TIX SEXUAL MISCONDUCT
Policy & Procedures Handbook
(Interim)

- SEXUAL HARASSMENT
- SEXUAL ASSAULT
- DATING VIOLENCE
- DOMESTIC VIOLENCE
- STALKING
- RETALIATION

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As changes occur, the most up-to-date information can be found online at:
http://www.palmer.edu/students/resources-offices/handbook-policies/
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CHAPTER 1: ABOUT THIS HANDBOOK

A. Rationale

1. Title IX prohibits discrimination in the United States on the basis of sex in education programs and activities that receive federal financial assistance:

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


2. This Handbook constitutes Palmer College of Chiropractic’s (College) policy and procedures for the resolution of Title IX Sexual Misconduct Complaints (TIX Misconduct). The policy and procedures set forth in this handbook shall supersede and govern all such Complaints including those Complaints that may also arise under Collective Bargaining Agreements, the Faculty Handbook, the Employee Handbook, the Student Code of Ethics or other published processes and procedures for Complaint resolution.

3. This Handbook has been updated to comply with the Department of Education’s final regulations effective August 14, 2020. In the past, Title IX has been known to include all forms of sexual misconduct. However, under the recently effective regulations, the College must narrow both the geographic scope of its authority to act under Title IX and the types of sexual misconduct that it must subject to its Title IX investigation and grievance process. Only incidents falling within the regulations’ definitions will be investigated and, if appropriate, brought to a live hearing under the Formal Grievance Process in this Handbook.

4. In replacing the prior Handbook, the College reaffirms its commitment to promoting the goals of fairness and equity in all aspects of its education programs and activities. The College values and upholds the equal dignity of all members of its community by striving to balance the rights of the Parties in the grievance process during what is often a difficult time for all those involved.

5. Title IX does not replace civil or criminal justice systems. Instead, in accordance with the final regulations, this Handbook offers supportive measures without regard to whether a Formal Complaint has been filed. It provides Complainants and Respondents with due process protections by following a fair grievance process to resolve Complaints.
B. Handbook Content

1. Articulates behavioral expectations and defines prohibited TIX Misconduct;
2. Identifies the College’s TIX Coordinator, Deputy Coordinators, and their roles;
3. Describes options for reporting TIX Misconduct;
4. Describes how to file and process a Formal Complaint; and
5. Provides appropriate remedies in the event TIX Misconduct has been proven.

C. Other Discrimination Not Addressed in This Handbook

Other types of discrimination based upon protected classes under other federal, state or local laws involving the College are referenced in Chapter 3 and addressed elsewhere on the College’s website.

D. Differences Between This Handbook and Legal Processes

1. INTERNAL ADMINISTRATIVE PROCESS
   a. This Handbook does not mirror criminal or civil legal processes. The College may pursue enforcement of this Handbook whether or not legal proceedings are also in progress. However, the College may gather information from third party sources (such as law enforcement agencies and the courts) to determine whether or not TIX Misconduct is established.
   b. This Handbook, particularly the Formal Grievance Process and Informal Grievance Process, are administrative, not legal. Therefore, rules of law, evidence and criminal/civil procedure do not apply and will not be utilized with minor exceptions as discussed in this Handbook. The College does not have subpoena power or the ability to collect or process forensic evidence (e.g., sexual assault examination kits, DNA tests).

2. WHEN PROCEEDINGS MAY OCCUR

Proceedings under this Handbook may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the TIX Coordinator. The College will not generally wait for the conclusion of any criminal investigation or proceeding to commence its own investigation while providing any necessary supportive measures to protect the Complainant and Respondent.
3. COOPERATION WITH LAW ENFORCEMENT

The TIX Coordinator will cooperate with law enforcement in order that this Handbook does not interfere with the integrity or timing of a criminal investigation. At the request of law enforcement, the College may temporarily defer the fact-gathering portion of its investigation.

4. LEGAL DETERMINATIONS

Neither law enforcement’s determination of whether or not to arrest or prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether or not TIX Misconduct has been proven. The College cannot and does not determine whether a crime has been committed. That can only be done through the legal process.

Determinations made or sanctions/discipline imposed under this Handbook shall not be subject to change solely because criminal charges arising out of the same facts giving rise to a TIX Misconduct Complaint were dismissed, reduced or resolved in favor of or against the Respondent.

5. SPECIAL CONSIDERATIONS

When a Respondent is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that Party because of his or her status with the College. If the alleged criminal or civil offense is also being processed under this Handbook, the College may advise legal authorities of the existence of the TIX Misconduct Complaint and how such matters are typically handled under this Handbook.

6. STUDENT TRANSCRIPTS

If the Respondent is a current student, no notation will be placed on that student’s transcript while the Complaint is pending under this Handbook. If the Respondent withdraws or seeks to transfer from the College while a TIX Misconduct Complaint is pending, that student’s transcript will reflect the status of that Complaint. Such a transcript notation is subject to later modification or deletion to reflect the outcome of the Complaint.

CHAPTER 2: GLOSSARY

Throughout this Handbook is the terminology “TIX Misconduct” which is an umbrella description of the various types of conduct prohibited by Title IX which includes sexual harassment as defined in 34
CFR § 106.30(A); sexual assault as defined in 20 U.SC. § 1092(f)(6)(A)(v); dating violence as defined in 34 U.S.C. § 12291(a)(10); domestic violence as defined in 34 U.S.C. § 12291(a)(8); stalking as defined in 34 U.S.C. § 12291(a)(30); and retaliation as defined in 34 CFR § 106.71.

1. **Academic Day** is defined by the College’s on-line Academic Calendar for each Campus.

2. **Actual Knowledge** means notice of TIX Misconduct or allegations of such misconduct provided to the College’s Title IX Coordinator (TIX Coordinator) and Deputies who have authority to institute corrective measures on behalf of the College.

3. **Advisor** means any one person chosen by a Party or appointed by the College to accompany the Party to meetings related to the resolution process, to advise the Party on that process, and to conduct cross-examination for the Party at the hearing, if any.

4. **Affirmative Consent** (Consent) is the standard in the determination by a preponderance of the evidence of whether consent was given by each Party involved in the sexual activity. For a complete definition see Chapter 6.

5. **Appeal Official** is an individual from within the College who hears appeals filed by a Complainant or a Respondent relating to a dismissal decision of a TIX Complaint; a finding of responsibility; and if imposed, any sanction/discipline. The Appeal Official’s decision is final.

6. **Appeal Process** is the process by which a Party or Parties may challenge a dismissal decision of a TIX Complaint or a determination of responsibility rendered in the Formal Grievance Process.

7. **Burden of Proof** means the duty placed upon the College based upon the evidence gathered which proves or disproves the allegations in the Complaint under a preponderance of the evidence standard of proof.

8. **College Premises** means places on the campuses or on property owned or controlled by the College and at College-sponsored events or in buildings owned or controlled by the College’s recognized student organizations.

9. **Club or Organization** means College community members who have complied with the formal requirements for College recognition.

10. **College** means Main campus (Palmer College Foundation, d/b/a Palmer College of Chiropractic), West campus (Palmer College of Chiropractic West) and Florida campus (Palmer College Foundation, Inc., d/b/a Palmer College of Chiropractic Florida) with campuses respectively located in Iowa-Illinois; California; and Florida.
11. *Complainant* means an individual who is alleged to have been subjected to conduct that could constitute TIX Misconduct. A Complainant is a Party to a Formal Complaint.

12. *Complaint* (see *Formal Complaint*)

13. *Consent* (see *Affirmative Consent*)

14. *Day* refers to an Academic Day when the College is in normal operation.

15. *Directly Related Evidence* refers to information or evidence that has a clear relationship to the allegations at issue but is not necessary to reach a determination regarding responsibility.

16. *Education program or activity* includes:
   o locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the alleged TIX Misconduct occurs; or
   o any building owned or controlled by a student organization that is officially recognized by the College.

Title IX responsibilities only apply to TIX Misconduct taking place in an education program or activity of the College against a person in the United States.

17. *Employee* is defined by the Employee Handbook as individuals employed by the College who are administrators, staff and faculty with the exception of those faculty members who are governed by separate collective bargaining agreements or faculty handbooks.

18. *Exculpatory evidence* tends to show a Respondent is not responsible for the alleged TIX Misconduct.

19. *Evidence* refers to documents, files, electronic communications, photographs, video footage, and any other information related to the allegations alleged in the Formal Complaint, whether inculpatory or exculpatory, on which the College will rely in reaching a determination regarding responsibility and any sanction/discipline.

20. *Faculty member* is defined by the collective bargaining agreement or faculty handbook applicable to the individual faculty member employed on one of the three College campuses.

21. *Formal Complaint* is:
   a) a document filed by a Complainant (meaning a document or electronic submission such as by electronic mail that contains the Complainant’s physical or digital signature or otherwise indicates that the Complainant is the individual filing the Formal Complaint) alleging TIX Misconduct against a Respondent and requesting the College investigate the allegation of TIX Misconduct; or
b) a document signed by the TIX Coordinator alleging TIX Misconduct against a Respondent and requesting the College investigate the allegation of TIX Misconduct. Where the TIX Coordinator signs a Formal Complaint, the TIX Coordinator is not a Complainant or otherwise a Party.

Note: Formal Complaint and Complaint may be used interchangeably throughout this Handbook but have the same meaning.

22. *Formal Grievance Process* refers to a method of formal resolution designated by the College to address alleged TIX Misconduct under this Handbook. See Chapter 17 for greater detail.

23. *Good cause* is adequate grounds to take an action, including but not limited to:
   a) the complexity of the case;
   b) the number of Parties or witnesses involved;
   c) the amount of evidence available to obtain and consider;
   d) the unavailability of Parties, witnesses or Advisors due to extenuating circumstances;
   e) College closure or academic breaks;
   f) concurrent law enforcement activity;
   g) the necessity for language assistance or accommodation of disabilities; and
   h) any other extenuating circumstances articulated by the TIX Coordinator or Investigators.

24. *Hearing* is a live proceeding overseen and managed by the Presiding Hearing Panelist during which the Hearing Panel questions the Parties and witnesses, and the Parties’ Advisors question the opposing Parties and witnesses to determine whether a Respondent is responsible or not responsible for TIX Misconduct.

25. *Hearing Panel* consists of those individuals who have decision-making and sanctioning authority as part of the College’s Formal Grievance process.

26. *Inculpatory Evidence* tends to show the Respondent is responsible for the alleged TIX Misconduct.

27. *Informal Grievance Process* is a voluntary resolution option that allows the Parties to resolve disputes informally in a separate and distinct process from the Formal Grievance Process. See Chapter 16 for greater detail.

28. *Investigative Case File* is a compilation of all evidence collected by the Investigators, whether inculpatory or exculpatory, related to the allegations of TIX Misconduct alleged in the Formal Complaint.
29. **Investigative Process** is that part of the Formal Grievance Process during which the Investigators gather evidence related to the alleged TIX Misconduct; compile the investigative file; and write the investigation report.

30. **Investigation Report** is a report drafted by the Investigators that fairly summarizes the relevant evidence gathered in response to the allegations raised in a Formal Complaint.

31. **Investigator** refers to a trained, neutral, fair and objective individual charged by the College with the responsibility of gathering facts and information relating to alleged TIX Misconduct, assessing relevance, synthesizing the evidence, and compiling this information into an investigation report.

32. **Mandated Reporter** refers to an employee of the College who is obligated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have reporting responsibility under this Handbook.

33. **Member of the College Community** refers to any person who is a student, faculty member, College official, Security Officer, College employee or member of any other organization or club recognized officially by the College. Members may consist of third Parties including but not limited to clinic patients, vendors, contractors, and others doing business with the College as determined by the TIX Coordinator.

34. **Notice** occurs when the Title IX Coordinator and/or Deputy is informed of sexual harassment or sexual harassment allegations from a Complainant or a third party; witnesses sexual harassment; or receives a written or verbal complaint about sexual harassment or sexual harassment allegations.

35. **Official with Authority (OWA)** refers to the TIX Coordinator and Deputies who are College employees vested with the authority and responsibility to implement corrective measures for TIX Misconduct on behalf of the College under this Handbook.

36. **Party/Parties** means both Complainant or Respondent individually. Parties means both Complainant and Respondent collectively.

37. **Preponderance of the Evidence** means that based on the totality of evidence and reasonable inferences, it is more likely than not that the Respondent either did or did not engage in TIX Misconduct.

38. **Presiding Hearing Panelist** is the individual overseeing and managing the Hearing Process. The Presiding Hearing Panelist serves as one of the Hearing Panel members, attending the Hearing and voting during the Hearing Panel’s deliberations.
39. **Presumption of innocence** means the Respondent is not responsible for the alleged TIX Misconduct until a determination of responsibility is made at the conclusion of the Formal Grievance Process.

40. **Recipient** means Palmer College of Chiropractic (see College).

41. **Relevant evidence** refers to evidence, whether inculpatory or exculpatory, on which the College will rely in reaching a determination regarding responsibility.

42. **Remedies** are actions taken at the conclusion of the Formal Grievance Process by the College to restore or preserve equal access to the College’s educational program and activities as appropriate.

43. **Report/Reporting** refers to facts and information brought to the attention of the TIX Coordinator and Deputies who are authorized by the College to institute corrective measures on its behalf. A report may or may not lead to a subsequently filed Formal Complaint.

44. **Resolution** refers to the result of an Informal or Formal Grievance Process.

45. **Respondent** means a member or group of the College’s community who has been alleged to have engaged in TIX Misconduct.

46. **Responsible employees** refers to employees of the College who are obligated by this Handbook to share knowledge with the TIX Coordinator of facts which may provide the basis for a Formal Complaint.

47. **Retaliation** means an individual who intimidates, threatens, coerces, or discriminates against any other individual for the purpose of interfering with any right or privilege secured by TIX or because the individual has made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding or hearing under this Handbook.

48. **Sanction/discipline** means a consequence imposed at the conclusion of either the Informal or Formal Grievance Process.

49. **Standard of Proof** refers to the level of proof needed to prove a specific allegation. The standard of proof under this policy is preponderance of the evidence.

50. **Student** refers to all persons taking courses at the College, either full time or part-time, pursuing undergraduate, graduate or professional studies. Persons who withdraw after allegedly violating the Student Code of Ethics, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered “students” as are persons who are living in College-owned and/or operated residences, although not enrolled in the institution.
Furthermore, individuals who are not currently attending the College remain subject to decisions made under this policy upon re-enrollment for conduct that occurred during any period of attendance.

51. *Supportive Measures* refers to non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to the College’s education program or activity, including measures designed to protect the safety of all Parties or the College’s educational environment, and/or deter TIX Misconduct.

52. *TIX Coordinator and Deputies (TIX Coordinator)* are employees designated and authorized by the College to coordinate and administer this Handbook. References to the TIX Coordinator throughout this Handbook may also include individuals assigned specific tasks by the TIX Coordinator.

53. *Title IX Team (TIX Team)* refers to the TIX Coordinator, Deputy Coordinators, Coordinator assignees and any other member of the Informal or Formal Grievance Process.

54. *Witness* is an individual identified by the Parties or the Investigators who has knowledge of the alleged TIX Misconduct who can provide context to the allegations or who have other information that would be of assistance in making a determination of responsibility under a particular Formal Complaint.

**CHAPTER 3: NONDISCRIMINATION ON THE BASIS OF ALL PROTECTED CLASSES**

**A. About This Notice**

1. As pointed out in Chapter 1 and noted in this Handbook’s cover page, this Handbook is devoted to TIX Misconduct under 20 U.S.C. § 1681 and the Department of Education’s final regulations effective August 14, 2020.

