

Policy Title: Prohibiting Sexual Misconduct, Sex Discrimination, Sexual Harassment, and Retaliation	Policy Number: KPSOM.ECO.008
Owner Department: Ethics and Compliance	Effective Date: June 8, 2021
Custodian: Chief Compliance Officer	

1.0 Policy Statement

Kaiser Permanente Bernard J. Tyson School of Medicine seeks to maintain a safe learning and working environment. To that end, this policy prohibits sexual misconduct, sex discrimination, and retaliation against any individual for making a good faith report regarding conduct prohibited under this policy.

2.0 Purpose

This policy addresses the school's responsibilities and school community members' rights related to sexual violence, sexual misconduct, sexual harassment, retaliation, and other prohibited behavior as defined within this policy. This policy and any associated administrative procedures define the prohibited conduct and explain the school's resolution processes to resolve complaints regarding such conduct to ensure an equitable and inclusive education and employment environment.

3.0 Scope/Coverage

This policy applies to all faculty, staff, students, and other constituents including but not limited to the school's volunteers, contractors, vendors, and other nonemployees, hereinafter referred to as Covered Persons.

This policy pertains to acts of Prohibited Conduct (except as expressly provided below) committed by Covered Persons, when one or more of the following applies:

- The conduct occurs on school premises.
- The conduct occurs in the context of school employment or an education program or activity, including but not limited to research or clinical and classroom experiences.
- The conduct occurs outside the context of school employment or an education program or activity, and one or more of the following applies:
 - (i) The conduct has or could have a significant impact on the school premises or school employment or an education program or activity.

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(ii) The conduct may have the effect of posing a serious threat to the school community.

This policy does not cover or apply to forms of non-sexual and non-gender-based harassment that do not meet the definition of Tier I (See Appendix 1) or Tier II (See Appendix 2) Prohibited Conduct. These other forms of discrimination, including discrimination based on race, religion, and disability, are addressed by the school's [Non-Discrimination, Harassment-Free Environment, and Non-Retaliation Policy](#).

4.0 Definitions

Refer to Appendix 3: Definitions.

5.0 Provisions

5.1 Prohibited Conduct: The school is committed to maintaining a community free of sexual misconduct, sexual harassment, sexual violence, sex discrimination, retaliation, and other behavior prohibited by this policy (together, "Prohibited Conduct") as further defined in Appendices 1 and 2. Such conduct may contribute to a hostile work or academic environment based on sex. Prohibited Conduct violates this policy and may violate the law.

Any person can report conduct that may be prohibited under this policy. The school will respond promptly and equitably to such reports. This response may include appropriate action to stop, prevent, and remedy the Prohibited Conduct and, when necessary, implementation of sanctions and responsive actions.

5.2 Applicable resolution processes: This policy utilizes two grievance processes to address allegations of Prohibited Conduct.

The school will determine which grievance process to follow based on the specific allegations and the factors as described in this policy and the supporting administrative procedures.

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5.2.1 Tier I Prohibited Conduct

Allegations of Tier I Prohibited Conduct must be alleged in a formal complaint and the following must apply:

- The incident(s) occurred against a person in the United States and within the school’s education program or activity.
- The complainant is participating in or attempting to participate in the school's education program or activity at the time of filing the formal complaint.
- The formal complaint includes at least one allegation of Tier I Prohibited Conduct as defined in Appendix 1. (In situations where the Prohibited Conduct includes Tier I and Tier II Prohibited Conduct, the Tier I procedures will apply.)

5.2.2 Tier II Prohibited Conduct

The Tier II process addresses incidents of Prohibited Conduct as defined in Appendix 2.

The school addresses allegations containing only Tier II Prohibited Conduct according to the Tier II procedures when the following applies:

- None of the allegations contained in the formal complaint constitute Tier I Prohibited Conduct.
- The allegations, if proved, would constitute Tier II Prohibited Conduct.
- The school has authority in accordance with Section 3 above.

5.2.3 Procedures

Appendices in the procedures for this policy describe the Tier I and Tier II processes in more detail.

5.3 Reporting Prohibited Conduct

The school accepts a complaint of a violation of this policy verbally, online, by email, or through a report to the Compliance Hotline.

