



TITLE IX SEX DISCRIMINATION & HARASSMENT POLICY

August 1, 2024

TABLE OF CONTENTS

INTRODUCTION AND OVERVIEW.....	3
SEX DISCRIMINATION, TITLE IX SEX-BASED HARASSMENT, AND INSTITUTE SEX-BASED HARASSMENT	3
THE INSTITUTE’S TITLE IX COORDINATOR.....	4
PART ONE: POLICIES RELATING TO NON-DISCRIMINATION & HARASSMENT	6
NON-DISCRIMINATION & HARASSMENT POLICY	6
PROHIBITED CONDUCT.....	6
PART TWO: POLICIES RELATING TO ALL SEX DISCRIMINATION.....	8
PROHIBITION AGAINST SEX DISCRIMINATION AND RETALIATION	8
EMERGENCY AND MEDICAL ASSISTANCE FOR INDIVIDUALS WHO HAVE EXPERIENCED SEX DISCRIMINATION	8
REPORTING INCIDENTS OF SEX DISCRIMINATION TO THE INSTITUTE.....	9
LEGAL CONFIDENTIALITY AND PRIVACY OF REPORTS MADE TO THE INSTITUTE.....	9
REPORTING SEX DISCRIMINATION TO LAW ENFORCEMENT	10
ANONYMOUS REPORTING OF SEX DISCRIMINATION	10
AMNESTY FOR INDIVIDUALS REPORTING SEX-BASED HARASSMENT INVOLVING VIOLATIONS OF ALCOHOL OR DRUG POLICIES.....	10
EMPLOYEE OBLIGATIONS UPON RECEIVING A REPORT OF SEX DISCRIMINATION	11
PART THREE: POLICIES RELATING TO TITLE IX & INSTITUTE SEX-BASED HARASSMENT..	12
RESPONDING TO AND RESOLVING REPORTS OF TITLE IX & INSTITUTE SEX-BASED HARASSMENT	12
INITIAL RESPONSE AND ASSESSMENT.....	13
ADMINISTRATIVE LEAVE AND EMERGENCY REMOVAL	13
GRIEVANCE PROCEDURES	14
BASIC REQUIREMENTS OF TIX GRIEVANCE PROCEDURES	14
INITIATING A GRIEVANCE OF TITLE IX & INSTITUTE SEX-BASED HARASSMENT	15
INITIAL REVIEW OF A GRIEVANCE AND PROCEDURAL DETERMINATION	15
CONSOLIDATION OF GRIEVANCES	17
NOTICE OF ALLEGATIONS.....	17
DISMISSAL OF A GRIEVANCE	18
INVESTIGATION.....	19
QUESTIONING THE PARTIES AND WITNESSES.....	19
DETERMINATION WHETHER SEX DISCRIMINATION OCCURED	20
APPEAL OF DETERMINATIONS	20
INFORMAL RESOLUTIONS	21
SUPPORTIVE MEASURES.....	21
DISCIPLINARY SANCTIONS AND REMEDIES.....	22
RECORDKEEPING	23
DISCLOSURE OF OUTCOME.....	23
PART FOUR: GLOSSARY OF TERMS.....	24

INTRODUCTION AND OVERVIEW

First Institute (the “Institute”) is committed to protecting the safety, health, and well-being of its students, employees, and all people who come into contact with the Institute community. In support of this commitment, and as required by Title IX of the Education Amendments of 1972 (“Title IX”) and other applicable federal and state laws, the Institute has created this policy that prohibits Sex Discrimination, as well as Retaliation against an individual for making a good faith report of Sex Discrimination under this policy. As discussed in more detail below, in this policy the term “Sex Discrimination” includes “Title IX Sex-Based Harassment” and “Institute Sex-Based Harassment.”¹

First Institute is an equal opportunity institution providing educational and employment opportunities, programs, and services, and therefore prohibits discrimination, harassment and retaliation. First Institute does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment. First Institute does not discriminate on the basis Inquiries about Title IX may be referred to First Institute’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both.

This policy applies to the Institute’s Crystal Lake, Libertyville and Aurora campuses. This policy also informs the campus community of the Institute’s procedures for reporting incidents of Sex Discrimination, and for the investigation and remediation of such reports. The Institute will take prompt and equitable action to address allegations of Sex Discrimination, to prevent its recurrence, and to remediate its effects.² The Institute also conducts prevention, awareness, and training programs for students and employees to facilitate the goals of this policy.

This policy supersedes all prior policies and guidance relating to the topics discussed herein. It applies to all members of the Institute community, including students, faculty, staff, visitors, guests, applicants for admission or employment, contractors, vendors, and others engaged in business with the Institute (collectively referred to as “Covered Parties”). The protections in this policy apply regardless of race, color, ethnicity, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

Like the Institute’s Annual Security Report, this policy is designed to comply with Title IX and the Jeanne Clery Disclosure of Campus Security policy and Campus Crime Statistics Act (the “Clery Act”), and the implementing regulations and guidance issued in connection with such laws. This policy also is designed to comply with applicable state laws and standards. The definitions of key terms used in this policy are included in the final section titled “Glossary of Terms.”

This policy, as it may be amended from time to time, is available on the Institute’s website at <https://www.firstinstitute.edu/title-ix/>. Notice of the Policy’s availability is distributed to all prospective students and employees prior to enrollment or employment, as applicable. In addition, the policy is distributed annually to all current students and employees and is featured in the Institute’s training and outreach efforts relating to Sex-Based Harassment and Sex Discrimination.

Sex Discrimination, Title IX Sex-Based Harassment, and Institute Sex-Based Harassment

As noted above, “Sex Discrimination,” as that term is used in this policy, is comprised of “Title IX Sex-Based Harassment” and “Institute Sex-Based Harassment.”

¹ Each of these terms is defined in the Glossary to this policy.

² The Institute also will respond promptly and equitably to reports of sex-based discrimination that do not include an allegation of Sex Discrimination in accordance with the grievance policies and procedures articulated in the Student Catalog and Employee Handbook, as applicable.

