

POLICY ON SEXUAL MISCONDUCT

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Questions about Title IX, the Campus SaVE Act, and this policy may be directed to the following employees of The Santa Barbara and Ventura Colleges of Law:

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Students may also direct questions about Title IX and the Campus SaVE Act to:

United States Department of Education Office of Civil Rights (OCR)

Customer Service Hotline: 800/421-3481

Website: www.ed.gov/ocr

E-mail: ocr@ed.gov

400 Maryland Avenue SW, Washington, DC 20202-1100

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I. POLICY SUMMARY

The Santa Barbara and Ventura Colleges of Law (“The School” or “COL”) is committed to creating and maintaining a safe learning and working environment that is free of unlawful discrimination, harassment, exploitation, or intimidation. As such, COL prohibits sexual misconduct in all forms, including but not limited to sexual harassment and sexual violence. COL will respond promptly and effectively to reports of sexual misconduct, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior in violation of this Policy.

COL also bars retaliation against any employee, student, or applicant who files a good faith report of sexual misconduct or otherwise participates in an investigation relating to the same.

II. POLICY SCOPE

A. Applicability

This Policy applies to all COL employees, students, and other COL Community Members, regardless of gender/gender identity and sexual orientation, for sexual misconduct occurring on COL’s campuses or in connection with its educational programs, activities and services, or that puts COL Community Members at risk of serious harm or otherwise creates a hostile learning and/or working environment.

B. Consensual Relationships

This Policy covers unwelcome conduct of a sexual nature. While romantic relationships between members of the COL Community may begin as consensual, they may evolve into situations that lead to sexual misconduct in violation of this Policy.

Consensual personal relationships between COL Community Members are subject to other policies and ethical considerations, including but not limited to those contained in the Employee Handbook (where applicable).

III. DEFINITIONS

Reporting Party is an individual alleged to be the victim of sexual misconduct under this policy, regardless of whether the individual participates in the disclosure or review of such a report by The School at any point.

Consent: At COL, **consent** is *informed*. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is *voluntary*. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is *revocable*. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual

consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Any condition on consent imposed by a consenting party must be respected, or the interaction may not be considered consensual.

A person cannot give consent when *incapacitated*. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury, or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment.

In California, “consent” means 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 he or she has 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. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. 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.

It shall not be a valid excuse to alleged lack of affirmative consent that the Responding Party believed that the Reporting Party consented to the sexual activity under either of the following circumstances:

- (A) The Responding Party’s belief in affirmative consent arose from the intoxication or recklessness of the Responding Party.
- (B) The Responding Party did not take reasonable steps, in the circumstances known to the Responding Party at the time, to ascertain whether the Reporting Party affirmatively consented.

It shall not be a valid excuse that the Responding Party believed that the Reporting Party affirmatively consented to the sexual activity if the Responding Party knew or reasonably should have known that the Reporting Party was unable to consent to the sexual activity under any of the following circumstances:

- (A) The Reporting Party was asleep or unconscious.
- (B) The Reporting Party was incapacitated due to the influence of drugs, alcohol, or medication, so that the Reporting Party could not understand the fact, nature, or extent of the sexual activity.
- (C) The Reporting Party was unable to communicate due to a mental or physical condition.

Dating Violence is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Domestic Violence is defined as abuse committed against an adult or a minor who is a spouse or former spouse; cohabitant or former cohabitant; or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

Hostile Environment is created when sexual harassment is sufficiently severe, or persistent or pervasive, and objectively offensive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational and/or employment programs.

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the Reporting Party was incapacitated.

COL Community Member(s) / COL Community include all students, faculty, staff, vendors, contractors, community partners, and visitors.

Responding Party is an individual alleged by a Reporting Party to have violated COL's sexual misconduct policy.