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5.4 Reporting Obligations

- 5.4.1 **Responsible Employees:** All employees of the school (including student employees), except for those designated as Confidential Resources, are considered by the school as Responsible Employees and must promptly share with the Title IX Coordinator all known details of a report of Prohibited Conduct made to them.
- 5.4.2 Employees must promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a complainant or third party.
- 5.4.3 Failure of a Responsible Employee to report an incident of Prohibited Conduct of which they become aware is a violation of school policy. Failure to comply with this policy may result in disciplinary action.

5.5 When a Complainant Does Not Wish to Proceed

- 5.5.1 In certain circumstances, the Title IX Coordinator will proceed with a formal complaint of Prohibited Conduct even if a complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want to pursue a formal complaint. The Title IX Coordinator will consider the complainant's request in light of the duty to ensure the safety of the campus and comply with state or federal law.
- 5.5.2 The Title IX Coordinator has ultimate discretion over whether the school proceeds with a complaint even if the complainant does not wish to move forward. The Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate risk assessment (Appendix 1 and Appendix 2, respectively, describe the Tier I and Tier II processes in more detail).

5.6 Timely Warning Obligations

- 5.6.1 The school will issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community. These warnings will be

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issued with enough information for community members to make safety decisions considering the potential threat.

5.6.2 The warning will not include the complainant's name or other identifying information.

5.7 Effect of Criminal Charges/Investigation

5.7.1 The procedures for review of allegations of Prohibited Conduct are separate from any criminal process or investigation. The school may share information and coordinate investigation efforts with law enforcement when necessary and as appropriate.

5.8 False Allegations and Evidence

5.8.1 Witnesses and parties deliberately providing false and/or malicious accusations under this policy will be subject to appropriate disciplinary action.

5.8.2 Witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official investigating a complaint can be subject to discipline under school policy.

5.8.3 Witnesses and parties making allegations in good faith, even if erroneous, will not be subject to discipline.

5.9 Amnesty for Complainants and Witnesses

5.9.1 Unless the school determines that the reported violation was egregious, any individual who participates as a complainant or witness in an investigation or the resolution process regarding Prohibited Conduct will receive amnesty and will not be subject to disciplinary sanctions for a violation of the school's student conduct policies regarding drug and/or alcohol use at or near the time of the incident.

5.9.2 Egregious violations include acts that place the health or safety of any other person at risk. The school may still require individuals to participate in health and safety assessments or educational programs.

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- 5.9.3 Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.
- 5.9.4 The use of alcohol or drugs will not function as an excuse for conduct that violates this policy.

5.10 Party Rights and Obligations

5.10.1 Privacy

Resolution proceedings are private. All persons who participate in the resolution process must maintain the proceedings' privacy in accordance with school policy.

5.10.2 Equitable Treatment

The school will ensure that complainants and respondents receive equitable information, support, and protections throughout any applicable resolution processes.

To ensure impartiality, any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, investigators, and Hearing Officers, may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific complainant or respondent.

5.10.3 Disability Accommodations

Covered Persons may request reasonable accommodations regarding their participation in a Prohibited Conduct investigation, meetings, hearings, and access to the supportive measures provided by the Title IX Office.

Covered Persons must self-identify if they need reasonable and appropriate accommodations to participate in the resolution process, including the following:

- An investigation
- Access to the supportive measures provided by the Title IX Office
- Participation in any formal grievance process

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Request, documentation, and the grant of reasonable accommodations will follow the process outlined by the appropriate office, based on the role of the Covered Person requesting the accommodation.

5.10.4 For Students

During the resolution process, the school may take the following actions until the matter is fully resolved, including any appeal:

- Place a notation on a student respondent's transcript that a disciplinary matter is pending.

If an emergency removal order is in place, student respondents who terminate their enrollment while a resolution process is pending may not return to the school until the grievance process is carried out and any sanctions have been satisfied. The school may also bar student respondents from school property and/or events.

5.10.5 For Staff

If a staff respondent resigns with unresolved allegations pending, the resolution process ends, as the school no longer has disciplinary jurisdiction over the resigned employee. An employee who resigns with unresolved allegations pending is not eligible for rehire with the school.

Upon full adjudication, if no finding of fault, staff eligibility for rehire may be reconsidered.