- **Title IX Sex-Based Harassment.** Title IX Sex-Based Harassment is a particular form of Sex Discrimination defined in regulations published by the U.S. Department of Education under Title IX. These regulations, which took effect August 1, 2024, require institutions to use specific definitions and processes when addressing alleged misconduct that constitutes Title IX Sex-Based Harassment.

These regulations also make clear that alleged misconduct falling outside of the specific definition of Title IX Sex-Based Harassment is not covered by the Title IX regulations and should not be treated as such.

- **Institute Sex-Based Harassment.** Institute Sex-Based Harassment is Sex Discrimination that does not fall within the definition of Title IX Sex-Based Harassment, but still constitutes Sex Discrimination under the Institute’s policies. Institute Sex-Based Harassment includes Sex Discrimination that does not meet Title IX’s jurisdictional requirements, as well as Sex Discrimination that is outside of the specific definition of Title IX Sex-Based Harassment, but is prohibited under the Institute policy.

When responding to a report or Formal Complaint of Sex Discrimination, the specific policies and procedures the Institute follows will depend on whether the alleged misconduct constitutes Title IX Sex-Based Harassment or Institute Sex-Based Harassment. Any alleged Sex Discrimination will be treated as Title IX Sex-Based Harassment unless and until a determination is made by the Institute that it does not qualify as Title IX Sex-Based Harassment. If the Institute determines that the alleged Sex Discrimination does not constitute Title IX Sex-Based Harassment, but does qualify as Institute Sex-Based Harassment, from that point forward it will be treated as Institute Sex-Based Harassment, and will be addressed pursuant to the policies and procedures set forth in Part Three of this policy.

If an alleged incident of Sex Discrimination includes a combination of Title IX Sex-Based Harassment and Institute Sex-Based Harassment, the Institute may follow the policies and procedures that apply to Title IX Sex-Based Harassment for purposes of investigating and resolving the entire incident.

First’s Institute’s Title IX Coordinator

First Institute’s designated Title IX Coordinator is responsible for administering this policy and ensuring that the campus community is educated regarding the various obligations detailed herein. In fulfilling their role, the Title IX Coordinator oversees the Institute’s management of reports and complaints that involve allegations of Sex Discrimination, monitor outcomes of policy and training efforts, identify and address any patterns, and assess effects on the campus climate. In addition, the Title IX Coordinator carries out training for students and employees, assist individuals who have experienced Sex Discrimination, including on an emergency basis, oversee the provision of accommodations and interim measures, and carry out monitoring and advising activities. Contact information for the Institute’s Title IX Coordinator is set out below:

Title IX Coordinator	
Name	Lisa Raap
Title	Title IX Coordinator / Associate Executive Director
Street 1	790 McHenry Avenue
Street 2	Crystal Lake
State	Illinois
Zip	60014
Phone	815-459-3500 x306
Email	lraap@firstinstitute.edu

Individuals may contact a Title IX Coordinator for a number of purposes, including to:

- Ask questions regarding the information or procedures set out in this policy.
- Ask questions about Title IX or the related regulations of the U.S. Department of Education.
- File a Formal Complaint or otherwise make a report of alleged Sex Discrimination or Retaliation.

- Seek information or training about students’ rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including Sex Discrimination.
- Notify the Institute of an incident or other issue that may raise potential concerns under this policy.
- Obtain information about available resources (including confidential resources) and support services relating to Sex Discrimination.

Additional questions about Title IX or the related regulations of the U.S. Department of Education also may be referred to the:

Office for Civil Rights (OCR) – Chicago Office

U.S. Department of Education

John C. Kluczynski Federal Building

230 S. Dearborn Street, 37th Floor

Chicago, IL 60604

Phone: (312) 730-1560

Fax: (312) 730-1576

TTY: (800) 877-8339

Email: ocr@ed.gov

Web: <https://www2.ed.gov/about/offices/list/ocr/index.html>

Illinois Department of Human Rights

555 West Monroe Street - Suite 700

Chicago, IL 60661

Phone: (312) 814-6200

Fax: (312) 814-1436

TTY: (866) 740-3953

Web: <https://www2.illinois.gov/dhr/FilingCharge/Pages/default.aspx>

The Institute’s Campus Security

Contact information for the Institute’s campus security is set out below:

The Institute’s Campus Security	
Name	Lisa Raap
Street	790 McHenry Avenue
City/State	Crystal Lake, IL
Phone	815.459.3500 X 306
Email	lraap@firstinstitute.edu

PART ONE: POLICIES RELATING TO NON-DISCRIMINATION & HARASSMENT

Non-Discrimination & Harassment Policy

First Institute is an equal opportunity institution providing educational and employment opportunities, programs, and services, and therefore prohibits discrimination, harassment and retaliation. First Institute complies with all requirements of the regulations implementing Title VI, Title IX, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1975 and the Illinois Human Rights Act. This policy applies equally to all members of the First Institute community: students, faculty, administrators, staff, contract employees and visitors.

First Institute does NOT discriminate on the basis of race, color, religious beliefs, national origin, sex, sexual orientation, gender identity, gender expression, pregnancy, parental status, marital status, age, disability, citizenship, veteran status or any other characteristic protected by federal, state or local law.

Individuals who experience discrimination or harassment may respond to the experience in many different ways, including feeling confused, vulnerable, out of control, embarrassed, angry, or depressed. First Institute has information available through Student Services and FI Moodle Student Resources on various resources to assist individuals who have experienced discrimination or harassment, to address the effects of the incident, and to help them determine whether and how to make a formal complaint about the incident.

All reports of discrimination, harassment, and/or retaliation shall be promptly made to the Title IX Coordinator. The Associate Executive Director serves as the Title IX/ADA/504 Coordinator and oversees implementation of the institutions Policy on Non-Discrimination, Sex Discrimination & Harassment Policy.

