the College will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

Newly Discovered Evidence

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Presiding Hearing Panelist will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Presiding Hearing Panelist answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

Participants in the Live Hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party.
    - For example, A verbal or written statement constituting part or all of the sexual harassment itself is not a "prior statement" that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint. See, OCR Blog (May 22, 2020), available at https://www2.ed.gov/about/offices/list/ocr/blog/20200522.html
- Rosemont College will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation.
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions.
- The parties shall be subject to the institution's Rules of Decorum (Appendix A).

The Decision-Maker

- The hearing body will consist of three individuals.
- No member of the hearing body will also have served as the Title IX Coordinator(s), Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including the definition of Sexual Harassment, how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of Choice

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination and direct examination.
- In addition to selecting an advisor to conduct cross-examination, the parties may select an advisor who may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.

- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their advisor appear at the hearing, the College will provide an advisor to appear on behalf of the non-appearing party.
- Advisors shall be subject to the institution's Rules of Decorum, and may be removed upon violation of those Rules (Appendix A)

Witnesses

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.
- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing.
- Witnesses shall be subject to the institution's Rules of Decorum (Appendix A).

Hearing Procedures

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- The Presiding Hearing Panelist will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- The Hearing Panel will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the Hearing Panel conducts its initial round of questioning; During the Parties' cross-examination, the Presiding Hearing Panelist will have the authority to pause cross-examination at any time for the purposes of asking the Presiding Hearing Panelist's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Presiding Hearing Panelist. A Party's waiver of cross-examination does not eliminate the ability of the Hearing Panel to use statements made by the Party.

Live Cross-Examination Procedure

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, Presiding Hearing Panelist will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Presiding Hearing Panelist may be deemed irrelevant if they have been asked and answered.

Review of Recording

The recording of the hearing will be available for review by the parties within ten (10) calendar days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

Determination Regarding Responsibility

Standard of Proof

Rosemont College uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.

General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Hearing Panel.

The Hearing Panel shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

The Hearing Panel will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that Rosemont College allow parties to call "expert witnesses" for direct and cross examination. The College does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that Rosemont College allow parties to call character witnesses to testify. The College does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

Components of the Determination Regarding Responsibility

The Written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the Title IX Sexual Harassment Policy, if any, the respondent has or has not violated.
5. For each allegation:
    a. A statement of, and rationale for, a determination regarding responsibility;
    b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
    c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

Disciplinary Sanctions and Remedies

Disciplinary sanctions against the Respondent will not be imposed before completion of the College's grievance process. Following a determination of responsibility, appropriate corrective action will be taken, and the College will take steps to prevent recurrence. Disciplinary sanctions taken will be determined on a case-by-case basis. Factors considered when determining disciplinary sanctions may include but are not limited to: Nature, severity of, and circumstances surrounding the violations(s); Respondent's disciplinary history; Previous allegations or allegations involving similar conduct; Need for disciplinary action to bring an end/prevent future reoccurrence of the violation; Need for disciplinary sanctions to remedy the effects on the Complainant and College community; and Impact on the parties.

Disciplinary sanctions for student-related claims may include, but are not limited to, additional training, a restriction on contact, warning, suspension, or termination. Disciplinary sanctions will be placed in a student's permanent academic file. Any employee determined to be responsible for an act of Sexual Harassment will be subject to appropriate disciplinary sanctions, up to and including termination. Disciplinary sanctions will be placed in an employee's permanent personnel file. Employees are also subject to processes and discipline determined by the Human Resources Department. The HR process is separate and apart from the Title IX process and not constrained by the outcome of the Title IX process.

Failure to abide by imposed disciplinary sanctions (whether by refusal, neglect or any other reason), may result in additional disciplinary sanctions, including suspension or termination.

Remedies are provided to a Complainant whenever a Respondent is found responsible. Remedies are implemented by the Title IX Coordinator(s) and may be disciplinary and punitive. Student Remedies are designed to maintain the Complainant's equal access to education. Remedies will be determined on a case-by-case basis and may include Supportive Measures.

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by Rosemont College within ten (10) calendar days of the completion of the hearing.

Finality

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

Appeals

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) calendar days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator(s), investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- The sanctions (or recommended sanctions) are not commensurate with the violation.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than ten (10) pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by Hearing Panel consisting of three new panelists, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator(s), or hearing decision-maker in the same matter.

An appeal is not an opportunity to substitute judgement for that of the Title IX personnel and Hearing Panel merely because of disagreement with the finding and/or sanction. In any request for an appeal, the burden of proof lies with the Party requesting the appeal.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

Record Retention

The College will maintain for a period of seven years records of the following:

- Each Title IX Sexual Harassment grievance process conducted under this policy, including any determination regarding responsibility and any audio or audiovisual recording or transcript from a hearing, any disciplinary sanction imposed on the respondent, and remedies provided to the complainant designed to restore or preserve access to the University's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom; and
- All materials used to train College Sexual Misconduct/Title IX Coordinator(s)s, investigators, Hearing Panel members, Appeal Panel members, and any individual who facilitates the informal resolution process with regard to Title IX Sexual Harassment;
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of Title IX Sexual Harassment. In each instance, the College will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's educational and working program or activity.

Retaliation

Rosemont College will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Sexual Harassment Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

If retaliation is suspected, a written complaint can be filed with the Title IX Coordinator(s).