2. This Chapter is the College’s policy statement concerning all types of discrimination based upon protected classes under other federal, state or local laws involving the College.

**B. Notice of Nondiscrimination**

1. The College is committed to establishing and maintaining a work and education environment free of any form of discrimination or harassment and does not tolerate discrimination or harassment of or by its employees (including faculty), students, patients or anyone associated with or conducting business with the College.
2. The College prohibits discrimination and harassment in employment, admissions or in educational practices, programs, services or activities on the basis of age, ancestry, citizenship status, color, creed, disability, gender, gender identity, genetics, marital or registered domestic partner status, medical condition, national origin, race, religion, sex, sexual orientation, veteran and military status or other legally protected status.

3. Equal employment opportunity applies to recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, training, professional development, and all other terms and conditions of employment. Equal opportunity also applies to admissions, orientation, student employment, housing, academic and student programs, discipline and all other terms and conditions of admissions, enrollment, and educational practices.

C. Reporting or Filing a Complaint of Discrimination or Harassment

1. For more information or to file a Complaint refer to the College’s Equal Opportunity Policy, Notice of Nondiscrimination, or Report a Complaint which may be accessed on the College’s website at https://www.palmer.edu/about-us/office-of-compliance/report-a-Complaint/.

2. In addition to TIX Misconduct, sexual misconduct is also prohibited under Title VII of the Civil Rights Act of 1964; the Violence Against Women Reauthorization Act of 2013 (“VAWA”); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”); Iowa Civil Rights Act, Davenport Civil Rights Ordinance, Chapter 760 of Florida Statutes, California Fair Employment and Housing Act, California Education Code and/or Illinois Human Rights Act.

D. Reporting or Filing a Complaint of Sexual Misconduct not Addressed in This Handbook

For more information or to file a Complaint, contact the College’s TIX Coordinator or Deputies also serving as Equal Opportunity Compliance Coordinators or refer to Report Sexual Misconduct on the College’s website. Information regarding sexual misconduct awareness, prevention and response may be accessed on the College’s website.

CHAPTER 4: SCOPE AND JURISDICTION

A. Scope

This Handbook applies to the entire College community, which is defined as including the Main campus (Palmer College Foundation, d/b/a Palmer College of Chiropractic), West campus (Palmer
College of Chiropractic West) and Florida campus (Palmer College Foundation, Inc., d/b/a Palmer College of Chiropractic Florida) with campuses respectively located in Iowa-Illinois; California; and Florida and any other person(s), groups, or organizations affiliated with any Palmer campus.

B. Jurisdiction

1. JURISDICTION REQUIREMENTS

This Handbook addresses TIX Misconduct which encompasses all of the prohibited conduct described in Chapter 6 that occurs on the basis of sex and meets all of the following requirements:

a. The alleged conduct occurred within the United States;

b. The alleged conduct occurred as a part of the College’s education program or activity:
   1) within locations, events or circumstances over which the College exercises substantial control over both the Respondent and the context in which the TIX Misconduct allegedly occurs;
   2) or any building owned or controlled by a student organization that is officially recognized by the College;

c. At the time of filing a Formal Complaint, a Complainant is participating in or attempting to participate in the educational program or activity at the College; and

d. The alleged misconduct includes sexual harassment as defined in Chapter 6.

2. JURISDICTION ASSESSMENT

a. Upon receipt of a Formal Complaint, the TIX Coordinator will respond to any immediate health or safety concerns raised. Next, the TIX Coordinator will conduct an initial assessment for the purpose of determining whether the alleged misconduct, if substantiated, would constitute TIX Misconduct under this Handbook.

b. In assessing whether the alleged TIX Misconduct meets the Jurisdiction requirements, the College will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the misconduct defined in this Handbook can be committed between strangers or acquaintances as well as people involved in intimate or sexual relationships.
c. Following this initial assessment, the TIX Coordinator may take any of the following courses of action:

1) If the allegations forming the basis of the Formal Complaint would, if substantiated, constitute TIX Misconduct, the TIX Coordinator shall implement appropriate supportive measures. In addition, the TIX Coordinator shall initiate an investigation of the allegations in the Formal Complaint as described in Chapter 17. However, if the TIX Coordinator deems the Formal Complaint appropriate for the Informal Grievance Process, upon consent of both Parties, the TIX Coordinator may instead refer the matter to the Informal Grievance Process as described in Chapter 16.

2) If the allegations forming the basis of the Formal Complaint would not, if substantiated, constitute TIX Misconduct, the TIX Coordinator shall dismiss the Formal Complaint (and either Party may appeal this dismissal). However, if appropriate, the TIX Coordinator may refer the matter to the Sexual Misconduct (Non-Title IX) Policy & Procedures Handbook Process for review.

d. In addition, at any time during the investigation or prior to a Formal Grievance Process Hearing, the College may dismiss a Formal Complaint if:

   1) The Complainant notifies the TIX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint or any allegations therein;

   2) The Respondent is no longer enrolled or employed by the College; or

   3) Specific circumstances prevent the College from gathering sufficient evidence to reach a determination as to the Formal Complaint or the allegations therein.

e. Once the jurisdictional assessment has been completed, the College shall electronically and simultaneously notify the Parties of its decision, including its rationale for the decision.

f. Both Parties have an equal right to appeal that decision as described in Section B3 immediately following.

g. If neither Party appeals this jurisdictional assessment decision within five (5) academic days of that notification, then that decision is final.
3. APPEAL OF JURISDICTION ASSESSMENT

a. A designated Appeal Official will review and decide an appeal of the jurisdictional assessment on one or more of the following bases:

1) procedural irregularity that affected the outcome;

2) new evidence that was not reasonably available at the time of the jurisdictional assessment was decided that could affect the outcome;

3) the TIX Coordinator or judicial assessment decision-maker had a conflict of interest or bias for or against Complainant or Respondent generally, or the individual Complainant or Respondent that affected the outcome.

b. To appeal, a Party must electronically submit a written appeal statement to the TIX Coordinator within five (5) academic days of the date of the electronic notice of the jurisdictional assessment decision. The Appeal Official may deem a late submission reasonable only under extenuating circumstances by deciding what constitutes valid extenuating circumstances.

c. The appeal shall consist of a written statement outlining the basis for the appeal and supported by relevant information to substantiate the appeal.

d. The non-appealing Party will be provided with a copy of the appealing Party’s written statement and may submit a written response to the TIX Coordinator within five (5) academic days of the electronic notice from the College notifying the non-appealing Party of the appeal. The non-appealing Party’s statement will be provided to the appealing Party. No further appeal submissions from either Party shall be permitted.

e. In deciding an appeal, the Appeal Official may consider not only the Parties’ written statements, but also may consider other materials the Appeal Official deems relevant which have been shared with the Parties.

f. The Parties will simultaneously be provided the written appeal decision electronically including the rationale for the decision.
C. Consolidation of Formal Complaints

Provided the allegations arise out of the same facts or circumstances, after a Formal Complaint has been assessed and meets the jurisdictional requirements of this Chapter, the TIX Coordinator has the discretion to consolidate multiple Formal Complaints alleging TIX Misconduct:

1. against more than one Respondent; or
2. by more than one Complainant against one or more Respondents; or
3. by one Party against the Party.

D. Coordination with Equal Opportunity Policy

A report or Formal TIX Complaint can sometimes occur in conjunction with allegations of discrimination and/or harassment on the basis of age, ancestry, citizenship status, color, creed, disability, gender, gender identity, genetics, marital or registered domestic partner status, medical condition, national origin, race, religion, sex, sexual orientation, veteran and military status or other legally protected status or other legally protected status by applicable law. Under these circumstances, the College will coordinate the review, investigation and resolution efforts to collectively address all the reported complaints.

E. Sexual Misconduct Not Addressed in this Handbook

Allegations of sexual harassment and discrimination that do not meet the jurisdictional requirements of this Handbook because the allegations do not constitute TIX Misconduct as defined in this Chapter may constitute violations of the College’s Sexual Misconduct (Non-Title IX) Policy and Procedures Handbook. Under those circumstances, the College will coordinate the review, investigation and resolution efforts to address such complaints.

CHAPTER 5: TIX COORDINATOR AND TITLE IX RESPONSE TEAM

A. Administrative Oversight

1. The College has appointed the Title IX Coordinator and Deputies (TIX Coordinator) as the Officials with Authority (OWA) to institute corrective measures on behalf of the College. The TIX Coordinator is responsible for the administration, coordination, dissemination and implementation of this Handbook including, but not limited to the intake, recordkeeping, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent TIX Misconduct and retaliation.
2. All Complaints or reports of suspected TIX Misconduct or inquiries about or concerns regarding this Handbook are to be directed to the TIX Coordinator.

B. TIX Response Team

Response to Complaints, notices or reports of TIX Misconduct requires a team effort. The TIX Response Team (TIX Team) includes the TIX Coordinator, Deputy Coordinators, the Investigators and any College official assigned a specific role in responding to or resolving Complaints under this Handbook. On a case-by-case basis, others may be added to this response team as appropriate.

C. TIX Response Team Training

The TIX Coordinator and Deputies, Investigators, Hearing Panel members, Appeal Officials and any other individual who has an assigned role by the College in responding to and resolving TIX Misconduct receive relevant and appropriate training for the roles they are assigned. Such training does not rely on sex stereotypes but instead promotes impartial investigations and adjudication of Complaints of TIX Misconduct. Training topics include, but are not limited to:

1. The scope of the College’s education program or activity;
2. How to conduct an investigation and grievance process including hearings, appeals and informal grievance processes, as applicable;
3. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias;
4. Technology to be used at a live hearing;
5. Issues of relevance of questions and evidence, such as when questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant; and
6. Issues of relevance to create an investigation report that fairly summarizes relevant evidence.

D. Independence and Conflict-of-Interest

1. The TIX Coordinator manages the TIX Team and acts with independence and authority free from bias and conflicts of interest. The TIX Coordinator oversees all resolutions under this Handbook. The members of the TIX Team are vetted and trained to ensure they are not biased for or against any Party in a specific case, or for or against Complainants and/or Respondents, generally.

2. Concerns involving bias, conflict of interest or any other concern regarding any TIX Team member should be reported to the TIX Coordinator. Concerns regarding the TIX Coordinator should be reported to the Provost.
E. TIX Coordinator and Deputy Coordinator – Main Campus

The TIX Coordinator is located in the Campus Center, 4th floor.

The Deputy TIX Coordinator is located in the Campus Center, 4th floor.

Office Hours are Monday-Friday 8 a.m. to 4:30 p.m. CST
F. TIX Coordinator and Deputy Coordinator – West Campus

The Deputy TIX coordinator on the West campus is located in Student Services. Office Hours are Monday-Friday 8 a.m. to 4:30 p.m. PST.

WEST CAMPUS
Michael Crump, M.Ed.
Director of Student Services
Also Serving as Deputy TIX Coordinator
Office of Student Services
90 E. Tasman Drive
San Jose, CA  95134
408-944-6122
michael.crump@palmer.edu

Earlye Adams Julien, PHR, M.S. Ed.
Senior Director for Compliance
Also Serving as TIX Coordinator
Office of Compliance
1000 Brady Street
Davenport, IA  52803
563-884-5476
earlye.julien@palmer.edu
G. TIX Coordinator and Deputy Coordinator – Florida Campus

The Deputy TIX coordinator on the Florida campus is located in Building 2, Human Resources Department. Office Hours are Monday-Friday 8 a.m. to 4:30 p.m. EST.

FLORIDA CAMPUS

Earlye Adams Julien, PHR, M.S. Ed.
Senior Director for Compliance
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1000 Brady Street
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CHAPTER 6: PROHIBITED TIX MISCONDUCT

A. TIX Sexual Misconduct List

1. The College prohibits TIX Misconduct by or against any member of the College community. TIX Misconduct consists of a specific list of unacceptable behaviors that could impact the employment or educational environment. The following identifies behaviors that violate this Handbook. TIX Misconduct is an umbrella term that includes the following as defined below:
   a. Sexual harassment;
   b. Sexual assault;
   c. Dating violence;
   d. Domestic violence;
   e. Stalking and cyber-stalking; and
   f. Retaliation.

2. Acts of TIX Misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

B. TIX Sexual Misconduct Definitions

1. SEXUAL HARASSMENT
   Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

   a. **Quid Pro Quo Sexual Harassment**
      An employee of the College, conditions the provision of an aid, benefit, or service of the College, on an individual’s participation in unwelcome sexual conduct; and/or

   b. **Title IX Sexual Harassment**
      Unwelcome conduct, determined by a reasonable person to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to the College’s education, program or activity.

2. SEXUAL ASSAULT
   Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
a. **Forcible Rape:**
Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ or another person, without the consent of the Complainant.

b. **Forcible Sodomy:**
Oral or anal sexual intercourse with another person, forcibly, and/or against that person’s will (non-consensually), or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

c. **Sexual Assault with an Object:**
The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person’s will (non-consensually), or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

d. **Forcible Fondling:**
The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person’s will (non-consensually), or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

e. **Sex Offenses, Non-forcible:**
1) Incest
   Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by applicable state law.

2) Statutory Rape
   Non-forcible sexual intercourse, with a person who is under the statutory age of consent of applicable state law.
3. **DATING VIOLENCE**

Violence, on the basis of sex, committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

a. The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition.

b. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

c. Dating violence does not include acts covered under the definition of domestic violence.

4. **DOMESTIC VIOLENCE**

a. Violence, on the basis of sex, committed:

   1) by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common; or
   2) by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; or
   3) by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the relevant state; or
   4) by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of the relevant state.

b. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

5. **STALKING**

a. Engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person’s safety, or the safety of others; or suffer substantial emotional distress.
b. For the purposes of this definition:

1) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

2) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

3) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

6. RETALIATION UNDER THIS HANDBOOK
   a. No individual may intimidate, threaten, coerce, or discriminate against any other individual for the purpose of interfering with any right or privilege secured by this Handbook or because the individual has made a report or Formal Complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing under this Handbook.

   b. Complaints alleging retaliation under this Handbook, including for the exercise of rights under this Handbook, must be filed with the TIX Coordinator and will be addressed and processed accordingly. If the individual who allegedly retaliated is not affiliated with the College and not otherwise subject to this Handbook, the College will process the Complaint and take appropriate measures.

   c. The College retains the right to charge an individual for making a materially false statement in bad faith during the course of an investigation, proceeding or hearing. A determination whether or not the Respondent has engaged in TIX Misconduct is not sufficient alone to conclude the alleged retaliator made a materially false statement in bad faith.

   d. Retaliation constitutes an independent violation of this Handbook and may occur even when there is a finding that no sexual misconduct took place.
e. The exercise of rights protected under the First Amendment, if applicable, does not constitute retaliation prohibited under this Handbook.

C. Other Definitions

1. FORCE
   a. Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want”).
   
   b. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

2. COERCION
   Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

3. AFFIRMATIVE CONSENT
   a. Standard in the Determination of Consent
      1) Affirmative Consent (Consent) is the standard in the determination by a preponderance of the evidence of whether consent was given by each Party involved in the sexual activity.
      
      2) “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.
      
      3) It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other or others to engage in the sexual activity.
4) Lack of protest or resistance does not mean consent, nor does silence mean consent.

5) Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.