Lisa Raap, Associate Executive Director
790 McHenry Avenue, Crystal Lake, IL 60014
lraap@firstinstitute.edu
(815) 459-3500 x 306

Prohibited Conduct

Discrimination

This policy covers discrimination in employment and in access to educational opportunities. Discrimination is defined as adverse treatment of an individual based on that individual's membership in one or more of the protected groups listed above. Therefore, any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, housing and/or social access, benefits, and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the institutions policy on discrimination.

Discriminatory and harassing behavior is unacceptable and will not be tolerated. Incidents of discrimination will be met with appropriate disciplinary action, up to and including separation or dismissal from the school. When brought to the attention of First Institute, any such discrimination will be appropriately remedied by the institution according to the procedures outlined in this policy.

Retaliation

Retaliating against an individual who has reported or filed a complaint alleging discrimination or participated as a witness in such an investigation is strictly prohibited. Retaliation is a separate cause for complaint and individuals are encouraged to report such conduct in a timely manner. Individuals with supervisory duties who disregard, fail to investigate adequately, or delay investigation of discrimination claims also violate this policy.

Harassment

First Institute prohibits harassment against any employee, student, visitor, or guest on the basis of any class protected by law and identified above. This policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters. The sections below describe the specific forms of prohibited harassment under the schools policy.

Bias-Related Harassment

This policy prohibits any form of harassment on the basis of actual or perceived membership in a protected class, by any member or group of the campus community, which unreasonably interferes with an individual's work or academic environment.

Sex-Based Harassment

is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

Quid pro quo harassment. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (*i.e.*, creates a hostile environment).

PART TWO: POLICIES RELATING TO ALL SEX DISCRIMINATION

Prohibition against Sex Discrimination and Retaliation

As required by Title IX and other applicable federal and state laws, the Institute strictly and expressly prohibits Sex Discrimination in any educational, extracurricular, athletic, or other program or activity that it operates. This prohibition extends to all aspects of the Institute's operations, including admission and employment, and applies to Sex Discrimination committed by or against members of the Institute community.

The Institute also strictly and expressly prohibits Retaliation. Reports of Retaliation will be investigated, and such conduct may result in disciplinary action independent of the sanction(s) or interim remedies imposed in response to allegations of Sex Discrimination.

Covered Parties are encouraged to report any acts of Sex Discrimination or Retaliation that violate this policy to the Institute's Title IX Coordinator (reporting options and obligations are discussed in more detail below).

Emergency and Medical Assistance for Individuals who have Experienced Sex Discrimination

If any Covered Party believes that he or she has experienced Sex Discrimination, it is important to (1) to locate a place of safety and (2) to obtain any necessary medical treatment.³ In instances involving physical assault or injury, the Institute strongly encourages the individual to obtain a medical examination immediately to determine the extent of any injuries and to ensure the preservation of evidence. It is important to understand that time is a critical factor for evidence collection and preservation, and that preserving evidence may be necessary to prove that a form of Sex Discrimination occurred, or to obtain a protection order.

Below is a brief list of emergency and medical assistance providers within a reasonable distance of the Institute that provide a medical forensic examination at no charge. If any individual requires assistance obtaining emergency and medical assistance, the Institute's Title IX Coordinator can assist. In addition, the Institute's Title IX Coordinator can provide information for additional resources, as well as information regarding rights and options for moving forward.

Emergency and Medical Providers

Crystal Lake Campus –	Northwestern Medicine 10400 Haligus Road Huntley, IL 60142 (224) 654-0000
Libertyville Campus -	Advocate Condell Medical Center 825 S Milwaukee Avenue Libertyville, IL 60048 (847) 362-2900
Aurora Campus –	Northwestern Medicine 2635 Church Road Aurora, IL 60502 (331) 716-6353

³ A hospital, with the individual's permission, will collect physical evidence by conducting a medical examination. Hospitals are required by law to preserve such evidence for a minimum period of time. Consenting to an examination does not obligate the individual to pursue criminal charges.

Information for sexual assault crisis centers is set forth below:

Northwest Center Against Sexual Assault (CASA)

<https://nwcasa.org/>

Reporting Incidents of Sex Discrimination to the Institute

Any person may report Sex Discrimination (or any other form of sex discrimination) to the Institute, without regard to whether the person reporting is the person alleged to be the victim. The Institute encourages individuals to report Sex Discrimination to the Institute’s Title IX Coordinator.⁴ There is no time limit for reporting Sex Discrimination to the Institute under this policy. However, individuals are encouraged to report alleged Sex Discrimination as soon as possible in order to maximize the Institute’s ability to obtain evidence and to conduct a timely, thorough, impartial, and reliable investigation. Reports may be made in person, by mail, by telephone, or by electronic mail, using the contact information below, or by any other means that results in a Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time, including during non-business hours. Contact information for the Institute’s Title IX Coordinator is located above in the “Introduction and Overview” section of this document.

In addition to the above, upon being notified of an alleged violation of this policy, the Institute will provide a Complainant, if known, who reports an alleged sexual assault will be provided with a concise notification or rights and options including:

- o the Complainant’s right to report or not report the alleged incident to the Institute, law enforcement, or both, including information about the Complainant’s right to privacy and which reporting methods are confidential;
- o the contact information for the Institute’s Title IX coordinator, confidential advisors, a community-based sexual assault crisis center, campus law enforcement, and local law enforcement;
- o the Complainant’s right to request and receive assistance from campus authorities in notifying
 - o law enforcement;
- o the Complainant’s ability to request interim protective measures and accommodations, including without limitation changes to academic, living, dining, working, and transportation situations, obtaining and enforcing a campus issued order of protection or no contact order, if such protective measures and accommodations are reasonably available, and an order of protection or no contact order in State court;
- o the Institute’s ability to provide assistance, upon the survivor's request, in accessing and navigating campus and local health and mental health services, counseling, and advocacy services; and
- o a summary of the Institute’s complaint resolution procedures.