Responsible Employee is a COL employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

Sexual Assault occurs when physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation; ignoring the objections of the other person; causing the other person's intoxication or incapacitation through the use of drugs or alcohol; or taking advantage of the other person's incapacitation (including voluntary intoxication).

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education; interferes with a person's work or educational performance; or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive. Sexual harassment includes sexual violence (see definition below). The School will respond to reports of any such conduct in accordance with the Policy.

Sexual harassment may include incidents between any members of the COL Community, including faculty and other academic appointees, staff, student employees, students, and non-student or non-employee participants in COL programs (e.g., vendors, contractors, and visitors). Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Sexual Misconduct includes, but is not limited to, sexual harassment and sexual violence, including forcible and non-forcible sex offenses, sexual assault, domestic violence, dating violence, or stalking, as defined herein.

Sexual Violence is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

IV. REPORTING SEXUAL MISCONDUCT

A. Making a Report to Law Enforcement

COL encourages Community Members who have experienced sexual misconduct to immediately report the incident to the local police department or another area law enforcement agency.

Reporting of sexual assault, domestic violence, dating violence, and stalking to the police does not commit the Reporting Party to further legal action. However, the earlier an incident is reported, the easier it will be for the police to investigate if the Reporting Party decides to proceed with criminal charges. Early reporting makes it more likely that the police will be able to gather needed evidence before it is lost or destroyed, and that the Reporting Party will receive timely notice of potentially helpful victim/witness services.

B. Making a Report to COL

Reporting Parties are also encouraged to report incident(s) of sexual misconduct to COL's Title IX Coordinator, who is:

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Reporting Parties are not required to report to area law enforcement to receive assistance from or pursue any options within COL.

The Title IX Coordinator will provide a Reporting Party with information about available support services and resources, and also assist the Reporting Party in notifying law enforcement, including the local police, if the Reporting Party elects to do so.

C. Reporting and Confidentially Disclosing Sexual Misconduct: Know the Options

COL encourages victims of sexual misconduct to promptly talk to somebody about what happened, so they can get the support they need, and so COL can respond appropriately.

This section is intended to make students aware of the various reporting and confidential disclosure options available to them, so they can make informed choices about where to turn should they become a victim of sexual misconduct. COL encourages victims to talk to someone identified in one or more of these groups.

A Reporting Party should be aware that reporting an incident to COL does not necessarily mean that COL will report to law enforcement. If a Reporting Party desires that notice be given to law enforcement, the Reporting Party should file a report with a law enforcement agency.

1. Notification of Rights and Options

As a survivor of sexual misconduct, you have the following rights and options:

- Go to court, and to file a domestic abuse complaint requesting an order restraining your attacker from abusing you, and/or an order directing your attacker to leave your household, building, school, college, or workplace;
- Seek a criminal complaint for threats, assault and battery, or other related offenses;
- Seek medical treatment (the police will arrange transportation for you to the nearest hospital or otherwise assist you in obtaining medical treatment if you wish);
- Request the police remain at the scene until your safety is otherwise ensured;
- Request that a police officer assist you by arranging transportation or by taking you to a safe place, such as a shelter or a family or friend's residence; and
- Obtain a copy of the police incident report at no cost from the police department.

2. Preservation of Evidence: Procedures Survivors Should Follow

If an incident of sexual assault, domestic assault, dating violence, or stalking occurs, it is important to preserve evidence so that successful criminal prosecution remains an option.

The survivor of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment. If a survivor has removed the clothing he or she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and brought to the hospital when treatment is sought. If the survivor is still wearing the clothes that he or she was wearing during an assault, he or she should bring a change of clothes with him or her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime.

Evidence of violence, such as bruising or other visible injuries, following an incident of sexual assault, or domestic or dating violence, should be documented by taking a photograph. Evidence of stalking, including any communications such as written notes, email, voice mail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

3. Privileged and Confidential Communications

Professional, licensed counselors and pastoral counselors who are not employed by COL are not required to report any information about an incident to the Title IX coordinator without a victim's permission.