6) The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

b. Invalid Excuses Regarding Consent

1) In the evaluation of Formal Complaints under this Handbook, it shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:
   a) The Respondent’s belief in affirmative consent arose from the intoxication or recklessness of the Respondent.
   b) The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

2) In the evaluation of Formal Complaints under this Handbook, it shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:
   a) The Complainant was asleep or unconscious.
   b) The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity.
   c) The Complainant was unable to communicate due to a mental or physical condition.
c. **Consent Under the Department of Education’s Preamble**

The Department of Education’s Preamble to its final regulations effective August 14, 2020 provides the following context for the definition of consent:

1) The burden of proof and the burden of collecting evidence to reach a determination regarding responsibility rests upon the College.

   a) “The final regulations do not permit” the College “to shift that burden to a Respondent to prove consent, and do not permit the [College] to shift that burden to a Complainant to prove absence of consent”.

   b) This Handbook definition of consent must be applied consistently “between men and women”; and “between the Complainant and Respondent because to do otherwise would indicate bias for or against Complainants or Respondents generally, or for or against an individual Complainant or Respondent”.

**CHAPTER 7: INFORMATIONAL AND ORIENTATION MEETINGS**

**A. Informational Meetings with Members of the College Community**

With or without making a report or complaint of TIX or other sexual misconduct, any member of the College Community may schedule an informational meeting with the TIX Coordinator or Deputy for the relevant campus to ask questions about the College’s process for responding to reports and/or complaints of TIX or other sexual misconduct.

**B. Orientation Meeting with the Complainant**

When the TIX Coordinator receives a report of TIX or other sexual misconduct the TIX Coordinator will discuss with the Complainant supportive measures that are available whether the Complainant files a Formal Complaint or not, consider the Complainant’s wishes with respect to supportive measures, share information regarding community resources and law enforcement, explain the process for filing a Formal Complaint, explain the Formal grievance process, and any informal grievance process options, if applicable. The Complainant will also be notified during this meeting of the right to have an Advisor present and the role the Advisor may play in the process.
C. Orientation Meeting with the Respondent

When the College receives a Formal Complaint alleging TIX Misconduct that it intends to investigate, the TIX Coordinator will discuss with the Respondent supportive measures that are available, share information regarding community resources, explain the Formal grievance process, and any informal grievance process options, if applicable. The Respondent will also be notified during this meeting of the right to have an Advisor present and the role the Advisor may play in the process.

D. Informational Meeting with the Advisor

Upon selection of an Advisor by a Party, that Advisor is encouraged to request an informational meeting with the TIX Coordinator prior to participation in the Formal Process to understand their role under this Handbook.

CHAPTER 8: REPORTING SUSPECTED TIX MISCONDUCT

A. Responsibility by a Member of the College Community to Report Suspected TIX or Other Sexual Misconduct

1. RESPONSIBLE EMPLOYEES
   a. Under this Handbook, all College employees (including faculty, employees and administrators), coaches, student employees, student leaders, and student organization officers are considered responsible employees required to immediately disclose to the Coordinator or Deputies any incident or report of behavior or conduct involving suspected TIX or other Sexual Misconduct or allegations of TIX or other Sexual Misconduct for processing, with limited exceptions for Care or Healthcare Providers as specified in Chapter 7.

   b. The College recognizes that any member of the College community who is impacted by or witnessed suspected TIX or other Sexual Misconduct may choose to report such conduct to any employee. For example, a student may choose to confide in a faculty member, an administrator or a coach, all of whom are considered “responsible employees” who must immediately report the incident to the TIX Coordinator or Deputy. Similarly, an employee may choose to confide in a supervisor or fellow employee who are also considered “responsible employees.”

   c. The mere ability or responsibility to report TIX Misconduct or to inform a student about how to report TIX Misconduct, or having been trained to do so, does not qualify an
individual as one who has authority to institute corrective measures on behalf of the College.

d. The Coordinator and Deputies are the Officials with Authority (OWA’s) responsible for implementing the procedures in this Handbook.

e. Responsible Employees described above who fail to report an incident or report of behavior or conduct involving suspected TIX or other Sexual Misconduct or allegations of TIX or other Sexual Misconduct of which they become aware may be subject to disciplinary action up to and including termination of employment or dismissal as a student.

f. The College strongly encourages all students to report suspected TIX Misconduct and to seek assistance for themselves and others who experience such suspected TIX Misconduct.

g. **Simply reporting TIX Misconduct does not constitute a Formal Complaint. To file a Formal Complaint, refer to Chapter 8 in this Handbook for instructions.**

2. **LIMITED EXCEPTIONS FOR CARE OR HEALTHCARE PROVIDERS**

a. Clinic employees and student interns are not required to disclose to the Title IX Coordinator or deputies any incident or report of behavior or conduct involving potential sexual misconduct in situations when acting specifically as a care or healthcare provider and must protect patient confidentiality. This exception would apply to College clinic faculty, student interns, and clinic staff, that have a legal obligation or privilege of confidentiality. The employee or student intern must have learned the information when acting in a healthcare provider capacity in the course of confidential communication.

b. Care or Healthcare Providers are still required to report the occurrence of campus crimes to Security for statistical purposes and inclusion in the College’s annual security report. To protect the identity of the impacted individual, personally identifiable information is not required. The information to be shared is the date and campus location of the incident.

c. Care or Healthcare Providers are encouraged to still provide information about the following:
1) Information about Confidential Community Resources, refer to Chapter 10 in this Handbook;


3) **Options for reporting** sexual misconduct should they choose to do so at some time in the future refer to Chapter 5 in this Handbook; Chapter 7 in this Handbook; or on the College’s website at https://www.palmer.edu/about-us/office-of-compliance/report-a-sexual-misconduct/

d. If the information is **not** learned in the course of confidential communication, the employee or student intern will be considered a “responsible employee” with the responsibility to report.

### B. How to Report Suspected TIX Misconduct to the College

1. Any member of the College community may report TIX Misconduct to the College through the TIX Coordinator. Members of the College community who become aware of an incident of TIX Misconduct are to report the incident immediately to the College through the following reporting options:

   a. By contacting the College’s TIX Coordinator or any Deputy TIX Coordinator by telephone, email, or in person during regular office hours at their respective locations, email addresses and/or phone numbers listed in this Handbook. A reporting form may be obtained from the TIX coordinator and/or Deputies.

   b. Through the College’s website for online reporting.

2. Reports should contain sufficient information for the College to be able to adequately respond including, but not limited to, who was involved and when and where the incident(s) occurred.

3. **Simply reporting TIX Misconduct does not constitute a Formal Complaint. To file a Formal Complaint, refer to Chapter 8 in this Handbook for instructions.**
C. Time Limit to Report TIX Misconduct

There is no time limit for making a report of TIX Misconduct to the College. However, a reporting Party is strongly encouraged to bring forward incidents of or share information about TIX Misconduct as soon as possible after the incident occurred.

D. Reporting Off-Campus TIX Misconduct

All incidents of TIX Misconduct, including those occurring off campus, should be reported to the College through the TIX Coordinator. For example, when the behavior:

1. Involves conduct directed at a College student or other member of the College community that occurs at a College-sponsored activity, sporting event, educational activity (e.g. preceptorship, internship, service learning experience) or at a student organization-sponsored activity;
2. Occurs when the Complainant or Respondent were acting in an official capacity for the College;
3. Constitutes a violation of federal, state or local law or ordinance;
4. Violates College policies; or
5. Demonstrates a threat to Campus safety and security.

E. Reporting Online TIX Misconduct

1. While the College may not control websites, social media, and other venues in which harassing online or other electronic communications are made, the policies of the College are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited under this Handbook when those behaviors are made in an employee’s or student’s official College capacity; occur in the College’s education program or activities; pose disruption or a negative effect on the College’s education program or activities; or use the College’s networks, technology, or equipment.

2. Members of the College community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the College community.
F. Emergency/Immediate Campus Security or Law Enforcement Reporting Options

1. Campus Security
   The College encourages all members of the College community to contact Campus Security at any time to seek security assistance on campus or to provide assistance in contacting the TIX Coordinator as appropriate after an incident of sexual misconduct. For information or questions regarding Campus Security, see Chapter 13 in this Handbook: Campus Security.

2. Local Law Enforcement
   a. Individuals who have experienced TIX Misconduct have the right to notify or decline to notify law enforcement. In keeping with its commitment to taking all appropriate steps to prevent, eliminate, and remedy any TIX Misconduct, the College encourages all impacted individuals with concerns about potential criminal conduct to seek assistance from law enforcement immediately after an incident of TIX Misconduct.

   b. Local law enforcement agencies do not typically notify the College of reports of criminal activity, so the College will not have notice of an incident of misconduct unless a report is also made to the College. Accordingly, the College encourages impacted individuals to notify the College of TIX Misconduct that has been reported to law enforcement.

   c. Campus Security may be contacted at any time to provide assistance in contacting local law enforcement.

G. Medical Assistance

1. The College encourages all individuals who have experienced TIX Misconduct involving an assault to immediately seek appropriate assistance from a medical provider. When such assistance is appropriate, this is the best option to obtain any necessary care and ensure preservation of evidence needed for an effective investigative and remedial response.

2. A medical practitioner can provide emergency and/or follow-up medical or psychological services, discuss any health-care concerns in a confidential setting and may bring peace of mind. A medical exam has two goals: first, to diagnose and treat the full extent of any physical or psychological injury, which may include sexually transmitted infection, pregnancy or depression. Second, such an examination may include properly collecting and preserving
evidence. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and preserve the full range of options to seek resolution through this Handbook; other College Complaint processes; or through the pursuit of criminal action.

For information about medical assistance contact:

**MAIN CAMPUS/QUAD CITIES AREA RESOURCES**

A. Genesis Hospital  
   Iowa: 563-421-1000  
   Illinois: 309-792-9363

B. Trinity Medical Center  
   Iowa: 563-742-5000  

**WEST CAMPUS/BAY AREA RESOURCES**

Santa Clara County Valley Medical Center: Main Clinic 408-885-5000

**FLORIDA CAMPUS/PORT ORANGE AREA RESOURCES**

Sexual Assault Response Team Hotline: 800-940-7273; 386-258-7273

**H. Clery Act Statistical Reporting Obligations**

1. Individuals reporting crimes may remain anonymous. However, the College includes statistics about the occurrence of campus crimes in its annual security report and provides those statistics to the United States Department of Education. In such cases, all personally identifiable information is kept confidential.

2. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to enhance greater community safety.

3. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the impacted individual.
I. Clery Act Timely Warning Reporting Obligations

Individuals impacted by TIX Misconduct should be aware that College officials must promptly issue warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the College community. The College will make reasonable efforts to ensure that an impacted individual’s name and other identifying information is not disclosed while still providing enough information for College community members to make appropriate safety decisions in light of the potential danger.

J. Notification by the College to Law Enforcement Agencies

College officials will determine, consistent with state and local law, whether appropriate law enforcement or other authorities shall be notified by the College of any sexual misconduct incidents.

CHAPTER 9: FILING A FORMAL COMPLAINT OF TIX MISCONDUCT WITH THE COLLEGE

A. Required Elements of a Formal Complaint of TIX Misconduct

1. Simply reporting TIX Misconduct does not constitute filing a Formal Complaint. The following elements are **required to file a Formal Complaint**:

   a. **The Complainant must submit** a physically or electronically signed document or electronic submission (such as by electronic mail or through an online portal) to the TIX Coordinator;

   b. **The Complainant must allege** TIX Misconduct as defined in Chapter 6 against a named Respondent;

   c. **The Formal Complaint must be filed by the individual** who experienced the alleged TIX Misconduct;

   d. **The Complainant must allege** as the person who experienced the misconduct that he/she was participating or attempting to participate in a College Education Program or Activity in the United States at the time of the TIX Misconduct; and

   e. **The Complainant must request** the College investigate the allegation(s).

2. A Complaint signed by the TIX Coordinator alleging a Handbook violation by a Respondent and requesting that the College investigate the allegation(s) is also considered a Formal Complaint. When the TIX Coordinator signs a Complaint, the TIX Coordinator is not a
Complainant (unless specified) and will otherwise fulfill the duties as Coordinator for the submitted Formal Complaint.

3. If the Respondent is unknown or is not a student or employee of the College, the TIX Coordinator will assist the Complainant in identifying appropriate College supportive measures; local resources; and/or when criminal conduct is alleged may assist the Complainant in making a criminal report.

B. How to File a Formal Complaint of TIX Misconduct with the College

1. The College urges members of the College community who wish to file a Formal Complaint to submit the Complaint immediately to the TIX Coordinator through the following options:

   a. By contacting the TIX Coordinator or any Deputy by telephone, email, or in person during regular office hours at their respective locations, email addresses and/or phone numbers listed in this Handbook; or

   b. Online at: Report a Complaint

   c. Through Lighthouse, the College’s confidential third-party online reporting service at: https://www.lighthouse-services.com/palmer. (Note: While Lighthouse includes an anonymous reporting feature, a Formal Complaint of TIX Misconduct requires the name, signature and contact information of the Complainant.)

2. Formal Complaints of TIX Misconduct should contain sufficient information for the College to be able to adequately respond including, but not limited to, who was involved and when and where the incident(s) occurred. A Formal Complaint form may be obtained from the TIX Coordinator and/or Deputies.

C. Time to File a Formal Complaint of TIX Misconduct with the College

1. There is no time limit for filing a Formal Complaint of TIX Misconduct with the TIX Coordinator. However, a Complainant is strongly encouraged to file a Complaint of TIX Misconduct as soon as possible after the incident(s) occurred.

2. Acting on a Complaint significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the TIX Coordinator, who may
document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

3. When a Complaint is affected by a significant delay, the College will typically apply this Handbook in place at the time of the alleged TIX Misconduct and the procedures in place at the time of notice of that Complaint to the OWAs.

4. The College may ultimately be unable to adequately investigate a Complaint if too much time has passed or if a Respondent has left the College. Other factors that could negatively impact the College’s ability to investigate may include but are not limited to the loss of physical evidence; potential departure of witnesses; or loss of memory. The College will, however, help the Complainant identify and access external filing options and provide available supportive measures. See Chapter 11.

D. Criminal Complaint

1. A Complainant may make a criminal Complaint about TIX Misconduct to the appropriate law enforcement authorities. Not all TIX Misconduct is criminal behavior. Law enforcement authorities can assist a Complainant in determining whether conduct experienced was criminal in nature and warrants a criminal Complaint. See Chapter 7.

2. The College encourages a Complainant to pursue criminal action for incidents of TIX Misconduct that may also be crimes. Upon request, the College will also assist the Complainant in making a criminal report. The College will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process.

3. However, a Complainant may also choose not to pursue criminal action. Under most circumstances, the local police department will not force a Complainant to pursue charges if the Complainant is not willing to do so.

4. The definitions and burden of proof in this Handbook differ from criminal law. The Complainant may seek resolution through this Handbook; pursue criminal action; or choose to pursue both.

E. College Complaint

1. In its sole discretion, the College by its TIX Coordinator may file a Formal Complaint, join with a member of the College community who has initiated such a Complaint, or intervene and
maintain through this Handbook any Formal Complaint initially brought by another member of the College community.

2. Requests from a potential Complainant who does not file a Formal Complaint or a reporting Party to “just record my concerns” or “not take any action at this time” may not be honored depending on the circumstances involved. If at any time the College believes an investigation is justified, an investigation may proceed without the support or participation of the potential Complainant or a reporting Party.

F. External Complaint

Individuals may file a Complaint with the Department of Education’s Office for Civil Rights regarding an alleged violation of Title IX by visiting http://www2.ed.gov/about/offices/list/ocr/Complaintintro.html or calling 1-800-421-3481.