Legal Confidentiality and Privacy of Reports Made to the Institute

There is an important distinction between “Legal Confidentiality” and “Privacy.” Legal Confidentiality may only be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials (e.g., licensed mental health counselors, medical providers, or pastoral counselors). In contrast, an individual who is required by policy or law to report incidents of Sex Discrimination can only offer Privacy, meaning that they will not disclose information learned from a reporting individual or bystander any more than is necessary to comply with legal and policy obligations. Information reported to Institute employees will be treated as Private will be relayed only as necessary for the Institute to investigate and, if applicable, seek a resolution. Individuals wishing to speak with an Institute employee who is able to offer Legal Confidentiality may contact the following individual(s):

Legal Confidential Resource	
Name	Care Center
Street	404 Minnie Street
City/State	Crystal Lake, IL 60014
Phone	(815) 671-4004

⁴ All faculty, staff and employees or any covered parties are required to report incidents of Sex Discrimination to the Institute.

Prior to making a report, individuals seeking Legal Confidentiality are encouraged to verify with a law enforcement individual who answers one of the external resource numbers listed below, who can indeed offer Legal Confidentiality.

Reporting Sex Discrimination to Law Enforcement

Subsequent to securing safety and medical care, the Institute also encourages any individual who believes that he or she has experienced potentially criminal Sex Discrimination to report the incident to law enforcement.⁵ As indicated in the chart above, emergencies may be reported to local law enforcement in person or via telephone at 911. Non-emergencies may be reported to local law enforcement in person or via telephone using the contact information below. If any individual requires assistance notifying local law enforcement, the Institute's Title IX Coordinator will assist.

Crystal Lake Campus

**Crystal Lake Police Department
100 W Woodstock St,
Crystal Lake, IL 60014
(815)-459-2020 or 911**

Libertyville Campus

**Libertyville Police Department
200 E Cook Ave # 2,
Libertyville, IL 60048
(847) 362-8310 or 911**

Aurora Campus

**Aurora Police Department
1200 E Indian Trail Rd
Aurora, IL 60505
(630) 256-5000 or 911**

Anonymous Reporting of Sex Discrimination

The Institute recognizes that under certain circumstances individuals who believe that they have experienced or witnessed Sex Discrimination may wish to make an anonymous report. If the Institute receives a report of Sex Discrimination from an anonymous source, the Institute will take reasonable steps to respond to the anonymous report if it contains enough information to identify a potential pattern of behavior or if there's a risk to campus safety, even if the individual reporting does not wish to reveal their identity.

Amnesty for Individuals Reporting Sex-Based Harassment Involving Violations of Alcohol or Drug Policies

The health and safety of every student at the Institute is of utmost importance. The Institute recognizes that students who have been drinking or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to Sex Discrimination, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The Institute strongly encourages students to report Sex Discrimination to Institute officials. A Covered Party acting in good faith who discloses any incident of Sex Discrimination to the Institute's officials or law enforcement will not be subject to action for violations of the Institute's alcohol or drug use policies occurring at or near the time of the commission of the Sex Discrimination.

⁵ Though encouraged to do so, Covered Parties are not required to report incidents of Sex Discrimination to law enforcement.

Employee Obligations upon Receiving a Report of Sex Discrimination

At the first report of Sex Discrimination to any Institute employee, the employee must inform the individual reporting the Sex Discrimination that the individual has the right (1) to report the incident to the Institute's Title IX Coordinator; (2) to make a report to campus security, local law enforcement, or state police; (3) to be protected by Institute from Retaliation for reporting an incident; and (4) to receive assistance and resources from Institute. The employee then must promptly report the incident to the Institute's Title IX Coordinator, unless the employee is recognized by Institute as a Legal Confidential reporting option.

PART THREE: POLICIES RELATING TO TITLE IX & INSTITUTE SEX-BASED HARASSMENT

Responding to and Resolving Reports of Title IX Sex-Based Harassment

When the Institute receives a report of Sex Discrimination, the Institute will take appropriate steps to respond to the reported conduct and to resolve the matter promptly and equitably.⁶ As noted in the Introduction and Overview, alleged Sex Discrimination will be treated as Title IX Sex-Based Harassment under Part Three of this policy unless and until a determination is made by the Institute that it does not qualify as Title IX Sex-Based Harassment. If the Institute determines that the alleged Sex Discrimination does not constitute Title IX Sex-Based Harassment, but does qualify as Institute Sex-Based Harassment, from that point forward it will be treated as Institute Sex-Based Harassment, and will be addressed pursuant to the policies and procedures set forth in Part Three of this policy. Procedural determinations made by the Institute are discussed in more detail below.

The Institute will seek to complete the investigation and adjudication of a reported incident of Sex Discrimination within 120 calendar days after the Investigators' first interview of the Complainant. This time frame may be extended for Informal Resolution (discussed below) and also may be extended for good cause.⁷ Any extension of timeframes, other than for Informal Resolution, and the reason for the extension, will be shared with the parties in writing. Delays should not last more than 10 calendar days except when law enforcement specifically requests and justifies a longer delay.

Responding to and Resolving Reports of Institute Sex-Based Harassment

When the Institute receives a report of Sex Discrimination, the Institute will take appropriate steps to respond to the reported conduct and to resolve the matter promptly and equitably.⁶ As noted in the Introduction and Overview, alleged Sex Discrimination will be treated as Title IX Sex-Based Harassment under Part Three of this policy unless and until a determination is made by the Institute that it does not qualify as Title IX Sex-Based Harassment. If the Institute determines that the alleged Sex Discrimination does not constitute Title IX Sex-Based Harassment, but does qualify as Institute Sex-Based Harassment, from that point forward it will be treated as Institute Sex-Based Harassment, and will be addressed pursuant to the policies and procedures set forth here, in Part Three of this policy.

The Institute will seek to complete the investigation and adjudication of a reported incident of Sex Discrimination within 120 calendar days after the Investigators' first interview of the Complainant. This time frame may be extended for Informal Resolution (discussed below) and also may be extended for good cause.⁷ Any extension of timeframes, other than for Informal Resolution, and the reason for the extension, will be shared with the parties in writing. Delays should not last more than 10 calendar days except when law enforcement specifically requests and justifies a longer delay.

