

National Park College Title IX Policy Statement

National Park College is committed to maintaining and promoting safe and respectful campus environments that are free from sex discrimination and gender-based violence. No person at National Park College will, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to sex discrimination, sexual harassment, or sexual misconduct under any educational program or activity.

Introduction

Members of the College community, guests and visitors have the right to be free from sexual discrimination, harassment or violence, which means that all members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. National Park College believes in a no tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to a responsible administrator's attention, and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. These procedures have been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. The policy and procedures are intended to define community expectations and establish a mechanism for determining when those expectations have been violated.

Jurisdiction

Title IX protects the College community from sexual harassment in a school's education programs and activities. This means that Title IX protects the College community in connection with all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, in college transportation, at a class or training program sponsored by the school at another location, or elsewhere (when the conduct may have a continuing adverse effect or could create a hostile environment on campus). In circumstances involving third parties or conduct that occurred outside a College sponsored program or activity, the College will decide whether this Policy applies to a reported incident or complaint on a case by case basis.

Definitions of Terms

Reporting Party: Any party who makes a complaint/grievance against another student, employee, and staff member or campus visitor.

Respondent: The person(s) against whom a complaint has been made.

Confidential Advocate: Employees who may talk to a victim in confidence, and generally only report to the College

that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger an investigation into an incident against the victim's wishes.

Preponderance of Evidence: In determining whether the alleged behavior violates this Policy, the College will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged behavior and the context in which it occurred, and determine whether it is more likely than not that the alleged prohibited behavior occurred.

Definition of Status: A full-time employee will be considered as an employee, regardless of student status. A student who is a part-time employee will be considered a student unless the incident under consideration occurred in connection with employment.

Sexual Contact: Sexual contact is intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, 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 other orifice.

Consent: Consent is conscious, affirmative, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- In order to give effective consent, one must be at least sixteen years old.
- Sexual activity with someone known to be mentally or physically incapacitated, or based on the circumstances, someone who could reasonably be known to be mentally or physically incapacitated, constitutes a violation of this policy.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because he/she lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of the sexual interaction). Alcohol or other drug use, unconsciousness or blackout is an example of incapacitation.
 - This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>
- Use of alcohol or other drugs will never function as a defense to a violation of this policy.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent cannot imply consent to future sexual acts.

Hostile Environment: Harassing conduct that is sexual or based on sex or gender that is sufficiently severe or pervasive, objectively offensive such that it unreasonably interferes with, limits or deprives someone of employment access, benefits, opportunities, and/or the ability to participate in or benefit from the College’s educational program and/or activities.

Prohibited Behaviors

Discrimination (general definition): Actions that deprive members of the community of educational or employment access, benefits or opportunities. Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual’s actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation that is so severe, persistent or pervasive that it unreasonably interferes with or limits a person’s ability to participate in or benefit from the College’s educational programs or activities. There can be no discrimination related to pregnancy, child birth, false pregnancy, termination of pregnancy or recovery.

Discriminatory Harassment: Detrimental action based on an individual’s actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status that is so severe, persistent or pervasive that it unreasonably interferes with or limits a person’s ability to participate in or benefit from the College’s educational programs or activities.

Sexual Harassment: Sexual Harassment is unwelcome, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. The unwelcome behavior may be based on power differentials, the creation of a hostile environment or retaliation. Examples include:

- An attempt to coerce an unwilling person into a sexual relationship.
- To repeatedly subject a person to egregious, unwanted sexual attention; to punish a refusal to comply.
- To condition a benefit on submitting to sexual advances.
- Stalking.
- Sexually offensive jokes or ridicule of a person’s sexuality, orientation or gender identity.
- Remarks of a sexual nature about a person’s clothing or body.
- Remarks about sexual activity or speculations about previous sexual experiences.
- Unnecessary and unwanted touching, patting hugging, or brushing against a person’s clothing or body.
- Pressure for sexual activity, an element of which may be nonverbal conduct, such as repeated and unwanted staring or sexually suggestive gestures.