1. OFFICE FOR CIVIL RIGHTS (OCR)

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

2. REGIONAL OFFICE FOR CALIFORNIA

Office for Civil Rights
U.S. Department of Health & Human Services
50 United Nations Plaza - Room 322
San Francisco, CA 94102
415-437-8310
415-437-8329 Fax
[415-437-8311 (TDD)]

3. REGIONAL OFFICE FOR FLORIDA

Office for Civil Rights
U.S. Department of Health and Human Services
Atlanta Federal Center, Suite 3B70
61 Forsyth Street, S.W.
4. REGIONAL OFFICE FOR IOWA

Office for Civil Rights  
U.S. Department of Health & Human Services  
601 East 12th Street - Room 248  
Kansas City, MO  64106  
816-426-7278  
816-426-3686 Fax  
[816-426-7065 (TDD)]

CHAPTER 10: ANONYMITY, AMNESTY, PRIVACY AND CONFIDENTIALITY

A. Anonymity

1. Because of the inherent difficulty in investigating and resolving allegations of TIX Misconduct that are vague or from unidentified persons, the College encourages individuals to provide full information and identify themselves when making reports or Formal Complaints of TIX Misconduct. However, any generalized or anonymous reports received by the College will be reviewed by the TIX Team in accordance with this Handbook.

2. Anonymous reports may be made online at: https://www.lighthouse-services.com/palmer.

3. **Anonymous reports do not constitute a Formal Complaint.** A formal complaint requires the name, signature and contact information of the Complainant.

B. Student Amnesty

1. The College encourages good faith reporting of suspected TIX Misconduct under this Handbook. To that end, the College will not pursue charges of ethical misconduct relating to alcohol and drugs under the Student Code of Ethics against a student who makes a good faith report, Formal Complaint or is a witness to an incident of suspected TIX Misconduct. This amnesty applies only to such conduct occurring at or near the time of the incident, regardless of the location at which the suspicious information was revealed.

2. In order to further encourage good faith reporting by students, the College may offer leniency with respect to other charges of ethical misconduct under the Student Code of Ethics which may come to light as a result of such reports, depending upon the circumstances involved.
C. Privacy

1. Although the words “confidential/confidentiality” and “private/privacy” are frequently used interchangeably, for the purposes of this Handbook, privacy and confidentiality have different and distinct meanings.

2. Privacy means the information related to a report or Formal Complaint of TIX Misconduct will be shared with a limited number of College employees who need to know in order to assist in the assessment, investigation, and the ultimate resolution of the report or Formal Complaint.

3. The College makes reasonable efforts to maintain the privacy of the information it receives in connection with reports and Formal Complaints of TIX Misconduct. However, information is appropriately shared with a limited number of College employees who have a legitimate educational “need to know” when disclosure is required by law, policy, or is necessary to facilitate established College processes, including an equitable investigation and resolution of reports and Formal Complaints of sexual misconduct.

4. All employees who are involved in implementing this Handbook receive specific training and guidance about sharing and safeguarding private information in accordance with applicable state and federal laws. The privacy of student education records will be protected in accordance with FERPA. The privacy of employee records will be protected in accordance with the College’s Human Resources Policies.

5. The College may notify emergency contacts to inform them of situations in which there is a significant and articulable health and/or safety risk.

D. Confidential Reporting

1. As pointed out in the previous section regarding privacy, for the purposes of this Handbook, privacy and confidentiality have different and distinct meanings. Confidentiality exists in two separate contexts:

   A. CONFIDENTIALITY

   1) Confidentiality exists in the context of laws that protect communications in certain relationships, including those between medical and clinical care providers; mental health care providers; counselors and their patients; attorneys and their clients; ordained clergy and their parishioners; and spouses.
2) The persons who specific relationships are protected by law are referred to in this Handbook as Confidential Resources. This means when a Party shares information with a Confidential Resource, the Confidential Resource cannot reveal the information to any third Party except when an applicable law or court order requires or permits disclosure of such information. Confidential information may be disclosed when:

(a) the individual gives written consent for its disclosure;
(b) there is a concern the individual likely caused serious physical harm to self or others; or
(c) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities.

B. LIMITED CONFIDENTIALITY

1) Limited Confidentiality exists in the privilege the College has designated for Complainants and Respondents between them and College employees who are College-appointed Advisors who have privileged communications under this Handbook.

2) This means when a Complainant or Respondent shares information with a College-appointed Advisor, the Advisor cannot disclose the information to any third party except when:

(a) an applicable law or court order requires or permits disclosure of such information;
(b) College policy requires or permits disclosure of such information;
(c) the information is likely sufficient to alter relevant facts gathered during an investigation, an outcome determination or, if applicable, sanction/discipline;
(d) the individual gives written consent for its disclosure;
(e) there is a concern the individual likely caused serious physical harm to self or others;
(f) the information is likely sufficient to show a threat of disruption of or interference with the normal operations of the College; or
(g) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities.

2. The College recognizes the decision whether or not to report or file a Formal Complaint of TIX Misconduct is personal. Not every individual will choose to report or file a Formal Complaint of TIX Misconduct to the College or to law enforcement. Individuals are not required to pursue a specific course of action.

3. There are several confidential community and campus resources (refer to Chapter 10) available for individuals seeking to talk to someone about an incident of sexual misconduct in a confidential manner without making a report to the College, filing a Formal Complaint with the TIX Coordinator, or triggering an investigation or action by the College. These resources can provide crisis intervention services, counseling, medical attention and assistance in interfacing with the criminal justice system. All individuals who have experienced or have been impacted by TIX Misconduct are encouraged to utilize the resources that are the best suited to their needs.

CHAPTER 11: CONFIDENTIAL COMMUNITY AND CAMPUS RESOURCES

A. CONFIDENTIAL COMMUNITY RESOURCES

1. Reports of TIX Misconduct may be made to these confidential community resources without making a report to the College or triggering an investigation or action by the College.

2. The College encourages members of the College community to seek the support of confidential community resources as needed.

3. Individuals impacted by an alleged TIX Misconduct incident are encouraged to seek appropriate help through available confidential community resources, regardless of whether or not the incident was reported to the College. These resources can provide crisis intervention services, counseling, medical attention and assistance in interfacing with the criminal justice system.

4. Confidential Resources may share non-identifiable information for statistical tracking purposes or as required by the Clery Act.
A. LOCAL RESOURCES

1) Main Campus

   a) Survivor Services of Family Resources
      http://www.famres.org/services/survivor-services
      Iowa: 563-326-9191
      Illinois: 309-797-1777
      
      A confidential community based program that serves the needs of women, men,
      children and families whose lives have been affected by domestic or sexual
      violence, human trafficking, or other violent crimes.

      b) Personal Counseling Brochure

2) West Campus

   a) YWCA Rape Crisis Center in Santa Clara County
      408-287-3000
      650-493-7273
      800-572-2782 – Crisis Line
      
      A confidential community based program that provides support, assistance, crisis
      counseling, resources and accompaniment to a forensic-medical exam to survivors
      or significant others either at the hospital or through a 24-hour hotline.

      b) Personal Counseling Brochure

3) Florida Campus

   a) Sexual Assault Response Team
      888-956-RAPE (7273)
      
      A statewide organization committed to victims and survivors of sexual violence.
      The hotline provides information and assistance on all aspects of sexual violence,
      including rape, child abuse, stalking and sexual harassment.

      b) Personal Counseling Brochure
B. ADDITIONAL EMPLOYEE RESOURCES (ALL THREE CAMPUSES)

1) The Employee Assistance Program (EAP) is a College-sponsored benefit intended to provide confidential, short-term counseling and referral services that will help employees and immediate family members.

2) ComPsych Guidance Resources (the College’s EAP) can be accessed 24 hours a day by calling 800-272-7255 or logging onto http://www.guidanceresources.com/. If, upon assessment, the counselor feels that outside assistance is necessary, a subsequent referral will be made. Please contact the Human Resources department at 563-884-5276 for a password to access the web-based benefits.

C. OTHER RESOURCES

1) Rape and Sexual Violence

   National Sexual Assault Hotline/Rape Abuse Incest National Network (RAINN)
   800-656-HOPE (4673)
   www.rainn.org

   A confidential hotline that connects survivors of sexual assault with a trained staff member from a local sexual assault service provider.

2) Domestic Violence

   National Domestic Violence hotlines:
   800-799-SAFE (7233)
   800-787-3224 (TTY)

   A confidential 24/7/365 hotline that provides resources and information to anyone experiencing domestic violence.

3) Suicide Prevention

   a) National Suicide Prevention Lifeline
   800-273-TALK (8255)
   www.suicidepreventionlifeline.org
A national network of local crisis centers that provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

b) Jed Foundation
   800-273-TALK (8255)
   www.jedfoundation.org

   A nonprofit organization to protect emotional health and prevent suicide for our nation’s teens and young adults.

c) Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Resources
   LGBT National Hotline
   888-843-4564
   www.GLBTNationalHelpCenter.org
   A national help center serving gay, lesbian, bisexual, transgender and questioning people by providing free and confidential peer-support and local resources.

D. OTHER MENTAL HEALTH AND WELL-BEING RESOURCES

1) Ulifeline (http://www.ulifeline.org). An anonymous, confidential, online resource center developed especially for college students. Find help and information regarding mental health and suicide prevention.

2) American Psychological Association (www.apa.org). The APA is a professional psychological association which provides information on a wide variety of topics.

3) Graduate Student Hotline: 800-GRAD-HELP (472-3457). Provides 24/7 support for urgent mental health care needs.

B. CONFIDENTIAL CAMPUS RESOURCES (Care or Healthcare Providers)

1. College clinic faculty, student interns, and clinic staff, that have a legal obligation or privilege of confidentiality. The employee or student intern must have learned the information when acting in a healthcare provider capacity in the course of confidential communication.

2. If the information is not learned in the course of confidential communication, the employee or student intern will be considered a “responsible employee” with the responsibility under this Handbook to disclose reports of suspected TIX Misconduct to the TIX Coordinator or Deputy. The Coordinator and Deputies are the Officials with Authority (OWA’s) responsible for implementing the procedures in this Handbook. Refer to Chapter 7 regarding “Limited Exceptions for Care or Healthcare Providers.”

3. Care or Healthcare Providers are required to report the occurrence of campus crimes to Security for statistical purposes and inclusion in the College’s annual security report. To protect the identity of the impacted individual, personally identifiable information is not required. The information to be shared is the date and campus location of the incident.

4. More information regarding Palmer Clinic locations and hours can be found on the College’s website at: https://www.palmer.edu/clinics/quad-cities/quad-cities-locations-hours/

A. MAIN CAMPUS

1) Davenport Clinic, Harold & Marie Bechtel Center
   1002 Perry Street, Davenport, IA 52803
   Phone: 563-884-5801
   Email: clinics.qc@palmer.edu

2) Moline Clinic
   2001 52nd Ave., Moline, IL 61265
   Phone: 309-764-4901
   Email: clinics.qc@palmer.edu

3) Davenport Outreach Clinic
   1000 Brady Street, Davenport, IA 52803
   Phone: 563-884-5223
   Email: clinics.qc@palmer.edu

4) Moline Outreach Clinic
   2200 5th Ave., Moline, IL 61265
CHAPTER 12: SUPPORTIVE MEASURES FOR COMPLAINANTS AND RESPONDENTS

A. In response to a report or a Formal Complaint of TIX Misconduct, either or both the Complainant and Respondent involved in an alleged TIX Misconduct incident, may seek or the College may offer supportive measures.

B. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to the College’s education program or activity, including measures designed to
protect the safety of all Parties or the College’s educational environment, and/or deter TIX Misconduct and/or retaliation.

C. Supportive measures do not mean the College has made a determination of responsibility for the misconduct allegations. Supportive measures may be sought or offered by the College to the Complainant or Respondent even if a Formal Complaint has not been filed by the Complainant against the Respondent.

D. Upon receiving a report of TIX Misconduct from a Complainant, the TIX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures and consider the Complainant’s wishes with respect to such measures. In addition, the TIX Coordinator will inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint. The TIX Coordinator will explain to the Complainant the process for filing a Formal Complaint and available options for resolution. Finally, the TIX Coordinator will also consider supportive measures as appropriate and reasonably available for the Respondent.

E. The College will determine the necessity and scope of any supportive measures. Even when either or both Parties do not specifically request such measures be taken, the College may choose to impose such supportive measures at its discretion.

F. To the extent possible, the College will:

1. Maintain the privacy of the supportive measures, provided that privacy does not impair the College’s ability to provide the supportive measures.
2. Act in a manner to minimize any academic impact on the Parties as reasonably possible.
3. Implement measures in a way that does not unreasonably burden the other Party.

G. The supportive measures provided to either or both Parties may change over time. The Parties are encouraged to communicate with the TIX Coordinator throughout the process so that such measures are effective and appropriate based upon the Parties evolving needs. Such measures as then appropriate may be kept in place after the TIX Misconduct report allegations have been resolved.

H. The range of supportive measures may include, but is not limited to, the following:
1. **Limited-Contact Directive**

Either or both Parties may request, or the College may impose, communication and contact restrictions to prevent potentially harmful interactions. These communications and contact restrictions generally preclude in-person, telephone, electronic or third-party communications.

2. **Restricted Access**

The College may limit either or both Parties’ access to certain College facilities or activities as part of a limited contact directive.

3. **Facilitation of On-Campus Compliance with a Court Order**

In some cases, either or both Parties may consider seeking a Protective Order from the local courts. These civil proceedings are independent of the College. If the College is provided with a copy of a court order, the College will, to the extent feasible, attempt to facilitate on-campus compliance with the order.

4. **Academic or Employment Modifications**

Either or both Parties may request modifications to academic or employment conditions as supportive measures. These may include, but are not limited to:

a. Academic or other course-related adjustments, such as but not limited to a change in class schedule; taking an incomplete; dropping a course without penalty; or extending course deadlines;

b. Employment modifications such as but not limited to work assignments; scheduling; work locations; or leaves of absence.

5. **Student Housing Modifications**

If either or both Parties reside in College-owned housing, then such persons may request changes in housing services or locations.

6. **Security Assistance**

Either or both Parties may request assistance from Security to help identify and implement safety measures such as assigned parking or requesting an escort on campus for movement between classes and activities.
7. Emotional Support

The College may assist in identifying Campus Support Services as outlined in this Handbook. Additionally, the College may assist in identifying and referring either or both Parties to community services for counseling, emotional support and other helpful community resources outlined in this Handbook or on the College’s website.

8. Disability Accommodations

This Handbook does not alter any College obligations under federal or state disability laws including, but not limited to, the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Either Party may notify the TIX Coordinator of the need for reasonable accommodations at any point before or during the processing of a Formal Complaint provided the accommodations do not fundamentally alter those processes. The TIX Coordinator will work with the appropriate disability services coordinator or Human Resources in determining any reasonable accommodations.

9. Failure to Comply with Supportive Measures

Either or both Parties are encouraged to report concerns asserting that the other Party or any College community member has interfered with or prevented the implementation and functioning of a supportive measure. After notice and assessment of any such concerns, the College shall take appropriate action to remedy the concern. Such remedial action may include imposing discipline.

CHAPTER 13: EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

A. The College may remove a Respondent on an emergency basis from its education programs and activities whether the grievance processes are underway or not. The reason being that risks from TIX Misconduct may occur at any time.

B. An emergency situation must arise from the alleged TIX Misconduct. The determination of an immediate risk situation is not limited solely to the details of the alleged TIX Misconduct itself but may also evaluate and be responsive to the Respondent’s related post-incident actions or behaviors.