5.10.6 For Faculty

If a faculty respondent resigns with unresolved allegations pending, the resolution process ends, as the school no longer has disciplinary jurisdiction over the resigned faculty member. A faculty member who resigns with unresolved allegations pending is not eligible for reappointment with the school.

Upon full adjudication, if no finding of fault, a faculty member may be considered for reappointment.

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All school post-resignation responses regarding faculty appointment references will include that the former faculty respondent resigned during a pending disciplinary matter.

5.10.7 The Title IX Coordinator will retain respondent information in accordance with this policy.

5.10.8 See Appendix 4 for additional information regarding complainant and respondent rights.

5.11 Sanctions and Remedies

5.11.1 A respondent who is found responsible for violation of this policy is subject to sanctions and remedies up to and including expulsion and permanent removal from school based on the disciplinary codes applicable to the respondent.

- **Student respondent:** The [Academic Catalog](#) contains the current list of potential student sanctions.
- **Faculty respondent:** The [Faculty Handbook](#) contains the current list of potential faculty sanctions.
- **Staff respondent:** The school has adopted a philosophy of progressive discipline. However, one violation of this policy could result in termination of employment.
- **Community member/third party/campus visitor as respondent:** A determination that a violation of this policy has occurred may subject a community member, third party, and campus visitor to appropriate sanctions and remedies. Because the school has no direct control over, connection, relationship, or affiliation with the community member, third party, or campus visitor, the school's ability to enforce sanctions or remedies may be limited.

5.11.2 The school reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or dismissal/termination, for any offense under this policy.

5.11.3 See Appendix 5 for additional information regarding available sanctions.

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5.12 Other Post-Resolution Actions

5.12.1 Separate and apart from any sanctions imposed during the resolution process, the Title IX Coordinator may implement additional long-term remedies or actions designed to remedy the Prohibited Conduct's effects or reoccurrence.

The Title IX Coordinator may also provide other long-term supportive measures to the parties even if no policy violation occurred.

These remedies and responsive actions may include, but are not limited to the following:

- Referral to counseling, medical, and/or other healthcare services.
- Referral to the Employee Assistance Program.
- Referral to community-based service providers.
- Education to the individual and or the community, including but not limited to site or group assignments.
- Alteration of work arrangements for employees.
- Safety planning.
- Provision of security escorts.
- Provision of transportation accommodations.
- Implementation of no-contact orders between the parties.
- Student, faculty, or staff violations of no contact orders, trespass, or persona-non-grata (PNG) instructions will result in referral to applicable enforcement processes.
- Timely warnings of potential dangers.
- Class schedule modifications, withdrawals, or leaves of absence.
- Increased security and monitoring of certain areas of the campus.
- Temporary or permanent alteration of work arrangements for employees.

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- Climate surveys.
- Policy modification and/or training.
- Implementation of adjustments to academic assignments, including but not limited to academic deadlines or course schedules. This could also include site or group assignments.
- Any other actions deemed appropriate by the Title IX Coordinator.

5.12.2 The school will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the school's ability to provide these services.

5.12.3 Respondents must comply with the assigned sanctions, responsive actions, and corrective actions. Failure to comply may result in additional measures, including sanctions, suspension, expulsion, and/or termination.

5.13 Recordkeeping

5.13.1 The school will maintain for a period of at least seven years all records regarding any complaint, supportive measures, investigations, resolutions, sanctions, remedies, full hearing records, as well as all records required by federal and state law regarding the subject matter of this policy.

6.0 References/Appendices

- 6.1** Appendix 1: Tier I Prohibited Conduct
- 6.2** Appendix 2: Tier II Prohibited Conduct
- 6.3** Appendix 3: Definitions
- 6.4** Appendix 4: Complainant and Respondent Rights under the Policy
- 6.5** Appendix 5: Potential Sanctions
- 6.6** Procedures (to be hyperlinked)

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7.0 Approval

This policy was reviewed, discussed, and approved by the appropriate committee.

Policy Revision History

Original Approval	Update Approvals	Revision Approvals
Approval Date: June 7, 2021 (Interim); September 24, 2021 (Permanent)	Approval Dates:	Approval Dates:
Effective Date: June 8, 2021 (Interim); September 24, 2021 (Permanent)	Effective Dates:	Effective Dates:
Communication Date:		Communication Dates:

APPENDIX 1: Tier I Prohibited Conduct

Sexual Harassment

The school has adopted the following definition of sexual harassment to address the unique environment of an academic community.