- Displays of offensive objects or pictures, taking, sending, or sharing photos, videos, or audio recordings of sexual activity without the person's consent regardless of whether the sexual activity itself was consensual.

The above list of examples is not all-inclusive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if there has been a violation of this Policy. The determination as to whether behavior is sexual harassment will take into account the totality of the circumstances, including the nature of the behavior and the context in which it occurred. Harassing behavior often involves a pattern of offensive behavior. However, a serious incident, such as sexual assault, even if isolated, can be sufficient to establish a hostile environment and a violation of this Policy. Factors considered include the severity or pervasiveness of the conduct; the degree to which the conduct affected the student's education or the employee's work environment; the type and duration of the conduct; and the identity of and relationship between the respondent and the student or employee.

Hostile Environment: Any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

Quid pro Quo Sexual Harassment: Exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and submission to or rejection of such conduct results in adverse educational or employment action.

Retaliation: Any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct. Intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a complaint/grievance procedure.

Sexual Harassment of a Student by Another Student: Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a student toward another student that is so severe, persistent or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the College's educational programs or activities. For example, a student repeatedly asks another student out on dates, even though he/she has turned down the invitation numerous times. It is harassment to repeatedly subject a person to egregious, unwelcome sexual attention.

Sexual Harassment of a Faculty/Staff Member by a Student or Another Employee: Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed toward a faculty/staff member that is so severe, persistent or pervasive that it unreasonably interferes with employment or living conditions or deprives the individual of employment access or benefits. For example, a student appears at a faculty member's house uninvited. It is harassment to repeatedly subject a person to egregious, unwelcome sexual attention.

Sexual Harassment of a Student by a Faculty/Staff Member/Campus Visitor: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a faculty, staff member or campus visitor toward a student are held to constitute sexual harassment when:

- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating an individual's educational development or performance; or
- Such conduct is so severe, persistent or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the College's educational programs or activities.

While a particular interaction must be offensive to both a reasonable person and to the victim to be defined as harassment, faculty or staff members and other persons of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflict of interests that are inherent in personal relationships that result from professional and educational interactions.

Harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in any way, there is potentially great damage to the individual student, to the accused individual, and to the climate of the institution. For example, a professor attempts to coerce an unwilling student into having sex with

him/her in exchange for a good grade or some other benefit. This is harassment regardless of whether the student accedes to the request and regardless of the student's final grade.

Gender-Based Harassment: Gender based harassment is a form of sexual harassment and refers to unwelcome conduct based on an individual's actual or perceived sex. Gender-based harassment involves verbal, physical, or electronic conduct based on sex, gender, sexual orientation, or sex-stereotyping that creates a hostile, intimidating or abusive environment, even if those acts do not involve conduct of a sexual nature. Gender-based harassment also includes harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the actual or perceived sex, gender, sexual orientation, gender identity, or gender expression of the individuals involved.

Non-Consensual Sexual Contact: Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a man or a woman upon a man or a woman that is without consent and/or by force.

Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, 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 other orifice.

Non-Consensual Sexual Intercourse: Non-consensual sexual intercourse is any sexual intercourse however slight, with any object by a man or woman upon a man or a woman that is without consent and/or by force.

Intercourse includes:

- Vaginal penetration by a penis, object, tongue, or finger.
- Anal penetration by a penis, object, tongue, or finger.
- Oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Sexual Exploitation: Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy.
- Prostituting another person.
- Non-consensual video or audio-taping of sexual activity.
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex).
- Engaging in voyeurism.
- Knowingly transmitting an STI or HIV to another person.
- Exposing one's genitals in non-consensual circumstances or inducing another to expose his or her genitals.
- Tampering with a drink, intending to impair a person's ability to withhold Consent or knowingly Consent to sexual activity, regardless of whether sexual activity actually takes place.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Stalking: Stalking is two or more acts of unwanted and harassing behavior, directed at a specific person that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment. The conduct must be both objectively and subjectively perceived as hostile, intimidating or abusive by the reporting party and would be also perceived that way by a reasonable person with the same fundamental characteristics as the reporting party.