In addition to the variety of professional, licensed counselors and pastoral counselors located near each COL educational setting, COL offers as a benefit to its students and employees the following resources that provide professional counseling services:

- Student Solutions: COL is proud to partner with ComPsych to offer Student Solutions, a free, confidential, around-the-clock counseling service.
855-460-6668
www.guidanceresources.com
Web identifier: COLLEGESOFLAW
- Employee Assistance Program (EAP): COL employees also receive counseling services through the EAP, which is available 24 hours a day, 7 days a week.
800-272-7255
www.guidanceresources.com
Your company web ID: COM589

Counselors who provide services to COL Community Members through the Student Solutions and EAP programs are not required to disclose reports of sexual misconduct to the COL Title IX Coordinator. While professional and non-professional counselors and advocates may maintain a victim's confidentiality vis-à-vis COL, they may have reporting or other obligations under state law.

While Reporting Parties are encouraged to use their own judgment in terms of to whom they choose to report sexual misconduct, they must also understand that COL can only investigate and respond to incidents of sexual misconduct about which it has been informed. A victim who at first requests confidentiality may later decide to file a complaint with COL or to report the incident to local law enforcement, and thus have the incident fully investigated.

4. Reporting to "Responsible Employees"

A "Responsible Employee" is a COL employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a Reporting Party tells a Responsible Employee about an incident of sexual violence, the Reporting Party has the right to expect COL to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the Reporting Party that COL will need in order to determine what happened, including the names of the victim, alleged perpetrator(s), and witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

The following employees (or categories of employees) are COL's Responsible Employees:

- Title IX Coordinator
- Deputy Title IX Coordinator
- Executive Director
- Dean
- Assistant Dean/Registrar
- Assistant Registrar and/or Student Services Coordinator

- Director of Admissions

Before a Reporting Party reveals any information to a Responsible Employee, the employee should ensure that the Reporting Party understands the employee's reporting obligations if the Reporting Party proceeds to reveal information. Further, if the Reporting Party wants to maintain confidentiality, the employee should direct the Reporting Party to confidential resources.

If the Reporting Party wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the Reporting Party that COL will consider the request, but cannot guarantee that COL will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Coordinator of the Reporting Party's request for confidentiality.

COL's Title IX Coordinator will inform a Reporting Party of options available under this policy but will not pressure a Reporting Party to pursue any particular course of action under this policy.

5. How COL Will Weigh the Request and Respond to Requests for Confidentiality

If a Reporting Party discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, COL must weigh that request against COL's obligation to provide a safe, non-discriminatory environment for all students, including the Reporting Party.

If COL honors the request for confidentiality, a Reporting Party must understand that COL's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. Although rare, there are times when COL may not be able to honor a Reporting Party's request in order to provide a safe, non-discriminatory environment for all students.

COL has designated the Title IX Coordinator to evaluate requests for confidentiality once a Responsible Employee has been informed of alleged sexual misconduct.

When weighing a Reporting Party's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints about the same alleged perpetrator;
 - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
 - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the Reporting Party is a minor;
- whether COL possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or security personnel, physical evidence);
- whether the Reporting Party's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead COL to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, COL will likely respect the victim's request for confidentiality.

If COL determines that it cannot maintain a Reporting Party's confidentiality, COL will inform the Reporting Party prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling COL's response.

COL will remain ever mindful of the Reporting Party's well-being, and will take ongoing steps to protect the Reporting Party from retaliation or harm and work with the Reporting Party to create a safety plan. Retaliation against the Reporting Party, whether by students, employees, or other COL Community Members, will not be tolerated. COL will also:

- assist the Reporting Party in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the Reporting Party of the right to report a crime to local law enforcement, and provide assistance if the Reporting Party wishes to do so.

COL may not require a Reporting Party to participate in any investigation or disciplinary proceeding.