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

Sexual harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct based on sex that satisfies one or more of the following:

a) Quid pro quo:

- i) an employee of the school,
- ii) conditions the provision of aid, benefit, or service of the school,
- iii) on an individual's participation in unwelcome sexual conduct; and/or

b) Sexual harassment:

- i) unwelcome conduct,
- ii) determined by a reasonable person,
- iii) to be so severe, and
- iv) pervasive, and,
- v) objectively offensive,
- vi) that it effectively denies a person equal access to the school's education program or activity.

c) Sexual assault, defined as:

- i) Sex offenses, forcible:
 - 1) Any sexual act directed against another person,
 - 2) without the consent of the complainant,
 - 3) including instances in which the complainant is incapable of giving consent.

- i) Forcible rape:
 - 1) Penetration,
 - 2) no matter how slight,
 - 3) of the vagina or anus with any body part or object, or
 - 4) oral penetration by a sex organ of another person,
 - 5) without the consent of the complainant.

- ii) Forcible sodomy:
 - 1) Oral or anal sexual intercourse with another person,
 - 2) forcibly,
 - 3) and/or against that person's will (non-consensually), or
 - 4) not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age per California state law or because of temporary or permanent mental or physical

incapacity.

- iii) Sexual assault with an object:
 - 1) The use of an object or instrument to penetrate,
 - 2) however slightly,
 - 3) the genital or anal opening of the body of another person,
 - 4) forcibly,
 - 5) and/or against that person's will (non-consensually),
 - 6) 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.

- iv) Forcible fondling:
 - 1) The touching of the private body parts of another person (buttocks, groin, breasts),
 - 2) for the purpose of sexual gratification,
 - 3) forcibly,
 - 4) and/or against that person's will (non-consensually),
 - 5) 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.

- v) Sex offenses, non-forcible:
 - 1) Incest:
 - (a) Non-forcible sexual intercourse,
 - (b) between persons who are related to each other,
 - (c) within the degrees wherein marriage is prohibited by California law.

 - 2) Statutory rape:
 - (a) Non-forcible sexual intercourse,
 - (b) with a person who is under the statutory age of consent of 18 years of age in California.

d) **Dating violence**, defined as:

- i) violence,
- ii) based on sex,
- iii) committed by a person,
- iv) who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, the following applies:
 - 1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

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

e) **Domestic violence**¹, defined as:

- i) violence,
- ii) on the basis of sex,
- iii) committed by a current or former spouse or intimate partner of the complainant,
- iv) by a person with whom the complainant shares a child in common, or
- v) by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner, or
- vi) by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of California, or
- vii) 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 California.

f) **Stalking**, defined as:

- i) engaging in a course of conduct,
- ii) on the basis of sex,
- iii) directed at a specific person, that
 - 1) would cause a reasonable person to fear for the person's safety, or
 - 2) the safety of others; or
 - 3) Suffer substantial emotional distress.

For the purposes of this definition:

- 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

¹ For an incident to be defined as domestic violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates or cohabitants. The people cohabitating must be current or former spouses or have an intimate relationship.

APPENDIX 2: Tier II Prohibited Conduct

In addition to the conduct described in Appendix 1, Tier 1 Prohibited Conduct, which falls within the coverage of Title IX as defined in 34 CFR §106.30, the school additionally prohibits the following offenses as forms of discrimination outside of Title IX Sexual Harassment when the act is based upon the complainant's actual or perceived sex, sexual orientation, gender, gender identity, or gender expression.

- a) **Sexual exploitation** is defined as taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of sexual exploitation include but are not limited to the following:
- i) Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts without the consent of the person being observed).
 - ii) Invasion of sexual privacy.
 - iii) Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography.
 - iv) Prostituting another person.
 - v) Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection.
 - vi) Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity or for the purpose of making that person vulnerable to non-consensual sexual activity.
 - vii) Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections.
 - viii) Forcing a person to take action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity.
 - ix) Knowingly soliciting a minor for sexual activity.
 - x) Engaging in sex trafficking.
 - xi) Creation, possession, or dissemination of child pornography.
- b) **Non-consensual sexual touching** is defined as intentional sexual touching, however slight, with any body part or object, by any individual upon another without consent and/or by force or coercion. Sexual contact includes: intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts or object, or making another touch you or themselves with or on any of these

body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or another orifice.