C. An emergency removal is not a determination of responsibility or a sanction/discipline imposed for the alleged TIX Misconduct. The presumption of innocence remains until a determination is made at the conclusion of the Formal Grievance Process.
D. If the Respondent’s actions pose an immediate and identifiable threat, but do not arise from the TIX Misconduct allegation(s), then the College may proceed in accordance with the applicable Student Code of Ethics, Collective Bargaining Agreements, Faculty Handbooks, Employee Handbooks, and the College’s other policies and procedures.

E. Under the August 2020 TIX regulations, there is a five-step process for evaluating the necessity and implementation of an emergency removal.

1. **Step 1: Prompt Individualized Safety and Risk Analysis**
   a. In conducting an individualized safety and risk analysis, the College does not consider generalized hypothetical beliefs or assumptions that the Respondent could pose a risk to someone’s physical health or safety. The College will conduct an individualized safety and risk analysis, that will focus upon the particular Respondent by examining the specific circumstances arising from the allegations of TIX Misconduct posing an immediate threat to a person’s physical health or safety.
   
   b. The safety and risk analysis will be performed by the Behavioral Intervention Team in consultation with the TIX Coordinator using its standard objective risk threat assessment procedures. All Team Members shall be free of bias and avoid conflicts of interest.

2. **Step 2: Required Findings of Immediate Threat to the Physical Health or Safety of Another**
   a. The individualized safety and risk analysis must confirm there is an immediate threat justifying an emergency removal. Questions may arise, for example, regarding the significance and weight that should be applied to a Complainant’s subjective fear of a threat versus an objective reasonable person standard. The analysis should assess the Respondent’s propensity, opportunity, and ability to effectuate a stated or potential threat. The determination will be fact specific subject to whether appropriate supportive measures would serve as a less restrictive means to negate or sufficiently minimize the likelihood of a threat’s occurrence.
   
   b. The immediate threat must be to the physical health or safety of one or more individuals who may be the Complainant, Respondent or any other individual such as a third-party...
witness. The word “physical” modifies “health or safety”. This distinction is important in order to emphasize this emergency removal process is not used inappropriately to prematurely punish the Respondent by relying on a person’s mental or emotional health or safety to justify an emergency removal. Emotional and mental well-being of the Complainant may be addressed by Supportive Measures.

c. As a consequence, if the Respondent presents an immediate non-physical health or safety threat to another individual (e.g. emotional impact), then the College’s response focuses upon appropriate Supportive Measures to allow the individual equal access to education programs and activities, not the Respondent’s emergency removal.

d. If the Respondent threatens to physically harm the Complainant in response to TIX Misconduct allegations, an immediate threat to the Complainant’s physical safety may justify emergency removal. Similarly, the Respondent’s threat of physical self-harm after being accused of TIX Misconduct may also justify emergency removal.

3. Step 3: Student/Employee with a Disability

The Respondent may not be subject to emergency removal without full consideration of a prior self-identified disability to Student Disability Services or Human Resources. The Behavioral Intervention Team will consult with Student Disability Services or Human Resources, as appropriate, in performing the individual safety and risk analysis regarding any self-identified disability brought forward by the Respondent.

4. Step 4: Appropriateness of Supportive Measures Rather than an Emergency Removal

The emergency removal analysis requires a careful balancing of concurrent factors such as to:

1) provide equal access to education programs and activities;
2) consider the adverse impact of separating the Respondent from educational opportunities and benefits; and
3) satisfy the College’s obligation to protect the health and safety of its community.

b. In assessing an emergency removal, the College will also consider the anticipated timing to complete an investigation and the grievance process since removal will vary in its length and impact based upon the duration of the process. The College may conduct interim assessments of whether the immediate threat to physical health or
safety of a student, employee or another individual remains unchanged or has sufficiently dissipated to support the Respondent’s return to the education programs and activities, in whole or in part.

5. Step 5: Post Removal Challenge

a. If the College determines removal is necessary, the Respondent will be provided notice with an opportunity to challenge the decision immediately following the removal to a designated College official. The Respondent seeking to challenge the decision shall submit a written request with supporting documentation. The Respondent shall be notified by written decision regarding the emergency removal. The decision of the designated College official shall be final.

b. There is no appeal process for emergency removal decisions.

6. Administrative Leave

a. Consistent with applicable Collective Bargaining Agreements, Faculty Handbooks, Employee Handbooks, and other College policies and procedures, the College has the authority to place an employee or faculty Respondent on administrative leave during the TIX Misconduct process.

b. An administrative leave is not a determination of responsibility or a sanction/discipline imposed for the alleged TIX Misconduct. A presumption of innocence remains until the determination is made at the conclusion of the Formal Grievance Process.

c. Administrative leave will take into consideration a reported self-identified disability by Respondent to Student Disabilities Services or Human Resources.

CHAPTER 14: CAMPUS SECURITY

A. Campus Security Assistance

Campus Security may be contacted at any time to seek assistance on campus or to provide law enforcement information.

http://www.palmer.edu/Security/
B. Campus Security’s Responsibility to Refer for Processing

After providing security assistance or law enforcement information, Security will promptly report any incident or report of behavior or conduct involving suspected TIX or other Sexual Misconduct or allegations of TIX or other Sexual Misconduct to the TIX Coordinator for further processing according to the policies outlined in this Handbook.

C. Campus Security Contact Information

For information or questions regarding Campus Security contact:

1. MAIN CAMPUS
   SECURITY: 563-884-5555

   Security is provided by Per Mar, a third-party contractor. For additional information contact:
   
   Brian Sharkey
   Senior Director for Campus Safety and Security
   563-884-5147
   brian.sharkey@palmer.edu

2. WEST CAMPUS
   24-hour First Security Services: 800-400-1110
   After hours’ desk (South entrance): 408-944-6186
   Cell phone (security on-site) 408-568-5951

   Security is provided by First Security Services, a third party contractor. For additional information contact:
   
   Lonnie Contreras
   Director of Campus Administration
   408-944-6011
   lonnie.contreras@palmer.edu

3. FLORIDA CAMPUS
   SECURITY: 386-763-2777

   Security is provided by United American, a third party contractor. For additional information contact:
Charlie Brown
Manager of Safety & Security
386-763-2608
Charlie.brown@palmer.edu

Operational hours: 386-763-2777 or 32777 from a campus phone
After hours: 800-227-9805

CHAPTER 15: CAMPUS SUPPORT SERVICES
The College encourages College community members to seek these campus support services listed below as needed.

A. Main Campus

1. Academic Support Services & Resource Referrals for Students
   Academic Support Services
   Kevin Cunningham, D.C., Ph.D.
   563-884-5898
   kevin.cunningham@palmer.edu

2. Employment Support Services & Resource Referrals for Employees and Faculty
   Human Resources
   Barry Pence, M.B.A., SPHR, SHRM-SCP
   563-884-5866
   barry.pence@palmer.edu

B. West Campus

1. Academic Support Services & Resource Referrals for Students
   Student Services
   Michael Crump, M.Ed.
   408-944-6122
   michael.crump@palmer.edu

2. Employment Support Services & Resource Referrals for Employees and Faculty
   Human Resources
   Barry Pence, M.B.A., SPHR, SHRM-SCP
CHAPTER 16: THE COLLEGE’S RESPONSE TO REPORTS OF TIX MISCONDUCT

A. Actual Knowledge

1. The College will respond to allegations of TIX Misconduct under this policy when the College has actual knowledge of TIX Misconduct allegations that occurred within the scope and jurisdiction of this Handbook. See Chapter 4 for more detailed information.

2. The College’s officials with Authority (OWA) to institute corrective measures under this Handbook on behalf of the College include the TIX Coordinator and Deputies. Therefore, all College employees (including faculty, employees and administrators), coaches, student employees, student leaders, and student organization officers are considered responsible employees required to immediately disclose to the Coordinator or Deputies any incident or report of behavior or conduct involving suspected TIX or other Sexual Misconduct or allegations of TIX or other Sexual Misconduct with limited exceptions for Care or Healthcare Providers as specified in Chapter 7.

3. The mere ability or responsibility to report TIX Misconduct or to inform a student about how to report TIX Misconduct, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College.
4. The College is considered to have actual knowledge only when notice of sex discrimination or sexual harassment allegations are reported to the College’s officials with Authority (OWA) to institute corrective measures under this Handbook on behalf of the College. Under this policy, the College’s OWA’s include the TIX Coordinator and Deputies.

B. Examination of Reports of TIX Misconduct for TIX Jurisdiction

1. EXAMINATION OF REPORTS

   a. Although a report of TIX Misconduct may be received through many sources, the College has directed all reports of TIX Misconduct be brought to the TIX Coordinator. The TIX Coordinator shall respond to all reports and complaints of TIX Misconduct.

   b. TIX Misconduct grievance processes are unique to the nature of the allegation, the location where the misconduct took place, the person making the allegation and against whom the allegation is directed (i.e. employee, faculty, student, 3rd party) as well as their association with the College and the level of due process required to resolve a Complaint.

   c. Accordingly, reports of TIX Misconduct are reviewed by the TIX Coordinator to ensure such reports are directed to the jurisdiction of the appropriate process recognized by the College.

2. DETERMINATION OF SCOPE AND JURISDICTION

   Reports determined to meet the scope and jurisdiction of Title IX will be processed under this Handbook. See Chapter 4 for greater detail. Reports of non-TIX Sexual Misconduct will be formally dismissed under this Handbook and directed to the jurisdiction of another appropriate process recognized by the College.

C. Risk Assessment

The College will make an initial assessment of any risk of harm to individuals or to the College community and will take reasonable steps necessary to address those risks.

D. Notification of Allegations, Intent to Investigate and Additional Details

1. NOTIFICATION TO THE RESPONDENT

   a. When the College receives a Formal Complaint alleging TIX Misconduct that it intends to investigate, the Respondent will be notified of such intent in writing including
sufficient information known at the time (i.e. time and location) upon commencement of the Formal Process.

b. The initial notification may be somewhat limited by the factual details provided to the College by the Complainant. However, the College will make its best efforts to include in such initial notification and/or any subsequent notifications sufficient detail concerning the following:

1) identity of the Parties involved (if known);
2) specific TIX Misconduct alleged;
3) conduct constituting the alleged misconduct; and
4) date(s) and location(s) of the alleged incident(s) (if known).

2. NOTIFICATION TO THE COMPLAINANT

The Complainant will also be notified upon commencement of the Formal Process.

3. NOTIFICATION TO THE COMPLAINANT AND RESPONDENT OF ADDITIONAL INFORMATION

As more information becomes available during the investigation, additional details will be equally provided to the Respondent and Complainant.

F. Promptness

1. All allegations are acted upon promptly by the College once it has received actual knowledge/notice of allegations of TIX Misconduct. The resolution of Formal Complaints can take 60-90 academic days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

2. Any time the general timeframes for resolution outlined in the College’s procedures will be delayed, the College will provide written notice to the Parties of the delay, the cause of the delay, and an estimate of the anticipated additional time (if known) that will be needed as a result of the delay.
CHAPTER 17: INFORMAL GRIEVANCE PROCESS

A. General Guidelines for Informal Grievance Process

1. The purpose of the Informal Grievance Process is to determine if the Complaint may be resolved informally on a basis which is satisfactory to both Parties and the College.

2. After the filing of a Formal Complaint, the Complainant may request to engage in the Informal Grievance Process. The TIX Coordinator has the discretion to initially decide whether the Informal Grievance Process is appropriate in the particular matter.

3. If the TIX Coordinator determines a Complaint is not appropriate for the Informal Grievance Process, then the Complainant will be informed that the process is unavailable.

4. The Department of Education’s regulations permit the use of an Informal Grievance Process if the TIX Misconduct Complaint involves:
   a. a student Complainant and a student Respondent;
   b. an employee Complainant and an employee Respondent; or
   c. an employee Complainant and a student Respondent.

5. The regulations prohibit the use of an Informal Grievance Process if the Complainant is a student and the Respondent is an employee of the College.

6. Subject to the voluntary consent of the Parties with approval of the TIX Coordinator, the College will facilitate the Informal Grievance Process when a Formal Complaint has been filed.

7. Informal resolutions present an alternative way to resolve Formal Complaints in a less adversarial manner than an investigation and live hearing under the Formal Grievance Process.

8. Informal resolutions may address situations in which the facts underlining the Complaint are not contested by the Parties. In such a limited set of circumstances, the Complainant, Respondent and TIX Coordinator may agree on resolving the allegations of a Formal Complaint that includes disciplining the Respondent. Of course, if a Respondent does not believe discipline is appropriate, then the Respondent may withdraw from the Informal Grievance Process in order to begin or resume the Formal Grievance Process.
9. If the Formal Grievance Process has begun, either Complainant or Respondent may seek to initiate the Informal Grievance Process prior to the commencement of a live hearing. If both Parties agree to participate in the Informal Grievance Process with the approval of the TIX Coordinator, the Formal Grievance Process will be adjourned while the Informal Grievance Process is pending. If an informal resolution is not reached, the Formal Grievance Process will be resumed.

10. If the Informal Grievance Process does not result in a written agreement being signed by the Parties, the College will not draw any adverse inference based on a Respondent’s participation. Nor will such participation be considered an admission by the Respondent.

11. Protections against retaliation apply to individuals participating in the Informal Grievance Process. Disciplinary action may result from those found responsible for retaliation.

B. Voluntary Written Consent from Complainant and Respondent

1. The Informal Grievance Process (Informal Process) is separate and distinct from the Formal Grievance Process (Formal Process). For this reason, prior to engaging in the Informal Process, the TIX Coordinator will explain to the Complainant and Respondent what the Informal and Formal Processes entail in order for each of them to make an informed decision to voluntarily attempt to reach an informal resolution as an alternative.

2. Before the Informal Grievance Process is used, the Complainant and Respondent must be informed in writing of:

   a. the TIX Misconduct Complaint allegations;
   b. the requirements of this Informal Grievance Process (including the circumstances under which it precludes the Parties from resuming a Formal Complaint arising from the same allegations); and
   c. any consequences resulting from participating in the Informal Grievance Process (including the records that will be maintained or could be shared).

3. The TIX Coordinator will meet individually with the Complainant and Respondent to determine if the Complaint may be resolved informally on a basis which is satisfactory to both Parties and the College. If Complainant and Respondent agree to pursue the Informal
Grievance Process, then each Party must submit to the TIX Coordinator a signed voluntary written informed consent.

4. At any time prior to agreeing to a resolution, either Party has the right to withdraw from the Informal Grievance Process and begin or resume the Formal Grievance Process with respect to the Formal Complaint.

C. Course of Informal Grievance Proceedings
   1. Once voluntary written consent has been obtained, the Parties shall engage in one of the following:

      a. meet together with the TIX Coordinator in person or through a technologically-assisted medium such as Skype, Teams, Zoom, FaceTime, WebEx, or similar technology; or

      b. meet individually with the TIX Coordinator in person or through a technologically-assisted medium such as Skype, Teams, Zoom, FaceTime, WebEx, or similar technology.

2. Any agreement reached as part of the Informal Grievance Process must be approved by the TIX Coordinator in order to ensure consistency with the College’s federal obligations. If the TIX Coordinator determines at any time prior to the signing of an Informal Resolution Agreement that the proposed resolution is no longer appropriate, the TIX Coordinator may terminate the process.

3. Upon signing an Informal Resolution Agreement, the Complainant and Respondent are bound by its terms and cannot opt for a Formal Grievance Process resolution based upon the conduct alleged in the Formal Complaint. Neither Party may appeal an Informal Resolution Agreement.