Because COL is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt COL to consider broader remedial action, such as increased monitoring; supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If COL determines that the alleged perpetrator(s) pose a serious and immediate threat to the COL Community, Campus Security Authorities may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the Reporting Party.

Regardless of whether COL can honor a Reporting Party's request for confidentiality, COL will take immediate action as necessary to otherwise protect and assist the Reporting Party.

V. RESPONSE PROCEDURES

Upon receiving a report of sexual misconduct, COL will respond by providing the Reporting Party with supportive resources and interim interventions (where appropriate) and conducting a prompt, fair, and impartial investigation by a trained official. The response and investigation procedures are designed to provide a supportive process for those who report sexual misconduct as well as fairness and due process for the individual being accused.

A. Services

Upon notice of possible sexual misconduct within the scope of this policy, COL will provide the Reporting Party with information about local resources and other supports relevant to sexual misconduct.

If requested, other participants in the process (such as Reporters, Witnesses, or the Responding Party) may also be offered appropriate support services and information.

Please visit the following page for specific information about local resources and supports that may be available to assist COL Community Members: my.collegesoflaw.edu

B. Interim Interventions

During an investigation, interim protections for both parties may be put in place, regardless of whether the Reporting Party chooses to report the incident to local law enforcement. If requested by the Reporting Party and reasonably available, interim protections may include changes to academic and/or working situations. Such interventions may be kept in place until the conclusion of the Title IX investigation, sanctioning, and appeal processes.

C. Options for Resolution

1. Informal Resolution

COL recognizes that in certain circumstances, informal resolution of a report of sexual misconduct may be beneficial to the Reporting Party, the Responding Party, other involved persons (the Reporting Party, Witnesses), and/or the COL Community at large. Whether a report of sexual misconduct is appropriate for informal resolution is within the discretion of the Title IX Coordinator, except that reports of sexual assault are never appropriate for informal resolution.

In circumstances where informal resolution is appropriate, and with the consent of both the Reporting Party and the Responding Party, COL may utilize informal methods to resolve a report of sexual misconduct. To pursue informal resolution, the Title IX Coordinator must obtain the consent of both the Reporting Party and the Responding Party, which may be withdrawn at any time during the investigation and/or sanctions process.

2. Decision to Formally Investigate

When the Title IX Coordinator determines that informal resolution is not appropriate or formal resolution is requested by either the Reporting Party or Responding Party, COL will launch an investigation.

Where a Reporting Party requests confidentiality or asks that COL not pursue investigation into a report of sexual misconduct, the Title IX Coordinator will determine whether the Reporting Party's request can be honored. In making such a determination, the Title IX Coordinator will consider the following:

- The seriousness of the sexual misconduct as reported;
- the Reporting Party's age;
- Whether there have been other reports about the same Responding Party;
- The Responding Party's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.1

While COL will always seek to obtain the consent of the Reporting Party prior to pursuing a formal investigation, the final decision on whether to investigate a report of sexual misconduct lies with the Title IX Coordinator.

D. Investigation

Once the Title IX Coordinator determines that a formal investigation is appropriate, COL will conduct a thorough and impartial investigation by an individual who has been trained to investigate reports of sexual misconduct. (This may be the Title IX Coordinator, Deputy Title IX Coordinator, or other designee approved by the Executive Director.)

Typically, investigation into reports of sexual misconduct will include a period of fact-finding led by the Title IX Coordinator, during which time the Reporting Party, Responding Party, and other relevant persons will be given the opportunity to participate in the investigation by sharing information with the Title IX Coordinator. Persons participating in an investigation will have the opportunity to submit a written statement, provide supporting materials, and identify witnesses.

COL investigates reports of sexual misconduct independently of local law enforcement.

Absent delay to allow police to gather evidence or by agreement by the parties, COL will make every reasonable effort to investigate and reach a resolution on all reports of sexual misconduct within sixty (60) calendar days after the Title IX Coordinator's receipt of a report.