Modification and Review of Policy

Rosemont College reserves the right to modify this policy to take into account applicable legal requirements or extraordinary circumstances. At regular intervals, the College will review this policy to determine whether modifications should be made. Once modifications are made and posted online, they are in effect.

Appendix A: Rules of Decorum

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

1. Questions must be conveyed in a neutral tone.
2. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
3. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The advisor may not yell, scream, badger, or physically ‘‘lean in’’ to a party or witness’s personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Presiding Hearing Panelist.
6. The advisor may not use profanity or make irrelevant *ad hominem* attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
7. The advisor may not ask repetitive questions. This includes questions that have already been asked by the Presiding Hearing Panelist, the advisor in cross-examination, or the party or advisor in direct testimony. When the Presiding Hearing Panelist determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
8. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

Warning and Removal Process

The Presiding Hearing Panelist shall have sole discretion to determine if the Rules of Decorum have been violated. The Presiding Hearing Panelist will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the [decision-maker] shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the Presiding Hearing Panelist removes a party’s advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance.

The Presiding Hearing Panelist shall document any decision to remove an advisor in the written determination regarding responsibility.

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. Evidence of violation(s) of this agreement will be gathered by the Title IX Coordinator(s) or a designee of either and presented to the Dean of Student Success & Engagement for cases involving students/Sr. Director of Human Resources for cases involving employees. The Advisor accused may provide an explanation or alternative evidence in writing for consideration by the Dean of Student Success & Engagement for cases involving students/Sr. Director of Human Resources for cases involving employees. Such evidence or explanation is due within fifteen (15) calendar days of receipt of a notice of a charge of re-disclosure or improper access to records. There shall be no right to a live hearing, oral testimony, or cross-examination. The

Dean of Student Success & Engagement for cases involving students/Sr. Director of Human Resources for cases involving employee shall consider the evidence under a preponderance of the evidence standard and issue a finding in writing and, if the finding is Responsible, shall include a Sanction. The finding shall be issued in writing to all Parties and Advisors (if there is a current case pending) within thirty (30) days unless extended for good cause. There is no appeal of this finding. In the event that an Advisor is barred permanently or for a term from serving in the role as Advisor in the future, they may request a review of that bar from the Dean of Student Success & Engagement for cases involving students/Sr. Director of Human Resources for cases involving employees no earlier than three-hundred and sixty-five (365) days after the date of the findings letter.

Relevant Questions Asked in Violation of the Rules of Decorum

Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the decision-maker simply because of the manner it was delivered. Under that circumstance, the decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules). See, 85 Fed. Reg. 30331.

Appendix B: Confidential

Campus Counseling Services

Rosemont Counseling Center
Community Center – Room 215
610-527-0200, x2416 or email: counselingcenter@rosemont.edu

In the event of an emergency and the Counseling and Wellness Centers are closed, contact Public Safety at 610-527-0200 x2555 or go to the Bryn Mawr Hospital Emergency Room.

The Counseling Center at Rosemont College is committed to promoting the personal growth and development of our students and to assisting them in overcoming obstacles that may interfere with their academic success. The Center offers a safe atmosphere for students to discuss any personal concerns or difficulties. All services are voluntary, confidential, and free of charge to all students.

Individuals who work or volunteer in the ***Counseling Department, 610-527-0200, x2416*** can generally talk to a victim without revealing any personally identifying information about an incident to Rosemont College. A victim can seek assistance and support from these individuals without triggering a Rosemont College investigation that could reveal the victim's identity or that the victim has disclosed the incident.

While maintaining a victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator(s).

This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator(s) informed of the general extent and nature of sexual violence on and off-campus so the Coordinator(s) can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator(s), these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator(s).

A victim who speaks to a professional or non-professional counselor must understand that, if the victim wants to maintain confidentiality, Rosemont College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors' will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors will provide the victim with assistance if the victim wishes to do so.

Off-campus Resources and Support

Employee Assistance Program (EAP) through Guardian (WorkLife Matters)		800-386-7055 www.ibhworklife.com	**Employees only**
Nurse Navigator Program through ConnectCare3		877-223-2350 www.connectcare3.com info@connectcare3.com	**Employees only**
Bryn Mawr Hospital Behavioral Health	130 South Bryn Mawr Ave. Bryn Mawr, PA 19010	1-888-CARE-898 (1-888-227-3898)	Employees & Students
Bryn Mawr Hospital ***(for medical treatment)***	130 South Bryn Mawr Ave. Bryn Mawr, PA 19010	484-337-3000	Employees & Students
Suicide and Crisis Intervention Hotline		215-686-4420	Employees & Students
WOAR (Women Organized Against Rape)	One Penn Center 1617 John F Kennedy Blvd. Suite 800 Philadelphia, PA 19103	24 hour Hot Line: 215-985-3333 Website: www.woar.org	Employees & Students
The Women's Center of Montgomery County	14 S. Bryn Mawr Ave Suite 207 Bryn Mawr, PA 19010	24 hour Hot Line: 1-800-773-2424 Bryn Mawr Office: 610-525-1427 Website: www.wcmontco.org	Employees & Students
Victim Services Center of Montgomery County	325 Swede St., 2nd Floor Norristown, PA 19401	24 hour Hot Line: 610-277-5200 610-277-0932 Website: www.victimservicescenter.org	Employees & Students
Mazzoni Center LGBTQ Health & Well-Being	Medical Center: 1348 Bainbridge Street Philadelphia, PA 19147	215-563-0652 Website: www.mazzonicenter.org	Employees & Students