⁶ The Institute is deemed to have received a report of Sex Discrimination when the Institute has Actual Knowledge.

⁷ Extending for "good cause" would include extending to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for the Institute breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons.

Initial Response and Assessment

Upon receipt of a report of Title IX Sex-Based Harassment, the Title IX Coordinator will promptly contact the Complainant and carry out an initial response and assessment.⁸ The primary goals of this process are to address immediate health and safety needs, to gather critical information, and to educate the Complainant regarding resources and options for moving forward. This process will include:

- Explaining which authorities are able to offer “Privacy” or “Legal Confidentiality” and the distinction between the two.
- Dialoguing with the Complainant to more fully assess the nature and circumstances of the report.
- Addressing any immediate needs for physical safety and emotional well-being.
- Encouraging medical treatment, if appropriate, and describing the importance of preserving evidence and obtaining a sexual assault forensic examination.
- Reviewing this policy and providing a copy.
- Discussing the availability of Supportive Measures and considering the Complainant’s wishes with respect to Supportive Measures, informing the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explaining to the Complainant the process for filing a Formal Complaint.
- Explaining that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated criminal law should be addressed to law enforcement or to the district attorney.
- Discussing the Complainant’s preferences for resolution and any barriers to proceeding in accordance with those preferences.
- Advising the Complainant of the prohibition against Retaliation.

Complainants alleging student violation of this policy shall have the opportunity to request that the complaint resolution procedure begin promptly and proceed in a timely manner.

Administrative Leave and Emergency Removal

The Institute will follow the Grievance process described below before any disciplinary sanctions or other actions that are not Supportive Measures are imposed against a Respondent. However, the Institute may place a non-student employee Respondent on administrative leave during the pendency of the Grievance process.

Institute also may remove a Respondent from Institute’s Education Program or Activity on an emergency basis if Institute undertakes an individualized safety and risk analysis and determines, as a result of the analysis, that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX or Institute Sex-Based Harassment justifies removal. In the case of a student Respondent, if such a determination is made, Associate Executive Director will provide written notice to the student. In the case of an employee Respondent, if such a determination is made the Associate Executive Director will provide written notice to the employee. In all cases, the written notice will contain the basis for the decision, the terms of the emergency removal, and the procedure for challenging the decision.

⁸The Institute will not investigate Sex Discrimination disclosed during a public awareness event such as candlelight vigils, protests, or other public events. However, the Institute may use the information provided at such an event to inform its efforts for additional education and prevention efforts.

Grievance Procedures

First Institute has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Complaints

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that First Institute investigate and make a determination about alleged discrimination under Title IX:

- A “complainant,” which includes:
 - a student or employee of First Institute who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of First Institute who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in First Institute’s education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- First Institute’s Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee First Institute; or
- Any person other than a student or employee who was participating or attempting to participate in First Institute’s education program or activity at the time of the alleged sex discrimination.

First Institute may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements of Title IX Grievance Procedures

First Institute will treat complainants and respondents equitably.

First Institute requires that any Title IX Coordinator, investigator, or decision maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decision maker may be the same person as the Title IX Coordinator or investigator.

First Institute presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Initiating a Grievance of Title IX or Institute Sex-Based Harassment

A Complainant may file a Grievance with the Institute's Title IX Coordinator at any time. The Complainant also may request that no further investigation take place, or that the matter be resolved through Informal Resolution (with the agreement of the Respondent and the Institute).

In furtherance of the Institute's obligation to ensure a safe, non-discriminatory environment, the Grievance process also may be initiated by the Title IX Coordinator, even if a Grievance has not been filed by a Complainant, or a Complainant has requested that no further investigation take place. When considering whether to initial the Grievance process when a Complainant does not wish to file a Grievance, the Title IX Coordinator will consider a range of factors, including:

- Whether there have been other allegations of Sex Discrimination made against the Respondent.
- Whether the Title IX Sex-Based Harassment was perpetrated with a weapon or other forms of violence.
- Whether the Title IX Sex-Based Harassment involved threats.
- Whether the incident represents an escalation in misconduct by the Respondent.
- Whether the Complaint reveals a pattern of Sex Discrimination at a given location or by a particular group.
- Whether the Institute has alternative means by which to obtain relevant evidence (*e.g.*, security cameras, witnesses).

Where a Grievance process is initiated without a Grievance filed by the Complainant, it will be signed by the Title IX Coordinator who will not be considered a Complainant or otherwise a party.

Initial Review of a Grievance and Procedural Determination

Upon receipt of a Grievance, the Institute will conduct a prompt and careful review to confirm that the Sex Discrimination alleged in the Grievance constitutes Title IX Sex-Based Harassment, as that term is defined in this policy, and should be resolved under this Part Three. As noted above, alleged Sex Discrimination will be treated as Title IX Sex-Based Harassment under Part Three of this policy unless and until a determination is made by the Institute that it does not qualify as Title IX Sex-Based Harassment.

If the Institute determines that the Sex Discrimination alleged in a Grievance includes a combination of Title IX Sex-Based Harassment and Institute Sex-Based Harassment, the Institute may continue to follow the policies and procedures in this policy for purposes of investigating and resolving the entire complaint.

If the Institute determines that the Sex Discrimination alleged in the Grievance (1) would not constitute Title IX Sex-Based Harassment even if proved, (2) did not occur in the Institute's Education Program or Activity, or (3) did not occur against a person in the United States, the Grievance will be dismissed a complaint of Title IX Sex-Based Harassment, and the Title IX Coordinator will proceed to determine whether the Sex Discrimination can appropriately be adjudicated as a Grievance of Institute Sex-Based Harassment.

A Grievance of Title IX Sex-Based Harassment or any of its allegations also may be dismissed if:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the complaint or any of its allegations;
- The Respondent is no longer enrolled or employed by the Institute; or
- Specific circumstances prevent the Institute from gathering evidence sufficient to reach a determination as to the complaint or its allegations.