- c) **Threatening or causing physical harm** is defined as extreme verbal, emotional, or psychological abuse or other conduct which threatens or endangers the health or safety of any person.
- d) **Gender-based harassment** is defined as acts of verbal, nonverbal, or physical aggression based on gender, gender expression, sex, or sexual orientation; unwelcome sexual advances; requests for sexual favors; or verbal, visual, or physical conduct of a sexual nature.
- e) **Gender-based discrimination** is defined as giving preferential treatment to one gender, gender expression, gender identity, sex, or sexual orientation to the disadvantage of another.
- f) **Intimidation** is defined as implied threats or acts that cause an unreasonable fear of harm to one gender, gender identity, gender expression, sex, or sexual orientation another.
- g) **Sex- or gender-based hazing** is defined as acts likely to cause physical or psychological harm or social ostracism to any person within the school community when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.
- h) **Sex or gender-based bullying**, defined as:
 - i) Repeated and/or severe
 - ii) Aggressive behavior
 - iii) Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
 - iv) That is not speech or conduct otherwise protected by the Leonard Law (California).
- i) **Violation of no-contact/supportive or protective measures:**
 - i) Failure to abide by or follow the requirements of a no-contact order or other protective or supportive measures.
- j) **Attempts**, defined as:
 - i) Conduct that, if successful, would constitute or result in the prohibited conduct.

APPENDIX 3: Definitions

Term	Definition
Actual Knowledge	An employee, student, or third party informs the Title IX Coordinator or Responsible Employee of alleged Prohibited Conduct.
Advisor	A person chosen by a party or appointed by the school 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.
Appeal Panel	The three-person committee of trained individuals from the school community who have the responsibility of considering an appeal of the Hearing Officer's determination and sanctions.
Complainant	An individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity.
Complaint	A written or verbal communication regarding a concern of a potential violation to the policy
Confidential Resource	An employee who is not a Mandated Reporter by law or has been designated by the school as an individual who can have confidential communications with a party and cannot be compelled to disclose it.
Confidentiality	Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The school has designated individuals who have the ability to have privileged communications as Confidential Resources. When a complainant shares information with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act.
Consensual relationships	Romantic relationships that may occur between various members of the school community. The school prohibits consensual relationships when one person provides teaching, mentoring, supervision, or coaching to the other person in that relationship.
Consent	<p>Affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent.</p> <p>Affirmative consent must be ongoing throughout sexual activity and can be revoked at any time. The existence of a dating or marital relationship between the persons involved, or the fact of past sexual relations between them, is not sufficient to constitute consent.</p> <p>Evidence that the victim suggested, requested, or otherwise communicated to the respondent that the respondent use a condom, other birth control, or</p>

Term	Definition
	<p>protective/prophylactic device, without additional evidence of consent, is not sufficient to constitute consent.</p> <p>Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Consent cannot be obtained by the use of physical force, threats, intimidating behavior, or coercion (e.g., unreasonable pressure for sexual activity).</p> <p>Consent cannot be given by a person under the legal age of consent, or by someone who is or should have been known to be mentally or physically incapable of providing consent (by alcohol or other drug use, unconsciousness, blackout, sleep, shock disability, age [i.e., under 18 years old] or for any other reason).</p>
Day	Includes Monday through Friday when the school is in normal operation.
Directly related evidence	Evidence connected to the complaint that may be inculpatory (tending to prove a violation), exculpatory (tending to disprove a violation), or neither.
Disciplinary bodies	<ul style="list-style-type: none"> • Students: Student Progress and Promotion Committee • Faculty: Learning Environment and Professionalism Committee • Staff: Human Resources Office
Discrimination	Less favorable treatment because of a person's membership in a class or status protected by law. Protected classes include but are not limited to race, gender, gender identity or expression, sexual orientation, national origin, ancestry, color, religion, religious creed, age, marital status, medical condition, genetic information, disability, citizenship status, military status, veteran status, pregnancy, age, physical or mental disability, or any other status prohibited by law.
Discriminatory Harassment	Unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.
Education program or activity	Locations, events, or circumstances where school exercises substantial control over both the respondent and the context in which the sexual harassment or discrimination occurs. Also includes any building owned or controlled by a student organization that is officially recognized by the school.
Faculty	The deans, professors, associate professors, assistant professors, instructors, lecturers, adjunct professors, volunteer professors, clinical professors, and part-time professors, visiting professors, and scholars (writers, composers, artists, executives, and the like)-in-residence, teaching assistants in their teaching capacity, and others who are recognized under the school's bylaws or policies as members of the school faculty.
FERPA	Family Educational Rights and Privacy Act, which protects the privacy of student education records.
Final determination	A conclusion by the Hearing Officer as to whether the alleged Prohibited Conduct occurred and whether it did or did not violate policy.