4. Any agreed Informal Resolution Agreement reached through this process will be documented and maintained by the TIX Coordinator. Informal resolutions involving employees may also be placed in their personnel files.

5. The failure of either Party to comply with the signed Informal Resolution Agreement may result in disciplinary action.
6. If the Parties’ circumstances change significantly, either may request a Supplemental Agreement subject to the TIX Coordinator’s determination that it is appropriate to consider such a supplement. Any Supplemental Agreement must be written and signed by the Complainant, Respondent and TIX Coordinator.

D. Informal Grievance Process Timeline

The timeline for completion of the Informal Grievance Process may vary, but the College will seek to complete that process within thirty (30) academic days. Should the timeline be extended for good cause by the TIX Coordinator both Parties will be notified in writing.

CHAPTER 18: FORMAL GRIEVANCE PROCESS

A. General Guidelines

1. This Formal Grievance Process (Formal Process) is the same for TIX Misconduct Complaints whether the Parties are students, employees, faculty or other individuals participating in one of the College’s education programs or activities.

2. This Formal Process will take place when a TIX Misconduct Complaint is brought forward that is not informally resolved under Chapter 16 and the Complainant seeks a formal resolution.

3. The College may consolidate Formal Complaints involving allegations 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 TIX Misconduct arise out of the same facts or circumstances.

4. Resolution proceedings are private. All persons present at any time during the Formal Process are expected to maintain the privacy of the proceedings in accordance with College policy. While there is an expectation of privacy around what is shared with Parties during this process, the Parties have discretion to share their own knowledge and evidence with others if they so choose. The College encourages Parties to discuss this with their Advisors before doing so.

B. Standard of Proof

The standard of proof under this Handbook is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the
relevant evidence and reasonable inferences from the evidence, that the Respondent violated this Handbook.

C. Dismissal of a Formal TIX Complaint

1. The College may dismiss a Formal Complaint if:

   a. At any time during the investigation or hearing a Complainant notifies the TIX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

   b. The Respondent is no longer enrolled or employed by the College; or

   c. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

2. If the College dismisses a Formal Complaint, the Parties will be notified simultaneously and electronically in writing of the dismissal and the reasons for the dismissal.

CHAPTER 19: ADVISORS

A. Right to an Advisor

1. Once a Formal Complaint has been filed with the TIX Coordinator, all Parties, whether Complainants or Respondents have the right to select an Advisor to assist them during the course of the Formal Process.

2. The Parties may select an Advisor at any point during the Formal Process. They are encouraged to obtain an Advisor as early as possible.

3. The Parties also have the right to choose not to have an Advisor at any point in the Formal Process. Except, an Advisor is required for the purpose of conducting cross-examinations at a live hearing.

4. If a Party fails to choose an Advisor for the live hearing, then the TIX Coordinator will assign an Advisor from the pool of those identified by the College.

5. An Advisor is not part of the appeal process.
6. Witnesses are not entitled to Advisors.

B. Who Can Serve as an Advisor

1. The Advisor may be a friend, mentor, family member, union representative, attorney, or other individual to advise, support, and/or consult with that Party throughout the Formal Process.

2. In selecting an Advisor, the Party Advisee (Advisee) must understand the TIX Coordinator must be satisfied that the chosen Advisor has the availability, time and inclination to fully participate to avoid any unreasonable scheduling delays. Accordingly, not only the Advisor but also the Advisee must adjust their schedule to comply with the reasonably prompt timeframes set by the College for concluding the Formal Process.

3. The College may make reasonable provisions to allow an Advisor who cannot attend in person to participate by telephone, video conferencing, or other similar technologies as may be convenient and available.

4. An Advisor may be disallowed if that individual is identified as a witness to be interviewed during the investigation or to testify at the live hearing. The reason being that an Advisor may not cross-examine oneself.

5. The Advisor cannot have institutionally conflicting roles, such as being a TIX Coordinator who has an active role in the matter, or a supervisor who must monitor and implement sanctions, if applicable. An Advisor must be free from conflicts of interest (whether actual, potential or perceived) with the interest of the Party being advised.

6. The Parties shall notify the TIX Coordinator of the identity of the Advisor and provide a release at least one academic day in advance of the intent by that Advisor to participate in the Formal Process.

7. The Advisor may be an attorney. In that event, if either or both parties retain an attorney, such party shall notify the TIX Coordinator of the identity of that attorney and provide a release at least three academic days in advance of the intent by that attorney to participate in the Formal Process. The notice is required in order that the other party may have an opportunity to obtain an attorney, if they so choose. Attorneys selected as Advisors shall be at the Parties’ expense.
8. The College at its expense may also appoint an attorney to represent the College’s interests throughout the Formal Process.

9. The College has a pool of trained persons to serve as Advisors who are familiar with this Handbook. If a Party so chooses, the TIX Coordinator will offer to assign a trained Advisor to that Party at any time during the Formal Process. The pool does not include attorneys.

10. If either Party chooses an Advisor from outside the pool of those identified by the College, that Advisor may not be trained and familiar with this Handbook.

11. If one Party selects an attorney as an Advisor and the other Party does not or cannot afford an attorney, the College has no obligation to provide an attorney to that other Party.

12. A Party may elect to change Advisors during the Formal Process. In other words, the Parties are not obligated to use the same Advisor throughout these proceedings. The Parties will provide timely notice to the TIX Coordinator if either Party intends to change Advisors at any time.

C. Sharing Information with Advisors

1. If a Party selects an Advisor, then the Advisor must have access to documentation and evidence gathered under this Handbook.

2. A student Party who engages an Advisor must complete a Family Education Rights and Privacy Act (FERPA) release form prior to the Advisor participating under this Handbook. The student Party must complete and submit this form to the TIX Coordinator or provide similar documentation demonstrating consent to release of education information gathered as evidence under this Handbook to the Advisor before the College will share such records with the Advisor.

3. A non-student Party who engages an Advisor must complete a release of employment information form prior to the Advisor participating under this Handbook. The non-student Party must complete and submit this form to the TIX Coordinator or provide similar documentation demonstrating consent to release of employment information gathered as evidence under this Handbook to the Advisor before the College will share such records with the Advisor.
4. The College’s duty is to the Complainant and Respondent not to either of their Advisors. All communications made directly with the Parties may be shared with Advisors, if specifically requested in writing.

5. Advisors are expected to maintain the privacy of the records shared with them. Records shared with Advisors for the purposes of this Formal Process may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College.

6. The College may remove any Advisor who does not respect the sensitive nature of the Formal Process or who fails to abide by the College’s privacy expectations under this Handbook.

7. If a Party changes Advisors, consent to share information with the previous Advisor is terminated. A release for the new Advisor must be secured from the Party.

D. Advisor’s Role

Upon selection of an Advisor by a Party, that Advisor is encouraged to request an informational meeting with the TIX Coordinator prior to participation in any part of the process to understand their role under this Handbook.

1. ADVISOR’S ROLE IN THIS INFORMAL GRIEVANCE PROCESS
   a. The role of the Advisor within the Informal Grievance Process is limited.

   b. The Advisor may be present during one of the following chosen by the Parties:

      (1) If the Parties choose to meet together with the TIX Coordinator in person or through a technologically-assisted medium such as Skype, Teams, Zoom, FaceTime, WebEx, or similar technology, the Advisor may be present during the Advisee’s meeting(s) with the TIX Coordinator and the other Party.

      (2) If the Parties choose to meet individually with the TIX Coordinator in person or through a technologically-assisted medium such as Skype, Teams, Zoom, FaceTime, WebEx, or similar technology, the Advisor may be present during the Advisee’s meeting(s) with the TIX Coordinator.

4. Complainants and Respondents are expected to directly respond to questions from the TIX Coordinator or the other Party on their own behalf throughout the meeting(s).
5. When a question is pending to be answered an Advisor may not consult with the Advisee. The Advisor may not speak on behalf of the Advisee to the TIX Coordinator or the other Party.

6. During the meeting(s) the Advisor may not make a presentation on behalf of the Advisee. The Advisor may not testify in or obstruct meeting(s), author written submissions, or disrupt the meeting(s). The Advisor may not offer facts or submit argument on behalf of the Advisee.

7. The Advisor may not ask questions of the Advisee. Any questions posed or factual assertions or argument provided by the Advisor during an Advisee’s meeting(s) is prohibited.

8. The TIX Coordinator(s) has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this Handbook.

2. ADVISOR’S ROLE IN THIS FORMAL GRIEVANCE PROCESS
   a. The role of the Advisor within the Formal Process is limited.

   b. An Advisor may accompany their Advisee during the Formal Process. Advisors are expected to be civil and not engage in behavior that violates collegial standards such as talking over someone, yelling, interrupting, taking an aggressive stance towards someone or any other behavior that is deemed disruptive.

   c. Advisors are not to disrupt any meeting or proceeding by making opening or closing statements or by advising their Advisee to refuse from answering questions.

   d. Advisors are not permitted to interrupt or interject while the Advisee or someone else is testifying or being interviewed, or otherwise delay or obstruct a proceeding.

   e. All Advisors including union representatives and attorneys are subject to this Handbook.

3. ADVISOR’S ROLE DURING THE INVESTIGATION
   9. The role of the Advisor within the investigation is limited. An Advisor may be present during the Advisee’s interview(s) with the investigator(s).
10. Complainants and Respondents are expected to directly respond to questions from the Investigator(s) on their own behalf throughout the investigation.

11. When a question is pending to be answered an Advisor may not consult with the Advisee. The Advisor may not speak on behalf of the Advisee to the Investigator(s).

12. During an interview the Advisor may not make a presentation on behalf of the Advisee. The Advisor may not testify in or obstruct an interview, author written submissions, or disrupt an interview. The Advisor may not offer facts or submit argument on behalf of the Advisee.

13. The Advisor may not ask questions of the Advisee. Any questions posed or factual assertions or argument provided by the Advisor during an Advisee’s interview is prohibited.

14. The Investigator(s) has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this Handbook.

4. ADVISOR’S ROLE DURING THE HEARING
   a. The role of the Advisor in the hearing is limited. An Advisor will conduct cross-examination of the Parties, Investigators and witnesses, during the appointed time after the Hearing Panel has fully completed their initial questioning of that individual.

   b. Complainants and Respondents are expected to directly respond to questions from the Hearing Panel and Advisors on their own behalf throughout the hearing.

   c. When a question is pending to be answered an Advisor may not consult with the Advisee. The Advisor may not speak on behalf of the Advisee to the questioner.

   d. During the hearing, the Advisor may not make a presentation on behalf the Advisee. The Advisor may not testify in or obstruct the hearing, author written submissions, or disrupt the hearing. The Advisor may not offer facts or submit argument on behalf of the Advisee.

   e. Other than during cross-examination, the Advisor may not ask questions of the Parties, Investigators or witnesses. Any questions posed or factual assertions or argument provided by the Advisor during the hearing is prohibited.
f. The TIX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this Handbook.

CHAPTER 20: INVESTIGATIONS

A. Decision to Conduct an Investigation

After a Formal Complaint has been assessed and found to meet the jurisdictional requirements of Chapter 4, an investigation will be conducted provided:

1. The complaint has not been informally resolved under Chapter 16;
2. The Complainant seeks a formal resolution; or
3. The College deems a formal resolution is appropriate.

B. Notice to the Parties of an Investigation

1. When the College receives a Formal Complaint that it intends to investigate, the Complainant and Respondent will be notified in writing of such intent. The initial notification may be somewhat limited by the factual details provided to the College by the Complainant. However, the College will notify the Complainant and Respondent, in writing, of the following information, if known:

   a. a copy or link to this Handbook;
   b. the identity of the Complainant(s) and Respondent(s), if known;
   c. the nature of the reported TIX Misconduct;
   d. the applicable potential TIX Misconduct alleged;
   e. the approximate date and location of the alleged TIX Misconduct, if known;
   f. the names of the assigned Investigators;
   g. information about the Parties’ right to have an Advisor of their choice at their own expense who may be but is not required to be an attorney;
   h. information about the right to review evidence at the appropriate stages;
   i. the presumption that the Respondent is not responsible for the alleged TIX Misconduct until a responsibility determination is made only after the live hearing before a Hearing Panel with rights of appeal;
   j. the College’s prohibition against knowingly making false statements and submitting false information during the Formal Grievance Process; and
   k. the College’s prohibition against retaliation.
As more information becomes available during the investigation, then, additional details about the alleged TIX Misconduct will be equally provided to the Complainant and Respondent.

2. If, during the course of the investigation, the scope broadens or additional allegations of TIX or other non-TIX Sexual Misconduct are made, the TIX Coordinator will issue supplemental written notices to the Parties. The Parties will be provided sufficient time to review such matters with an opportunity to timely submit responses.

B. Appointment of Investigators

1. The TIX Coordinator will select Investigators who are impartial; free of conflicts of interest and biases for or against Complainants or Respondents generally; or the individual Complainant or Respondent.

2. Investigators have received appropriate training in applying this Handbook;

3. Typically, two individuals will be selected to serve as Investigators. The TIX Coordinator has the discretion to determine whether the Investigators will be internal (a College employee) or external (an individual outside of the College community), or a combination of both internal and external Investigators.

4. The Parties will be provided with a list of potential investigators during an orientation meeting.

   a. The Parties may request Investigators be excused from consideration because of a conflict of interest or bias.

   b. This request must be made in writing to the TIX Coordinator within five (5) academic days after the orientation.

   c. The TIX Coordinator will determine if such conflict or bias is present by examining the particular facts of the situation; objectively deciding whether a reasonable person would believe a conflict is present; and taking appropriate remedial action, if any.

   d. The TIX Coordinator’s decision is final.

C. Persons Authorized to Conduct an Investigation

No one other than the Investigators selected by the TIX Coordinator will be authorized to conduct an investigation on behalf of the College.
D. Investigation Timeline

1. The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the investigation. The College strives to complete investigations typically not to exceed sixty (60) academic days. The timeline is not binding and creates no rights for the Parties.

2. There may be circumstances that require the extension of the timeline for good cause. The College will notify the Parties in writing of any extension of the timeline for good cause, and the reason for the extension. The Parties will also be notified, in writing, when the investigation will resume, if there was a temporary pause.

3. Although cooperation with law enforcement may require the College to temporarily suspend an investigation, under such circumstances, the College will promptly resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed its evidence gathering process or for any other reason as determined by the College.

4. The College will not wait for the conclusion of a criminal proceeding to begin its own investigation. If appropriate, the College will take immediate steps to provide supportive measures for Complainant or Respondent when law enforcement temporarily delays or impacts the College’s investigation.

5. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether or not TIX Misconduct took place.

E. General Principles of an Investigation

1. FACT-FINDING PROCESS

   The investigation is a neutral, fact-finding process.

2. DETERMINATION OF RESPONSIBILITY

   It is not the Investigators’ role to determine the responsibility, if any, of Respondent. For more information regarding determination of responsibility see Chapter 21.

3. PRESUMPTION OF GOOD FAITH

   Formal Complaints are presumed to have been made in good faith. A determination at any time under this Handbook that the alleged TIX Misconduct does not constitute prohibited TIX
Misconduct or there is insufficient evidence to establish the alleged TIX Misconduct occurred as complained does not mean the Formal Complaint was made in bad faith.

4. **PRESUMPTION OF INNOCENCE**

   Respondent is presumed not responsible until a determination is made at the conclusion of the live hearing after deliberation by the Hearing Panel, subject to the right of appeal.