Following its initial review of the Grievance, the Title IX Coordinator will notify the parties of the alleged Sex Discrimination, and of the Title IX Coordinator's procedural determination regarding the policies under which the alleged Sex Discrimination falls. This notice will specify whether the Grievance has been dismissed as a complaint of Title IX Sex-Based Harassment, and whether the Title IX Coordinator has determined that the Sex Discrimination can be adjudicated as a Grievance of Institute Sex-Based Harassment.

Either party may appeal this procedural determination on any of the following bases:

- A procedural irregularity that affected the outcome;
- New evidence that was not reasonably available at the time the determination or dismissal was made and could affect the outcome; or
- The Title IX Coordinator had a conflict of interest or bias that affected the outcome of the matter.

Both parties may submit a written statement in support of or appealing the outcome to the Associate Executive Director via email at titleix@firstinstitute.edu within 5 calendar days of receipt of the determination. When a statement in support or appeal is filed, the other party will be notified in writing.

Statements in support or appeal should be no more than 5 pages and must be submitted by the Complainant or Respondent (not by an advisor).⁹ Following his or her review, the appeal officer will simultaneously issue a written decision to both parties describing the result of the appeal and the rationale for the result. The decision on the appeal is final and shall be conveyed in writing to both parties.

If the Title IX Coordinator determines that the Sex Discrimination can appropriately be adjudicated as a Grievance of Institute Sex-Based Harassment, and this determination is upheld following any appeal, from that point forward the Grievance will be treated as Institute Sex-Based Harassment, and will be resolved pursuant to the policies and procedures set forth in this policy.

First Institute has established the following timeframes for the major stages of the grievance procedures:

- Filing a Grievance: Once a grievance is filed, the institution will acknowledge receipt within 1-3 business days.
- Initial Review and Assessment: The initial review to determine if the complaint falls under the institution's sex discrimination policy will be completed within 5-7 business days.
- Investigation: The investigation phase, which includes gathering evidence and interviewing involved parties, typically takes 30-60 business days, depending on the complexity of the case.
- Hearing/Resolution: If a hearing is required, it will be scheduled and held within 15-30 business days after the completion of the investigation.
- Outcome Notification: Parties involved will be notified of the outcome of the hearing or resolution within 5-10 business days after the decision.
- Appeal: If an appeal is filed, the institution will aim to resolve the appeal within 10-20 business days following submission.

These time frames may vary based on case complexity, institutional resources, or external factors but should always strive for timeliness to ensure fairness and compliance with Title IX requirements.

First Institute has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

- Request for Extension: Either party (complainant or respondent), an investigator, or a decision-maker may request an extension of a specific timeframe if unforeseen circumstances arise, such as the unavailability of key participants, complex evidence, or external issues like holidays.

⁹ All appeal officers will satisfy the training requirements mandated by applicable federal and state laws and be free of bias and conflicts of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent. The appeal officer will not be same person as the adjudicator that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

- Evaluation of Request: The Title IX Coordinator or designated official will evaluate the request on a case-by-case basis. Factors such as the reason for the extension, the impact on both parties, and the necessity for a thorough and fair investigation are considered.
- Decision: A decision on the extension will be made within a reasonable timeframe (usually 1-3 business days). The Title IX Coordinator will determine whether the extension is justified and establish a new, reasonable deadline.
- Notification: Both parties involved in the grievance process are promptly notified in writing of any approved extensions, the reason for the extension, and the revised deadlines for each affected stage of the process.
- Documentation: All extensions and the reasons for them must be documented and retained in the case file for record-keeping and compliance purposes.
- Extensions will only be granted when necessary, and the institution must ensure that the overall process remains fair, equitable, and prompt despite the adjustment.

First Institute will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

First Institute will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by First Institute to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless First Institute obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Consolidation of Grievances

The Institute may consolidate Grievances of Title IX Sex-Based 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 Title IX Sex-Based Harassment arise out of the same facts or circumstances.

Notice of Allegations:

Upon initiation of First Institute’s Title IX grievance procedures, First Institute will notify the parties of the following:

- First Institute’s Title IX grievance procedures and any informal resolution process;

- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

If, in the course of an investigation, First Institute decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, First Institute will notify the parties of the additional allegations.

Dismissal of a Grievance:

First Institute may dismiss a grievance of sex discrimination if:

- First Institute is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in First Institute’s education program or activity and is not employed by First Institute;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and First Institute determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- First Institute determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, First Institute will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, First Institute will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then First Institute will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

First Institute will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then First Institute will also notify the respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- 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.

If the dismissal is appealed, First Institute will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decision maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decision maker for the appeal has been trained consistent with the Title IX regulations;

- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, First Institute will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within First Institute’s education program or activity.

Investigation

First Institute will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on First Institute—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

First Institute will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

First Institute will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

First Institute will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- First Institute will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence;
- First Institute will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- First Institute will take reasonable steps to prevent and address the parties’ unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses

First Institute will provide a process that enables the decision maker to question parties and witnesses to adequately assess a party’s or witness’s credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination:

- **Pre-Hearing Preparation:** The decision-maker reviews the investigation report and formulates relevant questions to address inconsistencies or missing details.
- **Direct Questioning:** During the live hearing, the decision-maker asks neutral questions to both parties and witnesses, focusing on clarity, consistency, and demeanor to assess credibility.
- **Cross-Examination:** Advisors for each party may cross-examine the other party and witnesses. The decision-maker oversees this process, ensuring only relevant, non-harassing questions are allowed.
- **Evaluation:** Credibility is assessed by considering the consistency of statements, corroborating evidence, behavior, and the plausibility of responses.
- **Written Decision:** After the hearing, the decision-maker issues a written decision with a detailed rationale for credibility assessments.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, First Institute will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decision maker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision maker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decision maker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people First Institute identifies as having had equal access to First Institute's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within First Institute's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations

Either party may appeal the determination regarding responsibility on any of the following bases:

- A procedural irregularity that affected the outcome;
- New evidence that was not reasonably available at the time the determination was made and could affect the outcome;
- The Title IX Coordinator, Investigator, or decision-maker had a conflict of interest or bias that affected the outcome of the matter; or
- The sanction is disproportionate with the violation.