Stalking may occur in person or through mail, electronic mail, text messaging, instant messaging, telephone, facsimile, social websites, or other internet communications for several days or for many years.

Domestic Violence: Physical, sexual, emotional, financial, or psychological abuse or threats of abuse against another person who is a family or household member. (Cohabitant who is or was a spouse or an intimate partner).

Dating Violence: Dating violence is physical, sexual, emotional, financial, or psychological abuse or threats of abuse against another person who is or has been in a social relationship of a romantic or intimate nature with the alleged abuser; and where the existence of such a relationship shall be determined based on a consideration of the following factors including the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation and coercion that overcome resistance or produce consent. For example: "Have sex with me or I'll hit you. Okay, don't hit me; I'll do what you want."

- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, 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. NOTE: There is no requirement that a party resist the sexual advance or request but resistance is a clear demonstration of non-consent.

Policy Expectations With Respect to Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of policy.

The College does not wish to interfere with private choices regarding personal relationships when those relationships do not interfere with the goals and policies of the College. However, for the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student or employee) are prohibited except in extraordinary circumstances.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisors. This will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or will shift the student or employee out of being supervised or evaluated by someone with whom he/she has established a consensual relationship. Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

Confidentiality

Subject to the other provisions of this policy and the requirements of law, every possible effort will be made to ensure that any information received as part of the College's resolution and complaint procedures is treated discreetly. All parties to the complaint will be asked to assist in maintaining the privacy of the parties involved. Because of the College's obligation to investigate allegations of misconduct, it is not possible to guarantee that complaints will be handled confidentially.

Except as compelled by law, in the interest of fairness and problem resolution, disclosure of complaints and their substance and the results of investigations and complaint procedures will be limited to the immediate parties, witnesses and other appropriate administrative officials. Disclosure may also be necessary to conduct a full and impartial investigation.

Complaint Procedure

These procedures are intended to apply to student complaints against employees, employee civil rights complaints against students, and student-on-student civil rights complaints. All other grievances by students against students or employees will be addressed through other student conduct procedures. The College benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns raised by members of the College community.

Upon receiving notice of a complaint, the Title IX Coordinator shall:

- Apprise the Reporting Party of his or her rights under this Policy;
- Conduct a safety assessment with the Reporting Party;
- Provide the Reporting Party with a written explanation of the Interim Measures available on campus any relevant community resources;

Interim Measures

Interim measures are services, accommodations, or other assistance that the College provides. **Quid pro Quo Sexual Harassment:** Exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and submission to or rejection of such conduct results in adverse educational or employment action.

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- Conduct a safety assessment with the Reporting Party;
- Provide the Reporting Party with a written explanation of the Interim Measures available on campus any relevant community resources;

Interim Measures

Interim measures are services, accommodations, or other assistance that the College and investigation Team may give evidence. However, the Hearing Board is not bound by the finding(s) of the Investigation Team. The hearing will determine whether it is more likely than not that a violation of policies has occurred. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

- The Reporting Party and the Respondent each have the right to be assisted by one advisor of their choice, and at their expense for the purpose of support. The Reporting Party and the Respondent are each responsible for presenting his or her own information. An Advisor may communicate with his or her advisee privately, but he or she may not address the Hearing Board, cross-examine witnesses, or have any other speaking role. The Reporting Party and the Respondent must notify the Dean of Students who they are bringing at least two days prior to the hearing. Failure to meet this deadline may result in the loss of the ability to have the advisor present. The Reporting Party and Respondent should select an advisor whose schedule allows attendance at the schedule date and time of the hearing; delays will not normally be allowed due to the scheduling conflicts of an advisor. The advisor must maintain confidentiality regarding any and all communications exchanged pursuant to this Policy.
- If the Hearing Board determines that it is more likely than not that a violation has occurred, the Vice President for the appropriate division of the complaint, or if the complaint is against a student, the Vice President for Student Affairs, will impose appropriate sanctions for the violation, after consultation with the Dean and the Deputy. NPC will act to end the discrimination or harassment, prevent its recurrence, and remedy its effects on the person who filed the complaint and on the NPC community. If the Hearing Board determines that no violation has occurred, the case will be closed.
- Following the hearing, the Chair of the Investigation and Hearing Board will send a second written Letter of Determination to the affected parties.