Term	Definition
	For Tier 1 Prohibited Conduct, such conclusion is based on a clear and convincing standard. For Tier II Prohibited Conduct, such conclusion is based on a preponderance of the evidence standard.
Finding	A determination of fact regarding events related to an allegation of Prohibited Conduct, which may also include an assessment of whether the Prohibited Conduct occurred as alleged.
Formal complaint	A document submitted by a complainant or by the Title IX Coordinator alleging Prohibited Conduct by a respondent and requesting that the school investigate the allegation.
Formal grievance process	A method of formal resolution, under Tier I procedures, designated by the school to address Tier I Prohibited Conduct and which complies with the requirements of the Title IX regulations (34 CFR §106.45) and under Tier II procedures, designated to address Tier II Prohibited Conduct.
Gender expression	Refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns, and social interactions. Social or cultural norms can vary widely.
Gender Identity	Refers to each person's identification as an internal understanding of their gender, or the perception of a person's gender identity, which may include man or male, woman or female, or an alternative gender (e.g., genderqueer, gender nonconforming, gender neutral), or a gender different from the person's sex assigned at birth (i.e., a transgender person).
Hearing Officer	Refers to those who have decision-making and sanctioning authority within the school's formal grievance process.
Investigator	The person or persons charged by the school to gather facts about an alleged violation of this policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
Mandated Reporter	Specific laws require these individuals to immediately report suspected or known child abuse of a minor or elder abuse regardless if they serve as a confidential resource. Examples of Mandated Reporters include but are not limited to school officials, faculty, and other academic or clinical staff.
Notice	The school provides information to the complainant, respondent, and other individuals (as appropriate) regarding the school's investigation of and/or response to a report of alleged Prohibited Conduct.
Notice of Appeal Outcome	A letter to the parties that specifies the decision and rationale on each approved ground, any specific instructions for remand or reconsideration and any sanctions that may result from the Appeal.
Notice of Hearing Outcome	A letter to the parties that specifies the finding on each alleged policy violation; the findings of fact that support the determination; conclusions

Term	Definition
	regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation.
Official with Authority (OWA)	An employee of the school who is explicitly vested with the responsibility to implement corrective measures regarding Prohibited Conduct on behalf of the school.
Party/parties	Includes the complainant(s) and respondent(s), individually and collectively.
Penetration	Involves any penetration of the mouth, sex organs, or anus, however slight, with an object or any part of the body. This includes contact between the penis and the vulva; contact between the mouth/tongue and the penis, vulva, or anus; or physical insertion of a hand, finger, or other objects into the mouth, anal, or genital opening of another person; and specifically includes cunnilingus, fellatio, vaginal intercourse, and anal intercourse.
Privacy	Information related to a complaint will be shared with a limited number of school employees who "need to know" to assist in the assessment, investigation, and resolution of the report. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the school's FERPA policy. The privacy of employee records will be protected in accordance with human resources policies.
Prohibited Conduct	Conduct that includes but is not limited to discriminatory harassment, sexual harassment, sexual assault, dating violence, domestic violence, stalking, sexual exploitation, non-consensual sexual intercourse, non-consensual sexual touching, threatening or causing physical harm, gender-based harassment, gender-based discrimination, intimidation, sex- or gender-based hazing, sex- or gender-based bullying, violation of no contact/supportive or protective measures, attempts, and retaliation.
Relevant evidence	Evidence that tends to prove or disprove an issue in the complaint.
Remedies	Post-finding actions directed to the complainant and/or the community as mechanisms to address safety, prevent a recurrence and restore access to the school's educational program.
Resolution	The result of an informal or formal grievance process.
Resolution process	Umbrella term inclusive of supportive measures, informal resolution, formal grievance process, investigation, hearing, appeals, etc.
Respondent	An individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity.