5. **EQUITABLE INVESTIGATION**

   The Investigators will conduct an equitable investigation that is thorough, impartial, and fair including:
   
   a. analyzing and documenting the available evidence;
   
   b. taking into account the unique and complex circumstances pertaining to the alleged TIX Misconduct; and
   
   c. synthesizing all available evidence which may include not only inculpatory but also exculpatory evidence.

   1) inculpatory evidence shows or tends to show Respondent may have engaged in TIX Misconduct as alleged.

   2) exculpatory evidence shows or tends to show Respondent may not have engaged in TIX Misconduct as alleged.

**F. Investigation Process**

1. **COLLEGE’S BURDENS OF PROOF AND GATHERING EVIDENCE**

   a. The College, and not the Parties, has not only the burden of proof but also the burden of gathering evidence.

   b. These burdens do not rest with either party.

   c. The Investigators will gather facts and information but not make a determination of responsibility.

   d. In contrast, following the hearing and after deliberation, the Hearing Panel shall make a determination, by a preponderance of the evidence, whether or not the Respondent has been shown to be responsible for prohibited TIX Misconduct.

   e. 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. The College will not draw any adverse inference from a Complainant’s or Respondent’s decision not to participate. However, declining to participate may impact the timing and gathering of evidence during the investigation.

f. The Investigators will offer an equal opportunity to the Parties to present all information related to the alleged TIX Misconduct including, but not limited to, the names of witnesses, emails, texts, social media posts, photographs, the existence of video footage, and other documentary evidence. A Party may suggest questions to be posed to the other Party or witnesses.

g. During the course of the investigation, the Investigators may independently identify and interview witnesses and obtain evidence other than presented by the Parties. The Investigators will identify and request relevant information from any available source.

h. The Parties and witnesses are expected to provide all available relevant evidence to the Investigators.

2. INFORMATION PROTECTED BY LEGAL PRIVILEGE

a. The Investigators will seek, but not require, a voluntary waiver of legal privilege if information protected under a legally recognized privilege is provided by or sought from the Parties.

b. Information protected by legal privilege may not be relied upon by the Investigators, Hearing Panel, or an Appeal Official unless the privilege is voluntarily waived.

3. NOTICE TO THE PARTIES OF INVESTIGATION INTERVIEWS

a. The Investigators will meet and interview separately Complainant and Respondent.

b. Complainant and Respondent will receive written notice of their individual investigation interviews including the date, time, location, participants, and purpose of all investigative interviews with sufficient time for the Party to prepare and participate in their individual interview.
4. EQUAL OPPORTUNITY FOR PARTICIPATION
   a. The Complainant and Respondent have an equal opportunity to discuss the Formal Complaint; suggest questions; identify witnesses for the Investigators to interview, including fact and expert witnesses; and other inculpatory and exculpatory evidence.
   
   b. The Investigators may decline to interview witnesses the Investigators deem unlikely to yield relevant information.
   
   c. Even though Parties are not restricted from presenting evidence attesting to the Parties’ character, such evidence generally is not considered relevant.

5. MULTIPLE INTERVIEWS
   a. The Investigators may request to interview the Complainant, Respondent or any witness more than once during the investigatory process.
   
   b. The Investigators’ request to interview one Party more times than the other is not indicative of: 1) Investigators’ bias or unfairness nor 2) bears no correlation with a Hearing Panel’s determination of a responsibility or no responsibility determination.

6. AUDIO RECORDINGS OF INTERVIEWS
   a. Interviews conducted by the Investigators may be audio recorded for note taking purposes.
   
   b. The Parties and witnesses may request to listen to their own audio recorded interview but may not access the recorded interviews of others.
   
   c. No one other than the Investigators will be allowed to audio record investigation interviews. To do so may result in discipline/sanctions.

7. WITNESS PARTICIPATION IN COLLEGE INVESTIGATION
   a. Witnesses (as distinguished from the Parties) who are College employees or students are expected to fully cooperate with and truthfully participate in the College’s investigation and Formal Grievance Process. Generally, a witness is a person who has observed some or all of the alleged TIX Misconduct or has other information directly related to those allegations.
b. The College recognizes witnesses may be reluctant to participate. Witnesses may have concerns that their participation may influence or impact their academic and/or professional life as well as personal and professional relationships.

c. Individuals who have such concerns are strongly encouraged to contact the TIX Coordinator to discuss possible ways by which the College may help to prevent potential acts of retaliation; respond to retaliation that may occur; and work with a witness to provide solutions that assist that witness to participate in the investigation.

d. Similarly, the Investigators will inform the witnesses they are prohibited from retaliating against the Complainant, Respondent or other witnesses.

e. Retaliation may take many forms such as sharing information in a manner intended to pressure or shame the Parties and witnesses in connection with the investigation and Formal Grievance Process, or to discourage Parties and witnesses from assisting with this Process.

f. It is strongly encouraged that anyone experiencing retaliation contact the TIX Coordinator immediately in order that the matter may be addressed appropriately.

g. In order to protect not only the privacy of the Complainant, Respondent and witnesses but also the integrity of the investigation, witnesses are requested to keep information learned during the investigation as private as possible by not sharing such information with others. However, witnesses are not bound by confidentiality.

h. The College may not take action against witnesses for discussing the Formal Complaint or the investigation, unless the witnesses’ actions in doing so result in perceived or actual retaliation against others participating in the investigation and the Formal Grievance Process.

8. LOCATION

a. In-person interviews for Parties and all potential witnesses are ideal. However, certain circumstances (e.g., preceptorships, academic breaks, social distancing) may require individuals to be interviewed remotely.

b. Skype, Teams, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigators determine that timeliness or efficiency dictate a need for
remote interviewing.

c. The College will take appropriate steps to reasonably protect the security/privacy of remote interviews.

9. WRITTEN STATEMENTS

a. Witnesses may provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigators, though not preferred.

b. Evidence is generally considered by the Investigators to be relevant if it has value in proving or disproving facts at issue.

10. EVIDENCE

a. For the purposes of the investigation, the Investigators will decide whether the evidence gathered is relevant.

b. Evidence is generally considered relevant if it has value in proving or disproving facts at issue.

c. Pattern Evidence
   1) Information of TIX Misconduct that is so distinctly similar and closely resembling the TIX Misconduct alleged in the Formal Complaint may be considered as evidence.

   2) The Investigators may consider this as pattern evidence regardless of whether there has been a prior finding of responsibility.

   3) Pattern evidence may occur before or after the alleged TIX Misconduct under investigation.

d. Other Disciplinary Cases
   Information about prior, concurrent or pending College disciplinary or Criminal Court charges involving the Complainant or Respondent is typically viewed as irrelevant unless decided by the Investigators to be so distinctly similar and closely resembling the misconduct alleged such that the other conduct may be related to that which would be considered to be pattern evidence.
e. Character Evidence
   1) Information that does not directly relate to the facts at issue but instead reflects upon the reputation, personality, qualities, or habits of an individual is character evidence.
   
   2) Such evidence will be given lesser weight than information that directly relates to the facts under investigation that directly relate to the facts at issue.

11. PRIOR SEXUAL BEHAVIOR
   a. An individual’s character or reputation with respect to sexual activity is not typically relevant and is not ordinarily considered as evidence.
   
   b. However, an individual’s prior or subsequent sexual activity will be considered as relevant evidence when offered to prove:
      1) that someone other than Respondent engaged in the alleged TIX misconduct; or
      
      2) consent based upon evidence concerning specific sexual incidents between Complainant and Respondent.
   
   c. For example, prior sexual history may be relevant to explain the presence of a physical injury or to assist in addressing other questions raised by the investigation.
   
   d. The Investigators will determine the relevance of such information.

G. Investigation Reporting Process

1. EVIDENCE FILE
   a. After the Investigators have completed their interviews and gathering of evidence, a file will be assembled.
   
   b. The Evidence File will include directly and indirectly related evidence related to the Formal Complaint, including evidence upon which the College does not intend to rely in reaching a determination regarding responsibility along with any inculpatory or exculpatory evidence obtained.
   
   c. The Evidence File may include, as applicable, transcripts or summaries of Party and witness interviews and other collected documents and evidence.
d. Initially, the Evidence File, including any updated supplemental Notice of Allegations, will be provided by the Investigators to the TIX Coordinator.

e. The TIX Coordinator will then send the Evidence File to each Party and their Advisors in an electronic format of the College’s choosing, such as a secure file-sharing platform.

f. The Parties and their Advisors are not permitted to download, copy, photograph, or take other measures designed to retain copies of the Evidence File. The Evidence File is confidential. Accordingly, Complainant, Respondent and Advisors are expected to maintain its confidentiality.

2. PARTIES’ WRITTEN RESPONSES TO THE EVIDENCE FILE

a. Following sending the Evidence File, Complainant and Respondent will have ten (10) academic days to submit a written response. The written response may offer corrections, provide context, clarify information, challenge assertions, suggest additional witnesses, identify relevant evidence that may be missing, and/or note any other relevant information.

b. The Complainant’s and Respondent’s written responses shall be sent to the TIX Coordinator in the electronic format chosen by the College.

c. Upon receipt, the TIX Coordinator shall send to each Party a timely written response if any, to the other Party.

d. Once all Parties have submitted written responses, or the ten (10) academic days have elapsed, the Investigators will review and consider the written responses. The Investigators, if warranted, may conduct any further investigation.

e. The Parties recognize gathering additional information by a further investigation may cause the timelines for the completion of the investigation and the Formal Grievance Process to be extended.

3. INVESTIGATION REPORT

a. The Investigators will draft the Investigation Report.
b. The Investigation report will incorporate any appropriate revisions, new information or evidence into the Investigation Report, which includes the Parties’ written responses into the Evidence File for consideration during the live hearing and any appeal.

c. The Investigators will send the Investigation Report to the TIX Coordinator.

d. The TIX Coordinator will send the Investigation Report to each Party and their Advisors in the College’s chosen electronic format, such as a secure file-sharing platform.

e. The Parties and their Advisors are not permitted to download, copy, photograph or take other measures designed to retain copies of the Investigation Report. The Report is confidential. Accordingly, Complainant, Respondent and Advisors are expected to maintain its confidentiality.

4. PARTIES’ WRITTEN RESPONSES TO THE INVESTIGATION REPORT

a. Following sending the Investigation Report, Complainant and Respondent will have ten (10) academic days to submit a written response. The written response may offer corrections, provide context, clarify information, challenge assertions, suggest additional witnesses, identify relevant evidence that may be missing, and/or note any other relevant information.

b. The Complainant’s and Respondent’s written responses shall be sent to the TIX Coordinator in the electronic format chosen by the College.

c. The TIX Coordinator shall send each Party’s timely written response to the Investigation Report, if any, to the other Party.

d. Once all Parties have submitted written responses, or the ten (10) academic days have elapsed, the Investigators will review and consider the written responses. The Investigators, if warranted, may conduct any further investigation.

e. The Parties recognize gathering additional information by a further investigation may cause the timelines for the completion of the investigation and the Formal Grievance Process to be extended.

f. Finally, the Investigators will then incorporate any appropriate revisions, new information
or evidence into the Investigation Report, and include the Parties’ written responses into the Investigation Report for consideration during the live hearing and any appeal.

5. **CONCLUSION OF EVIDENCE-GATHERING**

The Investigators have sole discretion to determine when to close the evidence-gathering phase of the investigation. The Parties will be so notified by the TIX Coordinator.

6. **POST-INVESTIGATION TIX JURISDICTION REVIEW**

a. The TIX Coordinator will review the Investigation Report and the Parties’ written responses, if any. TIX Coordinator will then once again assess under Chapter 4 whether or not the investigation information relating to the alleged TIX Misconduct meets the jurisdictional requirements.

b. Based upon the Investigation Report the College will consider the totality of the facts and circumstances involved in the incident(s) as investigated, including the nature of the alleged conduct and the context in which it occurred.

c. Once this jurisdictional assessment has been completed, the TIX Coordinator will send a jurisdictional decision, including its rationale, to each Party and their Advisors in an electronic format chosen by the College.

d. If neither Party appeals this jurisdiction assessment decision within five (5) academic days of that notification, then the decision is final.

7. **HEARING REFERRAL NOTICE**

a. The TIX Coordinator will send to each Party and their Advisors a notice that a live hearing will be scheduled provided:

1) dismissal does not occur;
2) the Formal Complaint is not transferred to the College’s Sexual Misconduct (Non-Title IX) Policy and Procedures Handbook; or

3) resolved under this Handbook’s Informal Grievance Process.

b. The hearing will not be scheduled less than ten (10) academic days after the sending of this notice to the Parties and their Advisors.
CHAPTER 21: HEARING

A. Live Hearing

1. A live private hearing will be held to determine responsibility or non-responsibility for the TIX Complaint allegations.

2. Generally, live hearings are conducted with all Parties, Investigator(s), witnesses, Advisors and other participants physically present in the same geographic location specified by the College.

3. Admission of any person to the hearing, with the exception of the Parties and their Advisors, shall be at the discretion of the Presiding Hearing Panelist. The Investigators, witnesses and other participants may be excluded other than to testify.

4. At the request of either Party or in the College’s discretion, the College will provide the live hearing to occur with the Parties and their Advisors located in separate rooms with technology enabling the Hearing Panel, the Parties and their Advisors to simultaneously see and hear the Parties, Investigator(s) and witnesses answering questions.

5. All procedural questions outside of the Presiding Hearing Panelist’s authority under this Chapter are reserved for the TIX Coordinator to decide.

B. Notice of Live Hearing

1. The TIX Coordinator will provide written notice of the live hearing to both Complainant and Respondent. This notice of hearing will be sent to the Parties at least five (5) academic days before the scheduled hearing.

2. The notice of hearing will include the following information if available:

   a. The date, time and location of the live hearing which may be rescheduled by the TIX Coordinator for good cause;
   b. The names of the Hearing Panel members;
   c. The TIX Complaint allegations and potential discipline/sanction ranges;
   d. A copy or link to this Handbook describing this hearing process;
   e. A description of any supportive or interim measures that are in effect pending the hearing;
   f. Information concerning the Parties’ right to be accompanied by an Advisor; and
g. A reminder of the College’s Anti-retaliation Policy.

C. Hearing Panel

1. The Hearing Panel (typically consisting of three (3) individuals) will be selected by the TIX Coordinator. One of the selected individuals shall serve as the Presiding Hearing Panelist. The Hearing Panel members will not include the TIX Coordinator, Deputies, or the Investigators.

2. Prior to the Notice of Live Hearing, the Parties will be provided with the names of potential Hearing Panel members during their individual orientation meetings with the TIX Coordinator. The Parties may request a Hearing Panel member be excused because of a conflict of interest or bias. This request must be in writing to the TIX Coordinator ten (10) academic days prior to the scheduled hearing date. The TIX Coordinator will determine if such a conflict or bias is present by examining the particular facts of the situation, and objectively determine whether a reasonable person would believe a conflict or bias is present.

3. The Hearing Panel’s role is not to re-investigate the Formal Complaint, but instead to review, assess, and weigh the totality of all relevant evidence; objectively evaluate that evidence; and independently reach a determination regarding responsibility. Determinations of responsibility are based upon the preponderance of the evidence.

4. The Presiding Hearing Panelist will be responsible for maintaining an orderly, fair, and respectful hearing, with broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing and/or excluding the offending individual, including a Party, an Advisor, Investigator(s), witnesses, or other participants.