Timing

The College will seek to complete the investigation and any resulting disciplinary process within sixty (60) calendar days from the date of receipt of the Complaint. There may be circumstances that require the extension of time frames for good cause. Timeframes may be extended to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, or accommodate delays by the parties; or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged prohibited behavior. The College will notify the Reporting and Responding parties in writing of any extension of the time frames for good cause, and the reason for the extension.

Appeals

- **Appeals Following an Investigation**

In cases where the respondent accepts the findings of discrimination or harassment after the investigation, those findings cannot be appealed. Although the findings cannot be appealed, the sanctions that have been imposed post-investigation can be appealed by any party according to the grounds below by contacting the Title IX Coordinator within five (5) business days following receipt of the written Letter of Determination as previously defined. Acceptable means of notification include email, facsimile, hand delivered notification, or postal delivery.

- **Appeals Following a Hearing**

After the hearing, either the Reporting Party(s) or Respondent(s) may appeal the findings and/or sanctions only under the grounds described below. All sanctions imposed by the original hearing body will be in effect during the appeal. A request may be made to the Title IX Coordinator for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. In the event that the complainant or respondent rejects the findings in part or in their entirety, he/she may seek an appeal by contacting the Title IX Coordinator within five (5) business days following receipt of the written Letter of Determination.

Appeal Procedures

Any party who files an appeal must do so in writing to the Title IX Coordinator. Acceptable means of notification include email, facsimile, hand delivered notification, or postal delivery. The Title IX Coordinator will share the appeal with the other concerned parties, and then the Title IX Coordinator will draft a response memorandum (also shared with all concerned parties). The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final.

Because the original finding and sanction are presumed to have been decided reasonably and appropriately, the party requesting an appeal must show error. The ONLY grounds for appeal are as follows:

- A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- New evidence has been found which was unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed are substantially disproportionate to the severity of the violation.

If the Title IX Coordinator determines that a material procedural or substantive error occurred, the Officer may return the grievance to the Investigation and Hearing Board with instructions to reconvene to correct the error. In rare cases, where the procedural or substantive error cannot be corrected by the Investigation and Hearing Board (as in cases of bias), the Title IX Compliance Officer may order a new investigation and/or hearing on the complaint with new members from the Investigation and Hearing Board. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the three applicable grounds for appeals.

If the Title IX Coordinator determines that new evidence should be considered, he/she will return the grievance to the Investigation and Hearing Board to reconsider only the new evidence. The reconsideration of the Investigation and Hearing Board is not appealable.

If the Title IX Coordinator determines that the sanctions imposed appear to be disproportionate to the severity of the violation, the Title IX Coordinator will refer the complaint to a board composed of three (3) cabinet officers, which may then increase, decrease or otherwise modify the sanctions. This decision is final.

The appeal procedure and determination will typically be completed within 20 business days. The procedures governing the hearing of appeals include the following:

- Sanctions imposed are implemented immediately unless the party determining the sanction stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

- All parties should be informed in a timely manner of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- The appeal will be returned to the original hearing body unless bias has been determined;
- Appeals are not intended to be a full rehearing of the complaint, with the exception of substantiated cases of bias. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- The Deputy will render a written Letter of Determination to the affected parties.

Complaint and Grievance Process Provisions

Time Periods

All effort will be made to make a determination in no more than 60 calendar days of filing a formal complaint/grievance.

For purposes of calculating all time periods set forth in this Complaint and Grievance Policy, a business day is defined to mean normal operating hours, Monday through Friday, excluding recognized national and state holidays and NPC closings.

Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances as may arise. In the event that this step is necessary, the Title IX Coordinator or his or her respective deputies will notify the complainant who filed the grievance in writing within the set timeline.

No Retaliation

Retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited by NPC policy and federal and state law. A person who believes retaliation has occurred should notify the Title IX Coordinator as soon as possible.

False Reports

NPC will not tolerate intentional false reporting of incidents. It is a violation of the Code of Conduct governing NPC to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Office of Civil Rights Complaint

Although complainants are encouraged to attempt to resolve complaints pertaining to discrimination by utilizing this Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR) (Dallas regional office). Information regarding applicable timelines and procedures is available from OCR at www.ed.gov or 1-800-421-3481 or TDD 1-800-877-8339.

Effective Date

The policy in force at the time a formal complaint is made is the policy that will be used throughout the investigation, hearing and any appeals that are heard.

NPC reserves the right to make changes and amendments to this policy and procedure as needed, with appropriate notice to the community.

Statement of the Rights of Reporting Party/Alleged Victim

- The right to be treated with respect by College officials;
- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to College administrators;

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- The right to have an advisor or advocate to accompany and assist in the campus hearing process. This advisor can be anyone, including an attorney (provided at the complainant's own cost), but the advisor may not take part directly in the hearing itself, though they may communicate with the complainant as necessary. The College should be notified five (5) business days in advance of the hearing if an advisor or advocate will accompany the complainant party.
- The right not to be discouraged by College officials from reporting an assault to both on-campus and off-campus authorities;
- The right to be informed in a timely manner of the outcome and sanction of any disciplinary hearing involving sexual assault, usually within five (5) business days of the end of the conduct hearing;
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of options and assistance for changing academic or employment situations after an alleged sexual assault incident. These changes will be made if they are reasonably available and desired by the victim. No formal complaint, or investigation, campus or criminal, need occur before this option is available.
Accommodations may include:
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options;
 - Alternative work assignments and/or supervisory changes.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- The right *not* to have any complaint of sexual assault mediated (as opposed to adjudicated);
- The right to make a victim-impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- The right to a campus no contact order against another person who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining person or others;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus disciplinary officials;
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the accused respondent for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
 - The right to a hearing closed to the public;
 - The right to preservation of privacy, to the extent possible and allowed by law;
 - The right to petition that any member of the conduct body be removed on the basis of demonstrated bias;
 - The right to give testimony in a campus hearing by means other than being in the same room with the respondent;
 - The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
 - The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
 - The right to be present for all testimony given and evidence presented before the conduct body;
 - The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct training;
 - The right to conduct officials comprised of representatives of both genders;
 - The right to have College policies and procedures followed without material deviation;
 - The right to be informed in advance of any public release of information regarding the complaint;
 - The right not to have released to the public any personally identifiable information about the complainant, without his or her consent.

Statement of the Rights of Respondent/Accused Party

- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to College administrators against the respondent;
- The right to be treated with respect by College officials;

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- The right to be informed of and have access to campus resources for counseling and advisory services;
- The right to be fully informed of the nature, rules and procedures of the campus conduct process and to timely written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
- The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- The right to make an impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- The right to review the Reporting Party's testimony and all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the respondent for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
- The right to a hearing closed to the public;
- The right to petition that any member of the conduct body be removed on the basis of bias;
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct adjudication training;
- The right to have College policies and procedures followed without material deviation;
- The right to have an advisor or advocate to accompany and assist in the campus hearing process. This advisor can be anyone, including an attorney (provided at the respondent's own cost), but the advisor may not take part directly in the hearing itself, though they may communicate with the respondent as necessary. The College should be notified five (5) business days in advance of the hearing if an advisor or advocate will accompany the respondent.
- The right to a fundamentally fair hearing, as defined in these procedures;
- The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to written notice of the outcome and sanction of the hearing;
- The right to conduct officials comprised of representatives of both genders;
- The right to be informed in advance, when possible, of any public release of information regarding the complaint.

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