Term	Definition
Responsible Employee	An employee who knows, or in the exercise of reasonable care should have known, that Prohibited Conduct has occurred. Responsible Employees have an obligation to report incidents of sexual misconduct to the Title IX Coordinator or their designee. Except for Confidential Resources, all employees at the school are Responsible Employees.
Sanction	A consequence imposed by the school on a respondent who is found to have violated this policy.
School community	Includes, but is not limited to, students, registered student organizations, faculty, administrators, staff, and third parties.
Sexual harassment	The umbrella category, including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence.
Staff member or staff	A person employed by the school, including applicants for employment.
Student	Includes all full- and part-time professional and graduate students from the time of application for admission to the time of the conferral of a degree and includes periods before the start of classes, after classes have ended, between terms, and when a student is not officially enrolled but has an ongoing relationship with the school.
Supportive measures	Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed.
Third party	Includes but is not limited to guests, visitors, vendors, volunteers, invitees, and campers.
Tier I procedures	The formal grievance process as detailed and defined within the procedures affiliated with this policy.
Tier II procedures	Administrative resolution procedures detailed in the procedures affiliated with this policy that only apply when Tier I procedures do not, as determined by the Title IX Coordinator.
Title IX Coordinator	The official designated by the school to ensure compliance with this policy and the school's Title IX program.
Title IX resolution process team	Any school official designated to participate in the resolution processes. All Title IX Team members will attend required Title IX training before participating in the resolution process. Includes any investigators, hearing officers, appeal officers, and advisors who may perform any or all roles.

APPENDIX 4: Complainant and Respondent Rights under the Policy

During the resolution process, the complainant and respondent are entitled to the following rights, as applicable:

- To be informed in advance of any public release of information regarding the allegations or underlying incidents, whenever possible.
- To have any personally identifiable information protected from being released to the public without consent provided, except to the extent permitted by law.
- To have school policies and procedures followed without material deviation.
- To not be discouraged by school officials from reporting allegations under this policy to on-campus and off-campus authorities.
- To be informed by school officials of options to notify proper law enforcement authorities, including on-campus and local police, and the options to be assisted by school authorities in notifying such authorities, if the party so chooses.
- To have allegations of violations of this policy responded to promptly and with sensitivity by school officials.
- To have a school-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing or other improper conduct that presents a danger to the welfare of the party or others.
- To have supportive measures will remain private, provided privacy does not impair the school's ability to provide supportive measures.
- To have an advisor provided to you during any resolution process if you do not wish to select your own advisor.
- To have the opportunity to ask the investigator and Hearing Officer to identify and question relevant witnesses, including expert witnesses.
- To have the opportunity to provide the investigator and Hearing Officer with a list of questions that may be asked of any party or witness.
- To have regular updates on the status of the investigation and resolution.
- To have the school compel the participation of faculty and staff witnesses.
- To be informed of the opportunity to appeal in accordance with the standards established by the school.

APPENDIX 5: Potential Sanctions

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

Sanctions by the appropriate disciplinary body could include but are not limited to the following:

- Disciplinary warning, verbal or written.
- Performance improvement/management process (employment).
- Required training or education.
- Disciplinary probation.
- Educational, interventional, or restorative requirements.
- Loss of annual pay increase (employment).
- Loss of oversight or supervisory responsibility (employment).
- Restricted access to school facilities, organizations, or events.
- Imposition or continuation of a "no contact" order.
- Employment discipline.
- Suspension, reduction, or loss of compensation (employment).
- Demotion (employment).
- Termination of employment, contract, and/or appointment.
- Suspension from an educational program or campus access.
- Dismissal (expulsion).
- Termination (employment).
- Organizational sanctions: deactivation, loss of recognition, loss of some or all privileges (including school registration) for a specified period.
- Other actions: In addition to or in place of the above sanctions, the school may assign any other sanctions as deemed appropriate.