1. Advisor

The reporting party and responding party are entitled to have an advisor of their choosing accompany them to any meeting or proceeding related to any alleged violation of this policy, provided that the involvement of the advisor does not result in undue delay of any meeting or proceeding. The advisor is present to provide support to the reporting party or responding party during any meetings or proceedings and can provide any advice to the reporting party or responding party prior to such meetings or proceedings. All advisors are subject to the same rules, whether they are attorneys or not. An advisor may not communicate with an investigator on behalf of the reporting party or the responding party. If the advisor is an attorney, the attorney is required to act in a supportive role and may not serve as an advocate or formally represent the party.

An advisor who steps out of their role in any meeting or proceeding will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of their role, the advisor will be asked to leave the meeting. When the advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a deputy will determine whether the advisor may be reinstated, may be replaced by another advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

COL expects that the parties will wish to share documentation related to the allegations with their advisors. COL will provide a consent form that authorizes such sharing. The consent form must be completed before any records will be shared. Advisors are expected to maintain the privacy of any records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by COL. COL may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by COL's privacy expectations.

2. Withdrawal

Students: A student's withdrawal from the program will not impact the investigation process. Should a student decide to leave and/or not participate in the investigation or resolution, the process will

nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to COL unless all sanctions have been satisfied.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any COL responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

E. Standard of Proof

In investigating and determining whether a violation of this policy has occurred, the Title IX Coordinator will utilize the "preponderance of the evidence" standard of proof. This means that the Title IX Coordinator will determine whether it is "more likely than not" that sexual misconduct occurred.

F. Investigation Findings and Outcome Notification

Prior to concluding an investigation into sexual misconduct, the Title IX Coordinator will provide both the Reporting Party and Responding Party an opportunity to review his/her own statement. Both the Reporting Party and the Responding Party will be permitted five (5) calendar days to submit any inaccuracies or further evidence to the Title IX Coordinator. After five (5) calendar days have passed, the Title IX Coordinator will address any inaccuracies and/or further evidence submitted by the parties, and make a determination as to whether a violation of this policy occurred.

Both parties to complaint of sexual misconduct will be updated as to the status of the investigation and related proceedings as necessary, or upon request.

Once the Title IX Coordinator has concluded the investigation, COL will simultaneously issue the written findings to both the Reporting Party and the Responding Party.

Upon finding that sexual misconduct occurred, the Title IX Coordinator will commence the sanctioning process for review and determination of appropriate sanctions.

In addition to sanctions, the Title IX Coordinator may also recommend that COL or particular COL Community Members adopt additional measures to remediate and/or prevent further conduct in violation of this policy.

VI. SANCTIONING

COL Community Members who are found to have violated COL's prohibitions against sexual misconduct will be subject to sanctions.

A. DETERMINATION OF APPROPRIATE SANCTIONS

COL's sanctions process is intended to provide an equitable process to both the Reporting Party and Responding Party, demonstrating promptness, fairness, and impartiality.

1. Sanctions Against Students

Absent informal resolution, upon a finding that a student or other non-employee COL Community Member has engaged in sexual misconduct in violation of this policy, both the Reporting Party and the Responding Party will be permitted five (5) calendar days to submit to the Title IX Coordinator a Statement of Impact. The Statement of Impact shall be limited to how the conduct underlying the findings has

affected the writer and whether the writer believes there are any mitigating or extenuating circumstances that should be considered in issuing sanctions.

Simultaneously, the Title IX Coordinator will convene a Sanctions Panel. The Sanctions Panel will be composed of at least three members of a pool of administrators and faculty trained in sanctioning violations of this policy. All members of the Sanctions Panel must be trained annually on matters related to this policy.

After convening a Sanctions Panel, the Title IX Coordinator will submit the investigative findings, the Title IX Coordinator's recommended sanctions, and the parties' Statements of Impact to the Sanctions Panel.