Each party may submit a written statement in support of or appealing the outcome to Associate Executive Director via email at titleix@firstinstitute.edu within 5 calendar days of receipt of the determination. Statements in support of or appeal should be no more than 3 pages and must be submitted by the Complainant or Respondent (not by an advisor).¹⁰ When a statement in support of or appeal is filed, the other party will be notified in writing.

¹⁰ All appeal officers will satisfy the training requirements mandated by applicable federal and state laws and be free of bias and conflicts of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent. The appeal officer will not be same person as the adjudicator that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Following his or her review, the appeal officer will simultaneously issue a written decision to both parties describing the result of the appeal and the rationale for the result. Generally, the appeal officer may either: (i) affirm the adjudicator’s determination; (ii) alter the sanctions rendered; or, (iii) send the matter back to an Adjudicator for further proceedings consistent with its decision. The decision on the appeal is final and shall be conveyed in writing to both parties, normally within 7 calendar days of receipt.

Informal Resolution

After a Formal Complaint of Title IX Sex-Based Harassment is filed, and at any time prior to reaching a determination regarding responsibility, a party may request that the matter be resolved through Informal Resolution. Informal Resolution is a completely voluntary process and requires the written consent of the Complainant and Respondent and the approval of the Title IX Coordinator or designee to proceed. Informal Resolution is not available to resolve allegations that an employee committed Sex Discrimination against a student. At any time prior to reaching a resolution, any party has the right to withdraw from the Informal Resolution process and to resume the Formal Complaint process.¹¹

Prior to engaging in the Informal Resolution process, the Institute will provide a written notice to the parties disclosing the allegations, the requirements of the Informal Resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participation in the Informal Resolution process, including the records that will be maintained or could be shared.

The terms of an Informal Resolution, if successful, may include any of the Supportive Measures discussed above, as well as other arrangements agreed to by the parties. If an agreement acceptable to the Institute, the Complainant, and the Respondent is reached through Informal Resolution, the matter is considered to be resolved and the terms are implemented. The Institute will endeavor to conclude the Informal Resolution process within 45 calendar days of its initiation.

Supportive Measures

First Institute will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person’s access to First Institute’s education program or activity or provide support during First Institute’s Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include:

Counseling	Extensions of Deadlines and Other Course-Related Adjustments	Modifications of Work or Class Schedules	Campus Escort Services
Mutual Restrictions on Contact Between the Parties	Changes in Work or Housing Locations	Leaves of Absence	Increased Security and Monitoring of Certain Areas of Campus

¹¹ Any individual facilitating an Informal Resolution will satisfy the training requirements mandated by applicable federal and state laws and be free of bias and conflicts of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Disciplinary Sanctions and Remedies

At the conclusion of the hearing, the Adjudicator will objectively weigh the evidence that has been presented and, based on a preponderance of such evidence, conclude whether the Respondent violated this policy.

If the Respondent is not found responsible for violating this policy, the Adjudicator will issue a written determination (described below).

If the Respondent is found responsible for violating this policy, the Adjudicator will determine sanctions and remedies. In determining the appropriate sanctions and remedies, the Adjudicator may consider a number of factors, including:

- The nature of the conduct at issue, including whether it involved violence.
- The impact of the conduct on the Complainant.
- The impact of conduct on the Institute community.
- The ability of the Institute, going forward, to maintain a safe and respectful environment conducive to learning.
- Any previous conduct violations by the Respondent, both at the Institute or elsewhere, as well as any criminal convictions.

Remedies must be designed to restore or preserve equal access to the Institute's Education Program or Activity and need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Potential sanctions and remedies against a student for a violation of this policy include, but are not limited to: reprimand or warning; educational reflection assignment; change to academic schedule or housing; disciplinary probation; postponement of degree conferral; revocation of honor awards; restriction of access to Institute facilities or activities; issuance of a No Contact Order or requiring that such an order remain in place; suspension (limited time or indefinite); or expulsion. Sanctions and remedies may be issued individually or as combination.

Potential sanctions and remedies against an employee for a violation of this policy include, but are not limited to: reprimand or warning; change to teaching schedule; disciplinary probation; revocation of titles or honors; restriction of access to Institute facilities or activities; issuance of a No Contact Order or requiring that such an order remain in place; suspension (limited time or indefinite); or termination of employment. Sanctions and remedies may be issued individually, or as combination of sanctions may be imposed. The Complainant and Respondent will be notified simultaneously in writing (which may include email), generally within 7 calendar days of the hearing, of the written determination which will include:

- An identification of the allegations.
- A recitation 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.
- Findings of fact supporting the determination.
- Conclusions regarding the application of this policy to the facts.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Institute's Education Program or Activity will be provided by the Institute to the Complainant.
- Procedures and permissible bases for appeal.

The written determination becomes final either on the date that the Institute provides the parties with the written determination of the result of any appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Recordkeeping

For any report or Formal Complaint of Title IX Sex-Based Harassment, the Institute will maintain records for 7 years that include:

- Records of any actions, including any Supportive Measures, taken in response to the report or Formal Complaint of Title IX Sex-Based Harassment.
- The bases for the Institute's conclusion that its response was not deliberately indifferent.
- Documentation that the Institute took measures designed to restore or preserve equal access.
- If the Institute did not provide Supportive Measures, the reasons why such a response was not clearly unreasonable in light of the known circumstances.

If the report or Formal Complaint of Title IX Sex-Based Harassment was subject to an adjudication pursuant to the Formal Complaint process outlined above, the Institute's record will also contain:

- Any determination regarding responsibility.
- Any audio or audiovisual recording or transcript.
- Any disciplinary sanctions imposed on the Respondent.
- Any remedies provided to the Complainant.
- Any appeal and the result.
- Any informal resolution and the result.