5. The Presiding Hearing Panelist is also responsible for determining whether questions posed by a Party’s Advisor to the other Party, Investigator(s) or witnesses are relevant or irrelevant as further explained in this Chapter 20, Section F entitled “Cross-Examination Questioning by Advisors Under the Relevance Standard”.

D. Hearing Participation

1. Complainant and Respondent are permitted and encouraged to attend and participate in the hearing but are not required to participate.

2. All witnesses are permitted and encouraged to attend and participate in the hearing but are not required to participate.
3. The Presiding Hearing Panelist may exclude Investigator(s) and participating witnesses from the hearing until those persons are invited to testify, and ask them to leave the hearing after testifying.

4. A hearing may proceed without the participation or presence of either or all Parties. In that event, the hearing will continue in such person(s)’s absence to determine responsibility or non-responsibility for the allegations in the TIX Complaint.

5. The Hearing Panel will not draw an inference regarding responsibility based solely on a Party’s or witness’s absence from the hearing or refusal to submit to questioning during that hearing.

E. Hearing Format Including Questions and Cross-Examination

1. INTRODUCTION

   The TIX Coordinator/Presiding Hearing Panelist shall outline and initiate the hearing process.

2. OPENING STATEMENTS

   The Presiding Hearing Panelist may allow participating Parties to make Opening Statements to the Hearing Panel directly. Participating Parties may decline this opportunity. A Party’s Advisor may not make such a statement on behalf of a Party unless as an approved reasonable accommodation by the College’s Disabilities Services Coordinator and/or the Disabilities Steering Committee.

3. INVESTIGATORS’ PRESENTATION

   One or more Investigators will be present to provide an overview of the investigation including the investigation report. Initially, the Hearing Panel and then each of the Parties’ Advisors may ask all relevant questions of the Investigator(s) including follow-up questions.

4. QUESTIONING BY THE HEARING PANEL

   After the Investigators’ presentation, the Presiding Hearing Panelist will allow and facilitate a process by which each of the Panelists may initially ask the Parties and any witnesses questions and follow-up questions.

5. CROSS-EXAMINATION BY THE ADVISORS

   a. After the initial questioning and any subsequent follow-up questioning by the Hearing Panel members, the Presiding Hearing Panelist will allow and facilitate a process by which each of the Parties’ Advisors may ask the other Party and any witnesses all relevant
questions and relevant follow-up questions including those relevant questions challenging credibility.

b. Such cross-examination questions during the live hearing must be conducted directly, orally, and in real time by the Party’s Advisor.

c. The Parties themselves are not allowed to ask the other Party, the Investigators or any witnesses questions.

d. If a Party does not have an Advisor present at the hearing, the College will provide that Party with an Advisor of the College’s choice to read that Party’s questions.

6. RELEVANT QUESTIONS:

   Advisors will initially pose their questions to the Presiding Hearing Panelist for a relevancy determination. The Presiding Hearing Panelist will decide if the question is relevant or not relevant and explain the basis of that determination. If the question is deemed relevant, the question will be repeated to the Party, Investigator or witness to answer.

7. CLOSING STATEMENTS

   The Presiding Hearing Panelist may allow the participating Parties to make Closing Statements directly to the Hearing Panel. Participating Parties may decline this opportunity. A Party’s Advisor may not make such a statement on behalf of a Party unless as an approved reasonable accommodation by the College’s Disabilities Services Coordinator and/or the Disabilities Steering Committee.

8. ADJOURNMENT

   Following the Closing Statements, if any, the hearing will be adjourned.

9. NEW EVIDENCE

   During the living hearing, no new evidence beyond the scope of the investigation will be considered by the Hearing Panel unless the Party offering the new evidence can show such evidence was:

   a. not reasonably available during the investigation; and
   b. relevant to establishing whether or not the Respondent is responsible or not responsible for the TIX Complaint allegations.
If the introduction of new evidence is to be allowed by the Hearing Panel, the other Party, if present, will have the opportunity to review and respond for good cause shown.

**F. Cross-Examination Questioning by Advisors Under the Relevance Standard**

1. The Parties’ respective Advisors may pose questions or cross-examination (questions) to the Investigator(s); the other Party; and/or any witnesses who submit to such questioning.

2. Advisors will be entitled to ask questions, or if a Party does not have an Advisor present, then the College will appoint an Advisor to serve as a Questioner.

3. The Advisor will first read the question to the Hearing Panel. The Presiding Hearing Panelist will then decide if the question is relevant or not relevant.

4. If the question is decided to be irrelevant, the Presiding Hearing Panelist will provide an explanation for this determination. In that event, the question then may not be asked. Any answer will not be considered by the Hearing Panel.

5. If the question is decided to be relevant, the Presiding Hearing Panelist will say so. The Advisor will then repeat the question to the Investigator, Party or witness to be answered.

6. In determining whether a posed question is relevant or not relevant, the following factors will be considered:
   a. A reasonable person’s standard of relevancy applies. A reasonable person’s determination that a question is relevant or not relevant is made by applying logic and common sense and not based upon legal expertise.
   
   b. Is the question relevant to establishing whether or not the Respondent is responsible or not responsible for the TIX Complaint allegations?

   c. Is the question probative of any material fact concerning those allegations?

   d. Duplicative questions, including duplicative evidence, may be deemed not relevant.

   e. Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant unless:
1) such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the TIX Complaint allegations is relevant; or
2) such questions and evidence concern specifics of the Complainant’s prior sexual behavior with Respondent and are offered to prove consent, then such questions are relevant.

f. Information protected by legally recognized privilege and any Party’s medical or psychological records (unless the Party has given voluntary, written consent) are not relevant.

G. Hearing Record
1. There shall be a single, verbatim record, such as an audio recording, of all live hearings (in person or remote) before the Hearing Panel.

2. The record shall be the property of the College.

3. The TIX Coordinator will make the recording (or a transcript) available to the Parties for inspection and review.

4. No one other than the TIX Coordinator will be allowed to record the hearing. Any other record of the hearing or any other recording is prohibited as a violation of this Handbook which may result in discipline.

CHAPTER 22: DELIBERATION, DETERMINATION OF RESPONSIBILITY LETTER, AND FINAL OUTCOME LETTER

A. Deliberation
1. Following the hearing, the Hearing Panel will deliberate in private to make a determination of responsibility or non-responsibility, by a majority vote, based on the preponderance of relevant evidence. No Hearing Panel member may abstain.

2. During deliberations, the Hearing Panel may review and inspect the totality of the information and evidence presented. Their decision will be based upon an objective evaluation of all relevant evidence and information. In so doing, the Hearing Panel will evaluate the relevant evidence for weight and credibility.
B. Determination of Responsibility Letter

1. Responsibility Determination

Following deliberations, the Presiding Hearing Panelist will prepare a written Determination of Responsibility Letter to be delivered to the TIX Coordinator. That letter will contain the following content:

a. Identification of the allegations potentially constituting TIX Misconduct;

b. A description of the procedural steps from the receipt of the Formal Complaint through the determination of responsibility, including any notifications to the Parties; interviews of the Parties and witnesses; site visits; the investigation methods used to gather evidence; and the hearing held;

c. Findings of facts supporting the determination;

d. Conclusions regarding the application of this Handbook to the finding of facts;

e. A statement of and rationale for the determination as to each allegation, including responsibility or non-responsibility;

f. A description of any sanction/discipline imposed upon the Respondent, if applicable;

g. Whether any remedies designed to restore or preserve equal access to the College’s programs and activities will be provided to Complainant; and

h. The College’s procedure and permissible bases for either Party to timely appeal the determination.

2. Sanction/Discipline

a. If the Hearing Panel determines the Respondent is responsible for TIX Misconduct, it will also determine appropriate sanction/discipline up to and including termination of employment and/or dismissal as a student as listed in Chapter 22.

b. The appropriate sanction/discipline will be decided and reviewed in consideration of existing applicable institutional; academic and Human Resources policies; Collective Bargaining Agreements; Faculty Handbook; and Student Handbook/publications including the Student Code of Ethics.

C. Final Outcome Letter

1. As soon as practicable after receiving the Determination of Responsibility Letter, the TIX Coordinator will issue a notification letter (“Final Outcome Letter”) to the Complainant and Respondent simultaneously. That letter will include:
a. A copy of the Hearing Panel’s Determination of Responsibility Letter;
b. Individual services/resources available to the Complainant and Respondent (private with respect to each Party); and
c. The College’s prohibition against retaliation against any Party or any individual involved in the Formal Grievance Process.

2. The content of the Final Outcome Letter to the Parties may differ based upon considerations such as FERPA requirements and confidentiality interest. A copy of the Final Outcome Letter may be provided to the Respondent’s supervisor or others with the need to know as determined appropriate by the TIX Coordinator.

CHAPTER 23: POSSIBLE DISCIPLINARY SANCTIONS AND REMEDIES

A. Sanctions
Sanctions may be imposed on a Respondent that has been determined responsible for a TIX Misconduct violation. Previous disciplinary action involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility.

1. Factors considered when determining sanctions may include, but are not limited to:
   a. The nature, severity of, and circumstances surrounding the violation(s);
   b. The Respondent’s disciplinary history;
   c. The need to bring an end to the sexual misconduct, and/or related retaliation;
   d. The need for sanctions to prevent future recurrence of sexual misconduct, and/or related retaliation;
   e. The need to remedy the effects of sexual misconduct, and/or related retaliation on the Complainant and the community; and
   f. The impact on the Parties.

2. Potential Sanctions for Students
   a. Warning: A written reprimand for misconduct.
   b. Loss of privileges: Denial of specified privileges for a designated period of time.
   c. Fines: Previously established and published fines may be imposed.
   d. Restitution: Compensation for loss, damage or injury. This may take the form of appropriate services and/or monetary or material replacement.
   e. Discretionary sanctions: Educational remediation, denial of academic credit, work assignments, services to the College, psychological evaluation, counseling, treatment or other related discretionary assignments.
f. Clinic suspension: Separation from the Clinic (with the exception of receiving patient care) for a definite period of time. Conditions for readmission may be specified.

g. College suspension: Separation from the College for a definite period of time. Conditions for readmission may be specified.

h. College residential premises suspension: Separation from the residence and any other College-owned residential premises for a definite period of time. Conditions for readmission may be specified.

i. College residential premises expulsion: Permanent separation from the residence and any other College-owned residential premises.

j. College dismissal: Permanent separation from the College.

3. Potential Sanctions for Employees
   a. Oral reprimand documented in writing
   b. Written reprimand
   c. Suspension with or without pay
   d. Discharge

4. Potential Sanctions for Faculty
   a. Oral reprimand documented in writing
   b. Written reprimand
   c. Suspension with or without pay
   d. Discharge

B. Remedies

1. When a Respondent has been determined responsible for a TIX Misconduct violation the College may also offer remedies, or additional measures, to the Complainant to eliminate any hostile environment caused by the TIX Misconduct, prevent the recurrence of any Title IX Misconduct, and remedy the effects of the TIX Misconduct on the Complainant and the College community.

2. Remedies that may be offered or provided to a Complainant may include the same Supportive Measures referenced below and within Chapter 11.
   a. Education/Training
   b. Personal Counseling
   c. Limited-Contact Directive
   d. Restricted Access
e. Academic Modifications/Employment Modifications
f. Student Housing Modifications
g. Security Assistance
h. Emotional Support

3. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

CHAPTER 24: APPEAL OF OUTCOME DETERMINATION

A. Basis for Appeal Submissions
An appeal is limited in scope. The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of College policy has occurred. Appeals may be submitted on one or more of the following bases:

1. procedural irregularity that affected the outcome;

2. new evidence that was not reasonably available at the time the outcome determination was decided that could affect the outcome;

3. the TIX Coordinator, Investigator(s), or Hearing Panel decision-makers had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that affected the outcome of the matter;

4. severity or proportionality of the sanctions/discipline.

B. Submitting an Appeal
1. A decision by the Hearing Panel may be appealed by either Party.

2. To appeal, a Party must electronically submit a written appeal statement to the TIX Coordinator within five (5) academic days of the date of the electronic notice of the outcome determination letter.

3. The Appeal Official may deem a late submission reasonable only under extenuating circumstances by deciding what constitutes valid extenuating circumstances.
4. The appeal shall consist of a written statement outlining the basis for appeal and supported by relevant information to substantiate the appeal.

C. Written Response by the Non-Appealing Party
The non-appealing Party will be provided with a copy of the appealing Party’s written statement and may submit a written response to the TIX Coordinator within five (5) academic days of the electronic notice from the College notifying the non-appealing Party of the appeal. The non-appealing Party’s statement will be provided to the appealing Party. No further appeal submissions from either Party shall be permitted.

D. Appeal Decision

1. A designated Appeal Official will hear all appeals. The decision of the Appeal Official is final.

2. In deciding an appeal, the Appeal Official may consider not only the parties’ written statements, but also may consider other materials the Appeal Official deems relevant which have been shared with the parties.

3. The parties will simultaneously be provided with the written Appeal decision electronically including the rationale for the result.

   a. If the Appeal Official finds the outcome determination and sanctions/discipline, if any, should stand, the parties will be so informed. The Title IX process will then be concluded.

   b. If the Appeal Official finds that there was procedural irregularity that affected the outcome determination, the matter will be remanded to the Hearing Panel with instructions from the Appeal Official to determine appropriate further action.

   c. If the Appeal Official finds that new evidence is available which was not reasonably available at the time of the outcome determination regarding responsibility, and such evidence could alter the outcome, the matter will be remanded to the Hearing Panel with instructions from the Appeal Official for appropriate further action.

   d. If the Appeal Official finds that the TIX Coordinator, Investigator(s), or member(s) of the Hearing Panel had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the
determination, the Appeal Official will take appropriate steps to address and remediate the impact of the bias or conflict consistent with this Handbook.

e. If the Appeal Official finds that the sanctions/discipline are too severe or not proportional, the Appeal Official may amend the sanctions/discipline. The Title IX process will then be concluded.

4. The Appeal Official will strive to complete the appeal review within twenty (20) academic days of receipt of both parties’ written statement.

E. Effective Date of the Decision
Unless further proceedings are necessary under this Handbook, the determination regarding responsibility and sanctions/discipline, if any, becomes final either on:

1. the date the parties are provided with the written Appeal decision, if an appeal is filed; or,

2. if an appeal is not filed, the date upon expiration of appeal rights.

CHAPTER 25: RECORDKEEPING

A. Records Retention
The College will retain records under its TIX Sexual Misconduct Policy & Procedures Handbook for at least seven (7) years or longer as may be required by the College’s Records Retention Policy.

B. Records Custodian
Such TIX records will be maintained by the TIX Coordinator and will include:

1. Each investigation including any determination regarding responsibility, any audio or audiovisual recording or transcript, any disciplinary sanctions imposed upon a Respondent, and any remedies provided to a Complainant designed to restore or preserve equal access to the College’s education program or activity;

2. Any appeal and the result;

3. Any Informal Resolution and the result;
4. Any materials used to train the TIX Coordinator and Deputies, Investigators, Hearing Panel Members, Appeal Officials; and any person who facilitates an Informal Resolution Process;

5. Records of any Supportive Measures taken in response to a report or Formal Complaint, including documentation explaining the basis for any conclusion the College’s response was not deliberately indifferent;

6. Records the College has taken measures designed to restore or preserve equal access to the College’s education program or activity;

7. Records of why a Complainant and/or Respondent was not provided Supportive Measures including the reasons why such response was not clearly unreasonable in light of the known circumstances.

C. Additional Documentation

These records do not limit the College in the future from providing additional explanations or detailing additional measures taken to document the College’s responses.