Within five (5) calendar days of receipt of the Title IX Coordinator's findings and any submitted Statements of Impact, the Sanctions Panel shall meet to determine what, if any, sanctions will be issued. In making such a determination, the Sanctions Panel will not reconsider the Title IX Coordinator's findings, but will determine in light of the Title IX Coordinator's findings and the additional documents submitted, what sanctions are appropriate to remedy the violation and maintain or enhance safety from sexual violence in COL's learning and working environment.

Sanctions against students may include, but are not limited to the following:

- Formal written warning;
- Professional Improvement Plan;
- No contact order pertaining to certain COL Community Members or physical locations;
- Removal from specific courses or institutional activities;
- Suspension; and/or
- Dismissal.

In addition, further protections for the Reporting Party may be available.

2. Sanctions Against Employees and Non-student COL Community Members

Absent informal resolution, upon a finding that an employee or non-student COL Community Member has engaged in sexual misconduct in violation of this policy, both the Reporting Party and the Responding Party will be permitted five (5) calendar days to submit to the Title IX Coordinator a Statement of Impact. The Statement of Impact shall be limited to how the conduct underlying the findings has affected the writer and whether the writer believes there are any mitigating or extenuating circumstances that should be considered in issuing sanctions.

In consultation with the Title IX Coordinator, appropriate management personnel shall determine what, if any, sanctions will be issued against the employee or non-student COL Community Member. Simultaneously, the Title IX Coordinator will determine what, if any, additional measures (other than those specifically related to the employee or non-student COL Community Member-Responding Party) are appropriate to remedy the violation and maintain or enhance safety from sexual misconduct in COL's learning and working environment.

B. NOTICE OF SANCTIONS IMPOSED

When sanctioning results from an investigation into sexual misconduct, COL will simultaneously inform both the Reporting Party and the Responding Party, in writing, of:

- The decision issued in the sanctioning proceedings ("sanctions decision");

- COL's procedures for appeal;
- The date the sanctions decision becomes final, and
- Later changes, if any, in the outcome of sanctioning proceedings (such as following appeal or otherwise.)

The sanctions decision shall become final on the following date:

- If neither the Reporting Party nor the Responding Party appeals the decision, the first business day after the deadline for appeal has passed;
- If either the Reporting Party or the Responding Party appeals the decision, the date of issuance of the decision on appeal.

VII. APPEALS OF INVESTIGATIVE FINDINGS AND SANCTIONS DECISIONS

Both the Reporting Party and the Responding Party have the right to appeal. This right applies separately to the outcome of investigative findings and any sanctions decision. The appealing party must submit a written letter of appeal to the Executive Director within five (5) business days of the issuance of the challenged decision, whether as to the investigative findings or a sanctions decision. The letter of appeal must be delivered by hand delivery to the Administration Office or emailed to the Title IX Coordinator for delivery to the Executive Director. The written letter of appeal must include:

- A specific statement of the findings or decision that the student wishes to appeal;
- The student's desired findings or decision;
- All information that the student wishes the Executive Director to take into account in consideration of the appeal; and
- A statement of the student's views as to how this information justifies the desired findings or decision.

The appeal process is not an opportunity for either party to have his or her case reconsidered merely because of dissatisfaction with the challenged action. Rather, all appeals must be based on one or more of the following:

- New information that could not be presented at the time of the investigation or sanctions decision;
or
- Evidence of improper procedure that may impact the outcome.

If in the opinion of the Executive Director the appeal is without merit or does not meet the requirements set forth above, the Executive Director will deny the appeal.

If in the judgment of the Executive Director the appeal is properly constituted, the Executive Director will determine what next steps are appropriate, which may include but are not limited to remanding the matter to the Title IX Coordinator for further investigation or remanding to the Sanctions Panel for reconsideration. The Executive Director will issue his/her decision within five (5) business days of receipt of the letter of appeal.