For a period of 7 years, the Institute also will keep all materials used to train Title IX Coordinator, investigators, adjudicators, and any person who facilitates an informal resolution process. Further, the Institute will make these training materials publicly available on its website.

Disclosure of Outcome

The Institute will not share information obtained during the course of a proceeding with parties external to the Institute unless compelled to do so, such as by receipt of a lawfully issued subpoena. The Institute may share information about the proceeding internally with "school officials" with a "legitimate educational interest" consistent with FERPA. The parties to the proceeding choose whether they will disclose or discuss the outcome of a Title IX Sex-Based Harassment proceeding.

PART FOUR: GLOSSARY OF TERMS

Actual Knowledge: Once any employee receives a report, the institute is deemed to have actual knowledge, and this triggers the requirement to act. This more comprehensive approach is designed to prevent incidents from being overlooked and to promote timely intervention and support for complainants.

1. An employee of the Institute conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome sex-based conduct that is so severe or pervasive, that it denies or limits an individual's ability to participate in a school program or activity;
3. **Consent** is informed, freely given, mutually understandable words or actions that indicate a willingness to participate in sexual activity. Effective consent may never be obtained when there is a threat of force or violence, or any other form of coercion, intimidation, force or threat of harm. Silence or lack of resistance, in and of itself, does not demonstrate consent. A person's manner of dress does not constitute consent. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be revoked at any time by expressing in words or actions that they no longer want the sexual activity to continue. When consent is withdrawn or can no longer be given, sexual activity must stop. Consent cannot be obtained from someone legally prevented from giving consent by their age, from someone who is unable to understand or who cannot communicate a lack of consent, or someone who is incapacitated. Voluntary intoxication is not an excuse for failure to obtain consent. ***The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.*
4. **Complainant** means:
 - A. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
 - B. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discriminate on under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.
5. **Complaint** means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.
6. **Dating Violence**, as defined in 34 U.S.C. 12291(a)(10), which means violence committed by an individual—
 - 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.
7. **Domestic Violence**, as defined in 34 U.S.C. 12291(a)(8), which means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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 the jurisdiction.

8. **Disciplinary sanctions** means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.
9. **Educational Program or Activity** includes any situation that affects a person's participation in an educational program, whether it occurs on-campus, off-campus, online, or during study abroad programs in which the recipient exercised substantial control over both the Respondent and the context in which the Sex Discrimination occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the Institute.
10. **Grievance** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sex Discrimination against a Respondent and requesting that the Institute investigate the allegation of Sex Discrimination.
11. **Incapacitation** means the inability, temporarily or permanently, to give Consent, because an individual is mentally and/or physically helpless, asleep, involuntarily restrained, unconscious, or unaware that sexual activity is occurring. Depending on the degree of intoxication, someone under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Warning signs that a person may be approaching incapacitation may include, but are not limited to, vomiting, incoherent speech, and difficulty walking or standing up. The perspective of a sober, reasonable person in the position of the Respondent will be the basis for determining whether a Respondent should have been aware that the Complainant was incapacitated and therefore unable to Consent.
12. **No Contact Order** means a directive prohibiting contact between or among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by means of a third party.
13. **Party** means either the Complainant or the Respondent. **Parties** means the Complainant and the Respondent.
14. **Relevant** means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision maker in determining whether the alleged sex discrimination occurred.
15. **Remedies** means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.
16. **Respondent** a person who is alleged to have violated the recipient's prohibition on sex discrimination.
17. **Retaliation** means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

18. **Sexual Assault**, as defined in 20 U.S.C. 1092(f)(6)(A)(v), which means one of the following offenses:
- A. *Rape* is 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. (Note: this definition also includes offenses of sodomy and sexual assault with an object).
 - B. *Fondling* is the touching of the private body parts of another person for the purpose 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.
 - C. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - D. *Statutory rape* is sexual intercourse with a person who is under the statutory age of consent.
19. **Sex Discrimination** means the unfair or unequal treatment of individuals based on their sex, which includes biological differences as well as gender identity, sexual orientation, and other related characteristics. It encompasses any conduct that disadvantages a person in areas like employment, education, or other programs due to their sex or gender-related factors:
- A. Biological Sex is discrimination based on whether an individual is male or female, often rooted in traditional understandings of gender roles
 - B. Gender Identity is discrimination against individuals based on their gender identity, including transgender, non-binary, and gender-conforming individuals
 - C. Sexual Orientation is discrimination due to an individual's attraction to others, whether they are heterosexual, homosexual, bisexual, or otherwise
 - D. Sexual Harassment is a form of sex discrimination involving unwelcome conduct of a sexual nature that affects a person's ability to participate in or benefit from an educational program or employment
20. **Sexual Exploitation**, which means taking sexual advantage of another person or violating the sexual privacy of another when consent is not present. This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices):
- A. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
 - B. Indecent or lewd exposure or inducing others to expose themselves when consent is not present
 - C. Recording any person engaged in sexual or intimate activity in a private space without that person's consent;
 - D. Distributing sexual information, images, or recordings about another person without that person's consent;
 - E. Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation; or
 - F. Inducing Incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.
21. **Sex-Based Harassment** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:
- A. *Quid pro quo harassment*. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
 - B. *Hostile environment harassment*. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's

education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- i. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- ii. The type, frequency, and duration of the conduct;
- iii. The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- iv. The location of the conduct and the context in which the conduct occurred; and
- v. Other sex-based harassment in the recipient's education program or activity; or

C. *Specific offenses.*

- i. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- ii. Dating violence meaning violence 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:
 - (1) The length of the relationship;
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship;
- iii. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
 - a. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
 - b. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - c. Shares a child in common with the victim; or
 - d. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- iv. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress

22. **Supportive Measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- A. Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- B. Provide support during the recipient's grievance procedures or during an informal resolution process.